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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 23, 2013.

I hereby appoint the Honorable KERRY BENTIVOLIO 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 3, 2013, 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.

HONORING THE MARINE CORPS ASSOCIATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, the Marine Corps Association was founded on April 25, 1913, in Guantanamo, Cuba, by marines of the 2nd Provisional Brigade. John A. Lejeune, then a lieutenant colonel, headed the Marine Corps Association's first executive committee.

In a statement signed by members of the committee, Lejeune and his fellow officers declared that the Marine Corps Association would publish the history of the Marine Corps and disseminate ''information concerning the aims, purposes and deeds of the Corps, and the interchange of ideas for the betterment and improvement of its officers and men.''

The Marine Corps Gazette was introduced in March 1916 as a vehicle used to establish the Marine Corps Association as the professional organization of all marines and to establish a venue to debate issues of importance to the Corps and disseminate military art and science to association members.

In 1976, the Leatherneck Association, publishers of Leatherneck—Magazine of the Marines, merged with the Marine Corps Association in a partnership that has proven beneficial to both organizations.

In 2009, the Marine Corps Association founded the Marine Corps Association Foundation in order to provide more support to professional programs for marines, which include: awards—over 10,600 were provided in 2011 alone—battlefield studies, professional military education forums, and Commanders' Unit Libraries with books from the Commandant's Professional Reading List.

In June 2012, when the Montford Point Marines were being honored with the Congressional Gold Medal, it was the Marine Corps Association Foundation that stepped to the plate and found funding so that each of those historic marines could receive their own replica of the commemorative medal.

In its first year of existence, MCA boasted membership of 91, and today there are over 80,000 members worldwide. The Marine Corps Association and Foundation should be commended for their exemplary work and commitment to Active Duty, Reserve, and wounded marines.

I also note their outstanding efforts in providing our wounded marines with the same programs they provide for Active and Reserve marines. For over 100 years, participation in the Marine Corps Association has supported our Active Duty marines, during peacetime and wartime.

In closing, I want to recognize the centennial anniversary of the Marine Corps Association and its Foundation, and honor the contributions they have made and continue to make to the lives of marines stationed throughout the world.

Mr. Speaker, with that, I'd like to close as I always do. I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform.

I ask God, in His loving arms, to hold the families who've given a child dying in Afghanistan and Iraq.

I ask God to please bless the House and the Senate, that we would do what is right in the eyes of God for God's people today and God's people tomorrow.

And I ask God to please bless the President, that he will do what is right in the eyes of God for God's people today and God's people tomorrow.

And remember the tragedies in Boston and in Texas, Dear God.

I close by saying, God, please, God, please, God, please continue to bless America.

TECHNOLOGY MAY CHANGE, BUT THE CONSTITUTION DOES NOT

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

Mr. POE of Texas. Mr. Speaker, last week Americans across the fruited plain filed their taxes with everyone's favorite government agency—the IRS, or the Internal Revenue Service, as it is called. But the IRS' job is just beginning. Now they will put their police hats on.

Recently, Mr. Speaker, I learned something disturbing that most Americans probably are unaware of. Let's say

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the IRS decides to snoop around and secretly investigate a citizen named Joe and his taxes. Right now, the government can go to Joe's email provider, demand his email records, and check on his finances that are stored in the cloud, all without Joe's knowledge or consent.

Government agencies have the authority to snoop around through private emails and photos as long as they are 180 days old, no warrant required. How is this possible? Well, it's called the outdated Electronic Communications Privacy Act, ECPA. ECPA was passed back in 1986, the stone age of technology, when most Americans didn't even own a home computer, much less use email or store things in a cloud.

Today we have tweets, g-chats, texts, instagrams, emails and, yes, the cloud. The world of 1986 is gone, and it has been replaced by a world with free, instant, unlimited email storage, high-speed broadband, and cloud computing.

Americans keep many of their most personal possessions online indefinitely: family photographs, schoolwork, sensitive communications, financial records, business plans, personal calendars, and even weekend shopping lists.

In other words, Big Government can force a private company to turn over private information of a citizen, without their consent, without a warrant, and without that person's knowledge. This circumvents the Fourth Amendment's prohibition against unreasonable searches and seizures of Americans' ''persons, houses, papers, and personal effects.''

Government should get a warrant if it has probable cause to believe a crime is being committed. Technology may have changed, but the Fourth Amendment still applies to the Internet.

The government can't tap our phones without a search warrant. It can't read our mail without a warrant or enter our homes or search our records that we keep in file cabinets. If a person stores information in a bank safety deposit box, the government must get a warrant to go through it.

But ECPA authorizes the government to read emails and social media messages or any property stored in the cloud, without a warrant and without evidence that someone is engaged in criminal activity.

Mr. Speaker, that's an invasion of privacy and an affront to the liberty of every American. Why should the law treat digital data stored in the cloud differently than papers stored in a file cabinet or property in a safety deposit box? It really is no different.

The law must be updated to protect every citizen's right of privacy from the government. Government's unrestricted authority to demand private information stored in the cloud will kill cloud computing by destroying confidence in U.S.-based services and driving businesses to other countries which actually have stronger privacy protections for people who use the cloud. That's what the CEO of Data Foundry, a Texas-based data services provider, has warned. Companies will take their business to other shores that protect personal privacy.

Mr. Speaker, this is the United States. We were founded on the ideals of universal liberty and the right of privacy. That's why Representative ZOE LOFGREN and I have introduced bipartisan legislation to modernize the outdated ECPA. Our bill protects Internet users from intrusive and unwarranted Big Brother surveillance.

The bill requires the government to show probable cause and obtain a search warrant to access electronic communications, just as it would to tap somebody's phone or go through somebody's mail or look in their safety deposit box.

The government would need a warrant to compel service providers to produce documents stored in the cloud and to intercept or demand disclosure of personal location information generated by cell phones.

As technology continues to evolve and improve, Congress must ensure that the Fourth Amendment rights of citizens are protected, even today, with the Internet. The IRS and other government agencies should not be allowed to violate the Fourth Amendment right of privacy. Technology may change, but the Constitution does not.

And that's just the way it is.

□ 1210

NINETY-EIGHTH ANNIVERSARY OF ARMENIAN GENOCIDE

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

Mr. COSTA. I rise today in recognition of the Armenian genocide.

Tomorrow, April 24, marks the 98th anniversary of the horrific Armenian genocide that took place approximately between 1915 and 1923. The citations, the history, and the atrocities are well documented. They have been recognized by the European parliament and historians around the world. Sadly, I believe the United States Congress has not gone on record, despite repeated attempts, in recognizing this horrific genocide—the first genocide that took place in the 20th century.

As we all know, history has a way of repeating itself, both for the good and for the bad. While the Armenian genocide was the first in the 20th century that was documented, we all know what took place later with the Holocaust and the attempted genocide of the Jewish people. And today, throughout the 20th century and into the 21st century, we see repeated attempts where genocide has been practiced in Africa and in other parts of the world.

It is not enough simply to condemn those actions, but rather as a people we must come together and acknowledge that there have been very, very difficult and sad times when man's inhumanity to their fellow man has taken place. What has occurred at the Holocaust has been documented in museums here in the United States and in Israel. The attempt to make that similar reflection on the Armenian genocide is still a work in progress.

This week, the Armenian communities throughout America will remind us once again that this injustice to mankind should not only be acknowledged and documented but should never, ever be forgotten. And that's what we will do tomorrow in recognizing the 98th anniversary of this Armenian genocide.

I grew up in a community in the San Joaquin Valley with many wonderful Armenian families. As a young boy, I learned about the history from our neighbors, my friends. And while, sadly, the Turkish Government today is still in denial as to the events that took place between 1915 and 1923, I would hope some day, just as the German Government and others have recognized the fact that there are parts of our history that we would just as soon forget or overlook, we know that if we recognize them, we have greater assurances that they will not repeat themselves.

That's why I rise today to recognize this very sad, sad event that took place in the 20th century. I think we reach out to all the Armenian communities not only in the United States but throughout the world and stand with them in realizing that their suffering, their pain, and the loss of some 1 million-plus Armenians has been all of our collective loss.

I want to close by saying that tomorrow we recognize the 98th anniversary. We continue to urge our fellow Members of Congress to recognize that we should go on record, in my view, just as we have gone on record on numerous other important events that have taken place in our Nation's history and in world history. I think tomorrow all Americans will stand with our Armenian Americans and Armenians throughout the world in recognizing that, in fact, this genocide did take place; and our thoughts and hearts and prayers go with those who have lost their lives.

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 15 minutes p.m.), the House stood in recess.

□ 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 Patrick J. Conroy, offered the following prayer:

God of the universe, we give You thanks for giving us another day.

The House returns from a long weekend of meeting with constituents as our Nation continues to process the impact of dramatic explosions in Boston and Texas.

Concerns about budget, taxes, immigration, gun violence, among others, reveal the considerable divisions both in Congress and among the American populace as well.

As opinions and emotions surge loudly and with little indication of easy solution, we take this quiet moment to ask Your blessing upon the Members of this people's House.

Give each Member peace and quiet discernment to work toward common solutions that might ease our divisions and open the way to new hope and confidence that we as a Nation will continue to shine as an example for all the world to emulate.

May all that is done this day be for Your greater honor and glory.

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.

Ms. FOXX. 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.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

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

ADMINISTRATION'S SEQUESTER IMPLEMENTATION IS SHAMEFUL

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

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday, the Federal Aviation Administration began furloughing air traffic controllers due to the President's sequestration. As a result, American families are set to experience longer security lines, flight delays, and more hardships while traveling.

Yesterday, the White House Press Secretary placed politics over leadership by blaming Congress. Last year, to address the issue, the House acted responsibly by passing two pieces of legislation to replace sequestration. Sadly, the Senate refused to consider our efforts, and the President vowed to veto them.

Once again, the President and his administration chose to act selfishly for political gain by cutting the resources for American passengers rather than reducing costs elsewhere and minimizing sequestration's impact. American families deserve real leadership. The President must start prioritizing the well-being of the American people over petty partisan politics.

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

SEQUESTRATION

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

Ms. MCCOLLUM. Congress should have never passed sequestration.

These reckless cuts are affecting families and communities throughout our Nation and in Indian Country. When sequestration was passed, no one thought about how it would disproportionately impact tribal communities. Our Federal Government is failing in its obligation to tribal communities, and sequester has made the problem worse.

Right now, in Minnesota, Native American children are losing tutoring services and access to school counselors because of cuts to Impact Aid. Families that receive health care from the Indian Health Service are not protected from sequestration. The health and, in some cases, even the lives of tribal members are in danger.

This week, the Interior Appropriations Subcommittee will hear from tribal leaders. We will hear how Congress has an obligation and an opportunity to correct this wrong, and Congress must take action.

FEDERAL AVIATION ADMINISTRATION DELAYS

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

Ms. FOXX. Mr. Speaker, the President's Federal Aviation Administration could use a little help. Faced with the task of trimming its budget only 5 percent—basically, just returning to 2010 spending levels—it has decided to furlough employees and cause flight delays.

How can this be their only option when the FAA's budget has grown almost 110 percent over the past 15 years?

Rather than inflicting unnecessary pain on the American people, President Obama and his FAA should be cutting waste. Within the FAA's budget, there are $2.7 billion in nonpersonnel costs that should be scrutinized before the President or his Transportation Secretary cry ''doomsday'' or ''delay.'' Examples include 500 million taxpayer dollars spent by the FAA on consultants, $143 million on operation costs for the FAA's 46 aircraft, and $200 million on supplies and travel.

The President's FAA officials have the discretion to reduce such excess and apply savings to the essentials. They should stop punishing the American people with flight delays or threats of shuttered air traffic towers and compromised safety and use the power they have to cut taxpayer-funded waste first.

GOP MUST APPOINT BUDGET CONFEREES

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

Mr. POCAN. Congress is now more than 1 week past our legal deadline to produce a final budget for the American people, but this is not due to a lack of activity by either Chamber. In fact, the House has passed a budget, and the Senate has passed a budget; yet there is no movement toward creating a final national budget.

Why? Because Republicans in both the House and the Senate refuse to appoint budget conferees.

Mr. Speaker, the people of Wisconsin and the Nation deserve a Federal budget that reflects our values and that lays out our priorities just like we do in Wisconsin and other States. Without a budget, we cannot respond to emerging needs or cut wasteful programs, and we cannot replace the irresponsible sequester cuts that are hitting our families and communities.

This is unacceptable and it is unnecessary. I am a member of the Budget Committee, and I do not agree with most of what was included in the budget that our committee passed, but I do believe we need to sit down with the Senate and, in an open, transparent process, come to a budget solution.

There is no excuse for inaction. Republicans should immediately appoint budget conferees so we can produce a budget that promotes economic growth and supports our middle class families.

OBAMACARE'S BROKEN PROMISES

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

Mr. MESSER. Many of the promises that were made to justify ObamaCare have been broken.

Contrary to what was promised, not everyone will be able to keep their current health coverage; and contrary to what was promised, the average family premium has risen significantly, not dropped. The projected cost to taxpayers has skyrocketed despite assurances it wouldn't add a dime to our deficit. Worse yet, the really sick who can't find health care because of preexisting conditions are being denied promised help.

Lost coverage, higher premiums, more taxes, and bigger government—that's the reality of ObamaCare. Now one of the Senate's creators of ObamaCare is warning of the impending train wreck coming with the implementation of the health care exchanges next year.

Mr. Speaker, this Congress needs to derail ObamaCare and start making promises we can keep.

□ 1410

NATIONAL PARK WEEK

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

Mr. COSTA. Mr. Speaker, during National Park Week, we celebrate, perhaps, America's best idea and remember that these parks belong to all the people of America.

Since they are part of our national heritage, it is every American's obligation to ensure that we preserve these national treasures for the next generation.

Yosemite is one of the crown jewels of our national park system, and it has a special place in the hearts of Californians, as well as this Californian.

Today, I'm introducing a bill with Senator DIANNE FEINSTEIN that would expand Yosemite National Park to include 1,600 acres that were originally intended to be part of the park. This would restore the park to its original vision and protect its most vulnerable western border.

Our bill has the broad bipartisan support of local government, State officials, and many other groups.

It has been said that there is nothing more American than our national park system.

With this bill, we are restoring this national treasure to its original boundary and showing that we remain dedicated to this truly American idea.

FIXING DEMOCRAT PROBLEMS III: FAA FLIGHT DELAYS

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

Mr. MEADOWS. Madam Speaker, this administration seems bound and determined to wield their sequester—automatic, across-the-board cuts—like a club in order to drive their political agenda. Their latest move? These politically motivated flight delays being felt by travelers at airports all across America.

The Federal Aviation Administration apparently believes that the only way to implement these cuts is to furlough thousands of traffic controllers, tying up the skyways all across this country. It would appear that they've missed the $2.7 billion in potential savings that they've chosen to ignore.

Did they really need to spend $325 million in travel costs, especially when their operation budget has already grown by 109 percent since 1996? These unnecessary flight delays are just the latest proof that this administration is clearly more interested in making a political point than coming up with serious solutions to the problems that our Nation faces.

We need to cut wasteful spending for more efficient, effective government that would foster a healthier economy and create jobs now.

H.R. 1549: A WIN-WIN FOR CONSERVATIVES

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

Mr. BURGESS. Madam Speaker, tomorrow on the floor of this House, we will consider H.R. 1549, the Helping Sick Americans Now Act.

This bill is a win-win for our constituents. It's compassionate towards the most vulnerable.

Unlike other parts of the Affordable Care Act, which only expand broken government-run programs, this program will provide private health insurance to sick Americans.

The bill is fiscally responsible. It reduces the country's deficit while redirecting funds from a slush fund while the administration uses the Prevention and Public Health Fund money to prop up their train wreck of implementation for the Affordable Care Act. Conservatives actually want to use it to help sick Americans.

This bill helps those with preexisting conditions that have no other options and provides a fiscally conservative policy that reduces the deficit.

I urge Members of the House to support and pass H.R. 1549 when it's on the floor tomorrow.

KEYSTONE PIPELINE

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

Mr. WEBER of Texas. It has been 1,677 days, Mr. Speaker, that have passed since we first started discussing the Keystone pipeline, a project that would create—depending on whose numbers you use—2,000 to 20,000 jobs; $2.05 billion in worker salaries; and $65 million in local tax revenue.

On Friday, I sent a letter to the State Department demanding action on the Keystone pipeline. The project is in the best interest of all Americans. Up to 83,000 barrels of oil per day could be delivered to gulf coast refineries, which is equal to roughly half of the amount of oil we import from the Middle East.

My question for the President and Secretary Kerry is this: What is the holdup? Seventy percent of Americans want this project because they understand that it is a step closer for this country to energy independence and security.

I hope the President and Secretary Kerry are listening because it is time to build this country.

I'm RANDY WEBER, and I love living in America.

TAX REFORM

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

Mr. LANCE. Mr. Speaker, as we continue to seek answers to the bombings in Boston and pray for the victims and their families, we are working on important issues here in Washington.

This past tax season, American taxpayers spent billions of hours and enormous amounts of money to complete their tax filings. Roughly nine out of 10 Americans relied on paid professionals or commercial software to prepare their tax returns, and small business owners found themselves spending more resources complying with the Tax Code rather than creating jobs. That's why I am committed to making our Tax Code simpler, fairer, and less expensive for America's working families and businesses.

Mr. Speaker, the time is now to act and to create a Tax Code that is easier to navigate and promotes growth to the benefit of individuals, small and large businesses alike, and the U.S. economy as a whole.

This is the year to reform our Tax Code to benefit all Americans in a bipartisan capacity.

MANUFACTURING

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

Mr. LONG. We're a Nation of builders.

We all agree we need to get the Nation's economy growing again in order to create jobs. The manufacturing sector will play an integral role in creating jobs for hardworking Americans.

As a member of the Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade, I look forward to working with my colleagues as we continue our hearing series focused on our Nation's manufacturing sector.

I enjoy highlighting the strong manufacturing base in the Seventh District of Missouri and showcasing the amazing work of businesses in the district.

I'm looking forward to our annual manufacturing tour next month and meeting with the hardworking, tireless Missourians who are the backbone of a strong manufacturing sector in the United States.

I remain hopeful that these opportunities will result in a growing manufacturing base and more jobs for southwest Missouri.

Our Nation needs a strong and robust manufacturing sector which will help create jobs and grow our Nation's economy. I will continue to support that effort and allow our Nation's manufacturing sector to prosper.

PUT AMERICANS' SAFETY FIRST

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

Mr. SMITH of Texas. Mr. Speaker, our hearts are heavy because of the Boston bombings that killed and maimed so many.

We need to wait for all the facts before deciding how the terrorist attack impacts immigration policy. But this much I hope we can agree on: the safety of the American people must come first.

At the least, we should secure our border and bolster interior enforcement before we legalize millions of illegal immigrants in the U.S. To give amnesty to millions without knowing whether some of them want to do us harm is to jeopardize American lives.

We should go slow before making any changes to immigration policy that don't put the interests of Americans first. We owe that to both the victims and the survivors.

APPOINTMENT OF MEMBER TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. MEADOWS). The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276L, and the order of the House of January 3, 2013, of the following Member on the part of the House to the British-American Interparliamentary Group:

Mr. HOLDING, North Carolina

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 19 minutes p.m.), the House stood in recess.

□ 1629

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 4 o'clock and 29 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1067) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1067

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Purpose.
Sec. 3. Technical amendments.

SEC. 2. PURPOSE.

The purpose of this Act is to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

SEC. 3. TECHNICAL AMENDMENTS.

(a) TABLES OF CONTENTS.—

(1) TABLE OF CONTENTS OF THE TITLE.—Title 36, United States Code, is amended in the matter before subtitle I by striking

''Subtitle	Sec.
''I. PATRIOTIC AND NATIONAL OBSERVANCES AND CEREMONIES	**101**
''II. PATRIOTIC AND NATIONAL ORGANIZATIONS	**10101**
''III. TREATY OBLIGATION ORGANIZATIONS	**300101''**

and inserting

"Subtitle I—Patriotic and National Observances and Ceremonies

"Part A—Observances and Ceremonies

''Chap.	Sec.
''1. Patriotic and National Observances	101
''3. National Anthem, Motto, Floral Emblem, March, and Tree	301
''5. Presidential Inaugural Ceremonies	501
''7. Federal Participation in Carl Garner Federal Lands Cleanup Day	701
''9. Miscellaneous	901

"Part B—United States Government Organizations Involved With Observances and Ceremonies

''21. American Battle Monuments Commission	2101
''23. United States Holocaust Memorial Council	2301
''25. President's Committee on Employment of People With Disabilities	2501

"Subtitle II—Patriotic and National Organizations

"Part A—General

''101. General	10101

"Part B—Organizations

''201. Agricultural Hall of Fame	20101
''202. Air Force Sergeants Association	20201
''203. American Academy of Arts and Letters	20301
''205. American Chemical Society	20501
''207. American Council of Learned Societies	20701
''209. American Ex-Prisoners of War	20901
''210. American GI Forum of the United States	21001
''211. American Gold Star Mothers, Incorporated	21101
''213. American Historical Association	21301
''215. American Hospital of Paris	21501
''217. The American Legion	21701
''219. The American National Theater and Academy	21901
''221. The American Society of International Law	22101
''223. American Symphony Orchestra League	22301
''225. American War Mothers	22501
''227. AMVETS (American Veterans)	22701
''229. Army and Navy Union of the United States of America	22901
''231. Aviation Hall of Fame	23101
''233 through 299	Reserved
''301. Big Brothers—Big Sisters of America	30101
''303. Blinded Veterans Association	30301
''305. Blue Star Mothers of America, Inc.	30501
''307. Board For Fundamental Education	30701
''309. Boy Scouts of America	30901
''311. Boys & Girls Clubs of America	31101
''313 through 399	Reserved
''401. Catholic War Veterans of the United States of America, Incorporated	40101
''403. Civil Air Patrol	40301
''405. Congressional Medal of Honor Society of the United States of America	40501
''407. Corporation for the Promotion of Rifle Practice and Firearms Safety	40701
''409 through 499	Reserved
''501. Daughters of Union Veterans of the Civil War 1861–1865	50101
''503. Disabled American Veterans	50301
''505 through 599	Reserved
''601. 82nd Airborne Division Association, Incorporated	60101
''603 through 699	Reserved
''701. Fleet Reserve Association	70101
''703. Former Members of Congress	70301
''705. The Foundation of the Federal Bar Association	70501
''707. Frederick Douglass Memorial and Historical Association	70701
''709. Future Farmers of America	70901
''711 through 799	Reserved
''801. General Federation of Women's Clubs	80101
''803. Girl Scouts of the United States of America	80301
''805. Gold Star Wives of America	80501
''807 through 899	Reserved
''901. Help America Vote Foundation	90101
''903 through 999	Reserved
''1001. Italian American War Veterans of the United States	100101
''1003 through 1099	Reserved
''1101. Jewish War Veterans of the United States of America, Incorporated	110101
''1103. Jewish War Veterans, U.S.A., National Memorial, Incorporated	110301
''1105 through 1199	Reserved
''1201. Korean War Veterans Association, Incorporated	120101
''1203 through 1299	Reserved
''1301. Ladies of the Grand Army of the Republic	130101
''1303. Legion of Valor of the United States of America, Incorporated	130301
''1305. Little League Baseball, Incorporated	130501
''1307 through 1399	Reserved
''1401. Marine Corps League	140101
''1403. The Military Chaplains Association of the United States of America	140301
''1404. Military Officers Association of America	140401
''1405. Military Order of the Purple Heart of the United States of America, Incorporated	140501
''1407. Military Order of the World Wars	140701
''1409 through 1499	Reserved
''1501. National Academy of Public Administration	150101
''1503. National Academy of Sciences	150301
''1505. National Conference of State Societies, Washington, District of Columbia	150501
''1507. National Conference on Citizenship	150701
''1509. National Council on Radiation Protection and Measurements	150901

''1511. National Education Association of the United States 151101
''1513. National Fallen Firefighters Foundation 151301
''1515. National Federation of Music Clubs 151501
''1517. National Film Preservation Foundation 151701
''1519. National Fund for Medical Education 151901
''1521. National Mining Hall of Fame and Museum 152101
''1523. National Music Council 152301
''1524. National Recording Preservation Foundation 152401
''1525. National Safety Council 152501
''1527. National Ski Patrol System, Incorporated 152701
''1529. National Society, Daughters of the American Colonists 152901
''1531. The National Society of the Daughters of the American Revolution ... 153101
''1533. National Society of the Sons of the American Revolution 153301
''1535. National Tropical Botanical Garden 153501
''1537. National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic 153701
''1539. The National Yeomen (F) 153901
''1541. Naval Sea Cadet Corps 154101
''1543. Navy Club of the United States of America 154301
''1545. Navy Wives Clubs of America 154501
''1547. Non Commissioned Officers Association of the United States of America, Incorporated 154701
''1549 through 1599 .....Reserved
''1601 through 1699 .....Reserved
''1701. Paralyzed Veterans of America 170101
''1703. Pearl Harbor Survivors Association 170301
''1705. Polish Legion of American Veterans, U.S.A. 170501
''1707 through 1799 .....Reserved
''1801 through 1899 .....Reserved
''1901. Reserve Officers Association of the United States 190101
''1903. Retired Enlisted Association, Incorporated 190301
''1905 through 1999 .....Reserved
''2001. Society of American Florists and Ornamental Horticulturists 200101
''2003. Sons of Union Veterans of the Civil War 200301
''2005 through 2099 .....Reserved
''2101. Theodore Roosevelt Association 210101
''2103. 369th Veterans' Association 210301
''2105 through 2199 .....Reserved
''2201. United Service Organizations, Incorporated 220101
''2203. United States Capitol Historical Society 220301
''2205. United States Olympic Committee .. 220501
''2207. United States Submarine Veterans of World War II 220701
''2209 through 2299 .....Reserved
''2301. Veterans of Foreign Wars of the United States 230101
''2303. Veterans of World War I of the United States of America, Incorporated 230301
''2305. Vietnam Veterans of America, Inc. .. 230501
''2307 through 2399 .....Reserved
''2401. Women's Army Corps Veterans' Association 240101
''2403 through 2499 .....Reserved
''2501 through 2599 .....Reserved
''2601 through 2699 .....Reserved
''2701 through 2799 .....Reserved

"Subtitle III—Treaty Obligation Organizations

''3001. The American National Red Cross ... 300101''.

(2) TABLES OF CONTENTS OF SUBTITLES.—Title 36, United States Code, is further amended as follows:

(A) In the matter before chapter 1, after the heading

"Subtitle I—Patriotic and National Observances and Ceremonies",

strike

''PART A—OBSERVANCES AND CEREMONIES''

and all that follows through

''25. President's Committee on Employment of People With Disabilities .. 2501''.

(B) In the matter before chapter 101, after the heading

"Subtitle II—Patriotic and National Organizations",

strike

''PART A—GENERAL''

and all that follows through

''2701. [Reserved] ..... 270101''.

(C) In the matter before chapter 3001, after the heading

"Subtitle III—Treaty Obligation Organizations",

strike

''Chapter Sec.
''3001. The American National Red Cross ... 300101''.

(b) RESERVED CHAPTERS.— Title 36, United States Code, is further amended as follows:

(1) In the matter before

''CHAPTER 301—BIG BROTHERS—BIG SISTERS OF AMERICA'',

insert

''CHAPTERS 233 THROUGH 299—RESERVED''.

(2) In the matter before

''CHAPTER 401—CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED'',

insert

''CHAPTERS 313 THROUGH 399—RESERVED''.

(3) In the matter before

''CHAPTER 501—DAUGHTERS OF UNION VETERANS OF THE CIVIL WAR 1861–1865'',

insert

''CHAPTERS 409 THROUGH 499—RESERVED''.

(4) In the matter before

''CHAPTER 601—82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED'',

insert

''CHAPTERS 505 THROUGH 599—RESERVED''.

(5) In the matter before

''CHAPTER 701—FLEET RESERVE ASSOCIATION'',

insert

''CHAPTERS 603 THROUGH 699—RESERVED''.

(6) In the matter before

''CHAPTER 801—GENERAL FEDERATION OF WOMEN'S CLUBS'',

insert

''CHAPTERS 711 THROUGH 799—RESERVED''.

(7) In the matter before

''CHAPTER 1001—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES'',

strike

''CHAPTER 901—[RESERVED]''

and insert (before chapter 901 as renumbered and transferred by subsection (c)(6)(A)),

''CHAPTERS 807 THROUGH 899—RESERVED''.

(8) In the matter before

''CHAPTER 1001—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES''

insert (after chapter 901 as renumbered and transferred by subsection (c)(6)(A))

''CHAPTERS 903 THROUGH 999—RESERVED''.

(9) In the matter before

''CHAPTER 1101—JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED'',

insert

''CHAPTERS 1003 THROUGH 1099—RESERVED''.

(10) In the matter before

''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED'',

insert

''CHAPTERS 1105 THROUGH 1199—RESERVED''.

(11) In the matter before

''CHAPTER 1301—LADIES OF THE GRAND ARMY OF THE REPUBLIC'',

insert

''CHAPTERS 1203 THROUGH 1299—RESERVED''.

(12) In the matter before

''CHAPTER 1401—MARINE CORPS LEAGUE'',

insert

''CHAPTERS 1307 THROUGH 1399—RESERVED''.

(13) In the matter before

''CHAPTER 1501—NATIONAL ACADEMY OF PUBLIC ADMINISTRATION'',

insert

''CHAPTERS 1409 THROUGH 1499—RESERVED''.

(14) In the matter before

''CHAPTER 1701—PARALYZED VETERANS OF AMERICA'',

strike

''CHAPTER 1601—[RESERVED]''

and insert

''CHAPTERS 1549 THROUGH 1599—RESERVED

''CHAPTERS 1601 THROUGH 1699—RESERVED''.

(15) In the matter before

''CHAPTER 1901—RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES'',

strike

''CHAPTER 1801—[RESERVED]''

and insert

''CHAPTERS 1707 THROUGH 1799—RESERVED

''CHAPTERS 1801 THROUGH 1899—RESERVED''.

(16) In the matter before

''CHAPTER 2001—SOCIETY OF AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS'',

insert

''CHAPTERS 1905 THROUGH 1999—RESERVED''.

(17) In the matter before

''CHAPTER 2101—THEODORE ROOSEVELT ASSOCIATION'',

insert

''CHAPTERS 2005 THROUGH 2099—RESERVED''.

(18) In the matter before

''CHAPTER 2201—UNITED SERVICE ORGANIZATIONS, INCORPORATED'',

insert

''CHAPTERS 2105 THROUGH 2199—RESERVED''.

(19) In the matter before

''CHAPTER 2301—VETERANS OF FOREIGN WARS OF THE UNITED STATES'',

insert

''CHAPTERS 2209 THROUGH 2299—RESERVED''.

(20) In the matter before

''CHAPTER 2401—WOMEN'S ARMY CORPS VETERANS' ASSOCIATION'',

insert

''CHAPTERS 2307 THROUGH 2399—RESERVED''.

(21) In the matter before

"Subtitle III—Treaty Obligation Organizations",

strike

''CHAPTER 2501—[RESERVED]

''CHAPTER 2601—[RESERVED]

''CHAPTER 2701—[RESERVED]''

and insert

''CHAPTERS 2403 THROUGH 2499—RESERVED

''CHAPTERS 2501 THROUGH 2599—RESERVED

''CHAPTERS 2601 THROUGH 2699—RESERVED

''CHAPTERS 2701 THROUGH 2799—RESERVED''.

(c) OTHER TECHNICAL AMENDMENTS TO TITLE 36.—Title 36, United States Code, is further amended as follows:

(1) NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM, MARCH, AND TREE.—In the heading for chapter 3, strike ''**FLORAL EMBLEM MARCH**'' and insert ''**FLORAL EMBLEM, MARCH**''.

(2) UNITED STATES HOLOCAUST MEMORIAL MUSEUM.—In section 2301(2), strike ''section 2306'' and insert ''section 2304''.

(3) CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.—In section 40706(a)—

(A) in the matter before paragraph (1), strike the dash appearing after ''the Secretary of the Army'' and insert a colon;

(B) in paragraph (1), strike ''firearms'' and insert ''Firearms''; and

(C) in paragraph (3), strike ''trophies'' and insert ''Trophies''.

(4) MILITARY OFFICERS ASSOCIATION OF AMERICA.—In section 140402, in the matter before paragraph (1), strike ''(a) GENERAL.—The purposes'' and insert ''The purposes''.

(5) NATIONAL FILM PRESERVATION FOUNDATION.—In section 151705(b), in the matter before paragraph (1), strike ''the the jurisdiction'' and insert ''the jurisdiction''.

(6) HELP AMERICA VOTE FOUNDATION.—

(A) RENUMBERING AND TRANSFER OF CHAPTER.—Chapter 1526 is renumbered as chapter 901 and transferred so as to appear after

''CHAPTERS 807 THROUGH 899—RESERVED''

(as inserted by subsection (b)(7)).

(B) RENUMBERING OF SECTIONS.—In chapter 901, as renumbered by subparagraph (A), and in the chapter analysis, sections 152601 through 152612 are renumbered as sections 90101 through 90112, respectively.

(C) CONFORMING AMENDMENT.—In section 90109, as renumbered by subparagraph (B), strike ''section 152602'' and insert ''section 90102''.

(7) NATIONAL TROPICAL BOTANICAL GARDEN.—At the end of the chapter table of contents for chapter 1535, insert—

''153514. Authorization of appropriations.''.

(8) NATIONAL YEOMEN (F).—

(A) In the heading for chapter 1539, strike ''**YOEMEN F**'' and insert ''**YEOMEN (F)**''.

(B) In section 153901, strike ''Yoemen F'' and insert ''Yeomen (F)''.

(C) In paragraphs (1) and (2) of section 153902, strike ''Yoemen (f)'' and insert ''Yeomen (F)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from California (Ms. BASS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1067 currently under consideration.

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

There was no objection.

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

I rise today to bring before the House H.R. 1067, a bill Ranking Member CONYERS and I introduced to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

All changes made by this bill are purely technical in nature. This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives as part of its ongoing responsibility to prepare and submit periodically to the Committee on the Judiciary proposed bills to maintain titles of the United States Code that have been enacted into positive law.

H.R. 1067 is an important bill because it ensures that the U.S. Code is up-to-date and usable. For these reasons, I urge my colleagues to support this legislation, and I reserve the balance of my time.

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

Mr. Speaker, I'm pleased to join Chairman GOODLATTE in supporting H.R. 1067.

This commonsense, noncontroversial bill was authored by the chairman, together with Ranking Member CONYERS as an original cosponsor.

H.R. 1067 simply makes long overdue technical revisions to title 36 of the U.S. Code pertaining to the patriotic and national observances and ceremonies, patriotic and national organizations, and treaty obligation organizations.

This legislation has a history of strong bipartisan support. In the 112th Congress, Chairman SMITH and Ranking Member CONYERS introduced identical legislation that passed the House by a vote of 392–0. Last month, the Judiciary Committee ordered the bill reported favorably by voice vote without amendment on March 14.

H.R. 1067 was prepared by the Office of the Law Revision Counsel as part of its statutory responsibility to draft and submit to the Judiciary Committee a complete compilation, restatement, and revision of the general and permanent laws of the United States.

Among the revisions that H.R. 1067 makes are the following: it replaces the existing abbreviated table of contents for title 36 with a more comprehensive version; it updates the format of chapter headings of reserved chapters; and makes other necessary technical corrections.

This measure is not intended to make any substantial changes to the law.

I thank Chairman GOODLATTE and Ranking Member CONYERS for their leadership on this legislation, and I urge my colleagues to support H.R. 1067.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman from California for her remarks, and she is correct that this is bipartisan legislation that makes technical but important changes to title 36 of the United States Code.

With that, I urge my colleagues to support it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1067.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

NATIONAL PARK SERVICE AND RELATED PROGRAMS ENACTMENT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1068) to enact title 54, United States Code, ''National Park Service and Related Programs'', as positive law, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1068

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Purpose; conformity with original intent.
Sec. 3. Enactment of title 54, United States Code.
Sec. 4. Conforming amendments.
Sec. 5. Conforming cross-references.
Sec. 6. Transitional and savings provisions.
Sec. 7. Repeals.

SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) PURPOSE.—The purpose of this Act is to codify certain existing laws relating to the National Park System as title 54, United States Code, ''National Park Service and Related Programs''.

(b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b(1)).

SEC. 3. ENACTMENT OF TITLE 54, UNITED STATES CODE.

Title 54, United States Code, ''National Park Service and Related Programs'', is enacted as follows:

TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

Subtitle I—National Park System

Division A—Establishment and General Administration

Chap. Sec.
1001. General Provisions 100101
1003. Establishment, Directors, and Other Employees 100301
1005. Areas of National Park System 100501
1007. Resource Management 100701
1009. Administration 100901
1011. Donations 101101
1013. Employees 101301
1015. Transportation 101501
1017. Financial Agreements 101701
1019. Concessions and Commercial Use Authorizations 101901
1021. Privileges and Leases 102101
1023. Programs and Organizations 102301
1025. Museums 102501
1027. Law Enforcement and Emergency Assistance 102701
1029. Land Transfers 102901
1031. Appropriations and Accounting 103101
1033. National Military Parks 103301
1035 through 1047 ..... Reserved
1049. Miscellaneous 104901

Division B—System Units and Related Areas—Reserved

Subtitle II—Outdoor Recreation Programs

2001. Coordination of Programs 200101
2003. Land and Water Conservation Fund 200301
2005. Urban Park and Recreation Recovery Program 200501

Subtitle III—National Preservation Programs

Division A—Historic Preservation

Subdivision 1—General Provisions

3001. Policy 300101
3003. Definitions 300301

Subdivision 2—Historic Preservation Program

3021. National Register of Historic Places 302101
3023. State Historic Preservation Programs 302301
3025. Certification of Local Governments 302501
3027. Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations 302701
3029. Grants 302901
3031. Historic Preservation Fund 303101
3033 Through 3037 ..... Reserved
3039. Miscellaneous 303901

Subdivision 3—Advisory Council on Historic Preservation

3041. Advisory Council on Historic Preservation 304101

Subdivision 4—Other Organizations and Programs

3051. Historic Light Station Preservation 305101
3053. National Center for Preservation Technology and Training 305301
3055. National Building Museum 305501

Subdivision 5—Federal Agency Historic Preservation Responsibilities

3061. Program Responsibilities and Authorities 306101

Subdivision 6—Miscellaneous

3071. Miscellaneous 307101

Division B—Organizations and Programs

Subdivision 1—Administered by National Park Service

3081. American Battlefield Protection Program 308101
3083. National Underground Railroad Network to Freedom 308301
3085. National Women's Rights History Project 308501
3087. National Maritime Heritage 308701
3089. Save America's Treasures Program 308901
3091. Commemoration of Former Presidents 309101

Subdivision 2—Administered Jointly With National Park Service

3111. Preserve America Program 311101

Subdivision 3—Administered by Other Than National Park Service

3121. National Trust for Historic Preservation in the United States 312101
3123. Commission for the Preservation of America's Heritage Abroad 312301
3125. Preservation of Historical and Archeological Data 312501

Division C—American Antiquities

3201. Policy and Administrative Provisions 320101
3203. Monuments, Ruins, Sites, and Objects of Antiquity 320301

Subtitle I—National Park System

Division A—Establishment and General Administration

Chapter 1001—General Provisions

Sec.
100101. Promotion and regulation.
100102. Definitions.

§ 100101. Promotion and regulation

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

(b) DECLARATIONS.—

(1) 1970 DECLARATIONS.—Congress declares that—

(A) the National Park System, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States and its territories and possessions;

(B) these areas, though distinct in character, are united through their interrelated purposes and resources into one National Park System as cumulative expressions of a single national heritage;

(C) individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one System preserved and managed for the benefit and inspiration of all the people of the United States; and

(D) it is the purpose of this division to include all these areas in the System and to clarify the authorities applicable to the System.

(2) 1978 REAFFIRMATION.—Congress reaffirms, declares, and directs that the promotion and regulation of the various System units shall be consistent with and founded in the purpose established by subsection (a), to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of the System units shall be conducted in light of the high public value and integrity of the System and shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.

§ 100102. Definitions

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

(2) NATIONAL PARK SYSTEM.—The term ''National Park System'' means the areas of land and water described in section 100501 of this title.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SERVICE.—The term ''Service'' means the National Park Service.

(5) SYSTEM.—The term ''System'' means the National Park System.

(6) SYSTEM UNIT.—The term ''System unit'' means one of the areas described in section 100501 of this title.

Chapter 1003—Establishment, Directors, and Other Employees

Sec.
100301. Establishment.
100302. Directors and other employees.
100303. Effect on other laws.

§ 100301. Establishment

There is in the Department of the Interior a service called the National Park Service.

§ 100302. Directors and other employees

(a) DIRECTOR.—

(1) APPOINTMENT.—The Service shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation.

(3) AUTHORITY.—Under the direction of the Secretary, the Director shall have the supervision, management, and control of System units. In the supervision, management, and control of System units contiguous to national forests the Secretary of Agriculture may cooperate with the Service to such extent as may be requested by the Secretary.

(b) DEPUTY DIRECTORS.—The Director shall select 2 Deputy Directors. One Deputy Director shall have responsibility for Service operations, and the other Deputy Director shall have responsibility for other programs assigned to the Service.

(c) OTHER EMPLOYEES.—The Service shall have such subordinate officers and employees as may be appropriated for by Congress.

§ 100303. Effect on other laws

This chapter and sections 100101(a), 100751(a), 100752, 100753, and 102101 of this title do not affect or modify section 100902(a) of this title.

Chapter 1005—Areas of National Park System

Sec.
100501. Areas included in System.
100502. General management plans.
100503. Five-year strategic plans.
100504. Study and planning of park, parkway, and recreational-area facilities.
100505. Periodic review of System.
100506. Boundary changes to System units.
100507. Additional areas for System.

§ 100501. Areas included in System

The System shall include any area of land and water administered by the Secretary, acting through the Director, for park, monument, historic, parkway, recreational, or other purposes.

§ 100502. General management plans

General management plans for the preservation and use of each System unit, including areas within the national capital area, shall be prepared and revised in a timely manner by the Director. On January 1 of each year, the Secretary shall submit to Congress a list indicating the current status of completion or revision of general management plans for each System unit. General management plans for each System unit shall include—

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the System unit; and

(4) indications of potential modifications to the external boundaries of the System unit, and the reasons for the modifications.

§ 100503. Five-year strategic plans

(a) STRATEGIC AND PERFORMANCE PLANS.—Each System unit shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. The plans shall reflect the Service policies, goals, and outcomes represented in the Service-wide strategic plan prepared pursuant to section 306 of title 5.

(b) ANNUAL BUDGET.—

(1) IN GENERAL.—As a part of the annual performance plan for a System unit prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but not later than January 1 of each year), the superintendent of the System unit shall develop and make available to the public the budget for the current fiscal year for that System unit.

(2) CONTENTS.—The budget shall include—

(A) funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue), and administration; and

(B) allocations into each of the categories in subparagraph (A) of all funds retained from fees collected for that year, including special use permits, concession franchise fees, and recreation use and entrance fees.

§ 100504. Study and planning of park, parkway, and recreational-area facilities

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''State'' means a State, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(2) STUDY.—The Secretary shall cause the Service to make a comprehensive study, other than on land under the jurisdiction of the Secretary of Agriculture, of the public park, parkway, and recreational area programs of the United States, States, and political subdivisions of States and of areas of land throughout the United States that are or may be chiefly valuable as public park, parkway, or recreational areas. A study shall not be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over the land. The study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States.

(3) COOPERATION AND AGREEMENTS WITH OTHER ENTITIES.—In making the study and to accomplish the purposes of this section, the Secretary, acting through the Director—

(A) shall seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of land belonging to the United States; and

(B) may cooperate and make agreements with and seek and accept the assistance of—

(i) other Federal agencies and instrumentalities; and

(ii) States, political subdivisions of States, and agencies and instrumentalities of either of them.

(4) STATE PLANNING.—For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary may aid States and political subdivisions of States in planning public park, parkway, and recreational areas and in cooperating with one another to accomplish these ends. Aid shall be made available through the Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary considers best.

(b) CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.—The consent of Congress is given to any 2 or more States to negotiate and enter into compacts or agreements with one another with reference to planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area. No compact or agreement shall be effective until approved by the legislatures of the States that are parties to the compact or agreement and by Congress.

§ 100505. Periodic review of System

(a) AUTHORITY OF SECRETARY TO CONDUCT REVIEW.—The Secretary shall conduct a systematic and comprehensive review of certain aspects of the System and on a periodic basis (but not less often than every 3 years) submit to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report on the findings of the review, together with recommendations as the Secretary determines to be necessary.

(b) CONSULTATION.—In conducting and preparing the report, the Secretary shall consult with appropriate officials of affected Federal, State, and local agencies and national, regional, and local organizations. The consultation shall include holding public hearings that the Secretary determines to be appropriate to provide a full opportunity for public comment.

(c) CONTENTS OF REPORT.—The report shall contain the following:

(1) A comprehensive listing of all authorized but unacquired parcels of land within the exterior boundaries of each System unit as of November 28, 1990.

(2) A priority listing of all those unacquired parcels by System unit and for the System as a whole. The list shall describe the acreage and ownership of each parcel, the estimated cost of acquisition for each parcel (subject to any statutory acquisition limitations for the land), and the basis for the estimate.

(3) An analysis and evaluation of the current and future needs of each System unit for resource management, interpretation, construction, operation and maintenance, personnel, and housing, together with an estimate of the costs.

§ 100506. Boundary changes to System units

(a) CRITERIA FOR EVALUATION.—The Secretary shall maintain criteria to evaluate any proposed changes to the boundaries of System units, including—

(1) analysis of whether or not an existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the System unit;

(2) an evaluation of each parcel proposed for addition or deletion to a System unit based on the analysis under paragraph (1); and

(3) an assessment of the impact of potential boundary adjustments taking into consideration the factors in section 100505(c)(3) of this title and the effect of the adjustments on the local communities and surrounding area.

(b) PROPOSAL OF SECRETARY.—In proposing a boundary change to a System unit, the Secretary shall—

(1) consult with affected agencies of State and local governments, surrounding communities, affected landowners, and private national, regional, and local organizations;

(2) apply the criteria developed pursuant to subsection (a) and accompany the proposal with a statement reflecting the results of the application of the criteria; and

(3) include with the proposal an estimate of the cost for acquiring any parcels proposed for acquisition, the basis for the estimate, and a statement on the relative priority for the acquisition of each parcel within the priorities for acquisition of other parcels for the System unit and for the System.

(c) MINOR BOUNDARY CHANGES.—

(1) IN GENERAL.—When the Secretary determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of a System unit, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the Secretary's intention to do so, and by publication of a revised boundary map or other description in the Federal Register—

(A) make minor changes to the boundary of the System unit, and amounts appropriated from the Fund shall be available for acquisition of any land, water, and interests in land or water added to the System unit by the boundary change subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to the System unit; and

(B) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, land, water, or interests in land or water adjacent to the System unit, except that in exercising the Secretary's authority under this subparagraph the Secretary—

(i) shall not alienate property administered as part of the System to acquire land by exchange;

(ii) shall not acquire property without the consent of the owner; and

(iii) may acquire property owned by a State or political subdivision of a State only by donation.

(2) CONSULTATION.—Prior to making a determination under this subsection, the Secretary shall consult with the governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of the proposed action.

(3) ACTION TO ADVANCE LOCAL PUBLIC AWARENESS.—The Secretary shall take such steps as the Secretary considers appropriate to advance local public awareness of the proposed action.

(4) ADMINISTRATION OF ACQUISITIONS.—Land, water, and interests in land or water acquired in accordance with this subsection shall be administered as part of the System unit to which they are added, subject to the laws and regulations applicable to the System unit.

(5) WHEN AUTHORITY APPLIES.—For the purposes of paragraph (1)(A), in all cases except the case of technical boundary changes (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under paragraph (1)(A) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of the land, water, and interests in land or water to be added to the System unit and the total acreage of the land, water, and interests in land or water to be deleted from the System unit is not more than 5 percent of the total Federal acreage authorized to be included in the System unit and is less than 200 acres.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the land, water, and interests in land or water to be added to the System unit and the total appraised value of the land, water, and interests in land or water to be deleted from the System unit does not exceed $750,000.

(D) The proposed boundary change is not an element of a more comprehensive boundary change proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director obtains written consent for the boundary change from all property owners whose land, water, or interests in land or water, or a portion of whose land, water, or interests in land or water, will be added to or deleted from the System unit by the boundary change.

(G) The land abuts other Federal land administered by the Director.

(6) ACT OF CONGRESS REQUIRED.—Minor boundary changes involving only deletions of acreage owned by the Federal Government and administered by the Service may be made only by Act of Congress.

§ 100507. Additional areas for System

(a) MONITORING AREAS FOR INCLUSION IN SYSTEM.—The Secretary shall investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and that may have potential for inclusion in the System.

(b) SUBMISSION OF LIST OF AREAS RECOMMENDED FOR STUDY FOR POTENTIAL INCLUSION.—

(1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of areas recommended for study for potential inclusion in the System.

(2) FACTORS TO BE CONSIDERED.—In developing the list to be submitted under this subsection, the Secretary shall consider—

(A) the areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

(B) themes, sites, and resources not already adequately represented in the System; and

(C) public petitions and Congressional resolutions.

(3) ACCOMPANYING SYNOPSIS.—Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous submission or initial report submission one year earlier.

(4) CONGRESSIONAL AUTHORIZATION REQUIRED.—No study of the potential of an area for inclusion in the System may be initiated except as provided by specific authorization of an Act of Congress.

(5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—This section and sections 100901(b), 101702(b) and (c), and 102102 of this title do not limit the authority of the Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

(6) STUDY OF RIVERS OR TRAILS NOT AFFECTED.—This section does not apply to or affect or alter the study of—

(A) any river segment for potential addition to the national wild and scenic rivers system; or

(B) any trail for potential addition to the national trails system.

(c) STUDY OF AREAS FOR POTENTIAL INCLUSION.—

(1) STUDY TO BE COMPLETED WITHIN 3 YEARS.—The Secretary shall complete the study for each area for potential inclusion in the System within 3 complete fiscal years following the date on which funds are first made available for that purpose.

(2) OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED.—Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

(3) CONSIDERATIONS.—In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the System.

(4) SCOPE OF STUDY.—Each study—

(A) with regard to the area being studied, shall consider—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development, and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support; and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information that the Secretary considers to be relevant.

(5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Each study shall be completed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.—The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) LIST OF AREAS PREVIOUSLY STUDIED.—

(1) SUBMISSION OF LIST.—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in numerical order of priority for addition to the System—

(A) a list of areas that have been previously studied that contain primarily historical resources; and

(B) a list of areas that have been previously studied that contain primarily natural resources.

(2) CONSIDERATIONS.—In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c).

(3) AREAS ELIGIBLE FOR INCLUSION.—The Secretary should include on the lists only areas for which the supporting data are current and accurate.

(e) LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE INTEGRITY OF THEIR RESOURCES.—At the beginning of each fiscal year, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a complete and current list of all areas listed on the Registry of Natural Landmarks, and areas of national significance listed on the National Register of Historic places, that exhibit known or anticipated damage or threats to the integrity of their resources, with notations as to the nature and severity of the damage or threats.

(f) REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.—Each report and annual listing described in this section shall be printed as a House document. If adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing on receipt by the Speaker of the House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the House of Representatives and the chairman of the Committee on Energy and Natural Resources of Senate indicating that to be the case.

(g) DESIGNATION OF OFFICE.—The Secretary shall designate a single office to prepare all new area studies and to implement other functions under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING THE WELFARE OF SYSTEM UNIT RESOURCES.—To carry out studies for potential new System units and for monitoring the welfare of historical and natural resources referred to in subparagraphs (A) and (B) of subsection (d)(1), there is authorized to be appropriated not more than $1,000,000 for each fiscal year.

(2) MONITORING WELFARE AND INTEGRITY OF NATIONAL LANDMARKS.—To monitor the welfare and integrity of the national landmarks, there is authorized to be appropriated not more than $1,500,000 for each fiscal year.

(3) CARRYING OUT SUBSECTIONS (b), (c), and (g).—To carry out subsections (b), (c), and (g), there is authorized to be appropriated $2,000,000 for each fiscal year.

Chapter 1007—Resource Management

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Subchapter I—System Resource Inventory and Management

§ 100701. Protection, interpretation, and research in System

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the System, the Secretary shall continually improve the ability of the Service to provide state-of-the-art management, protection, and interpretation of, and research on, the resources of the System.

§ 100702. Research mandate

The Secretary shall ensure that management of System units is enhanced by the availability and utilization of a broad program of the highest quality science and information.

§ 100703. Cooperative study units

The Secretary shall enter into cooperative agreements with colleges and universities, including land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the System, or the larger region of which System units are a part.

§ 100704. Inventory and monitoring program

The Secretary shall undertake a program of inventory and monitoring of System resources to establish baseline information and to provide information on the long-term trends in the condition of System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

§ 100705. Availability of System units for scientific study

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any System unit for purposes of scientific study.

(b) CRITERIA.—A request for use of a System unit under subsection (a) may be approved only if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and Service management policies; and

(2) will be conducted in a manner that poses no threat to the System unit resources or public enjoyment derived from System unit resources.

(c) FEE WAIVER.—The Secretary may waive any System unit admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) BENEFIT-SHARING ARRANGEMENTS.—The Secretary may negotiate for and enter into equitable, efficient benefit-sharing arrangements with the research community and private industry.

§ 100706. Integration of study results into management decisions

The Secretary shall take such measures as are necessary to ensure the full and proper utilization of the results of scientific study for System unit management decisions. In each case in which an action undertaken by the Service may cause a significant adverse effect on a System unit resource, the administrative record shall reflect the manner in which System unit resource studies have been considered. The trend in the condition of resources of the System shall be a significant factor in the annual performance evaluation of each superintendent of a System unit.

§ 100707. Confidentiality of information

Information concerning the nature and specific location of a System resource that is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within System units, or of objects of cultural patrimony within System units, may be withheld from the public in response to a request under section 552 of title 5 unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the System unit in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other laws protecting the resource or object.

Subchapter II—System Unit Resource Protection

§ 100721. Definitions

In this subchapter:

(1) DAMAGES.—The term ''damages'' includes—

(A) compensation for—

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a System unit resource; and

(II) the value of any significant loss of use of a System unit resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(ii) the value of the System unit resource if the System unit resource cannot be replaced or restored; and

(B) the cost of a damage assessment under section 100723(b) of this title.

(2) RESPONSE COSTS.—The term ''response costs'' means the costs of actions taken by the Secretary to—

(A) prevent or minimize destruction or loss of or injury to a System unit resource;

(B) abate or minimize the imminent risk of the destruction, loss, or injury; or

(C) monitor ongoing effects of incidents causing the destruction, loss, or injury.

(3) SYSTEM UNIT RESOURCE.—

(A) IN GENERAL.—The term ''System unit resource'' means any living or non-living resource that is located within the boundaries of a System unit.

(B) EXCLUSION.—The term ''System unit resource'' does not include a resource owned by a non-Federal entity.

§ 100722. Liability

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, causes the loss of, or injures any System unit resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any System unit resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person is not liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the System unit resource was caused solely by an act of God or an act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the System unit resource was caused solely by an act or omission of a 3d party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the System unit resource was caused by an activity authorized by Federal or State law.

(d) SCOPE.—Liability under this section is in addition to any other liability that may arise under Federal or State law.

§ 100723. Actions

(a) CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—The Attorney General, on request of the Secretary after a finding by the Secretary of destruction, loss, or injury to a System unit resource or a finding that absent the undertaking of a response action, destruction, loss, or injury to a System unit resource would have occurred, may bring a civil action in United States district court against any person or instrumentality that may be liable under section 100722 of this title for response costs and damages. The Secretary shall submit a request for the civil action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for those costs and damages under section 100722 of this title.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DESTRUCTION, LOSS, OR INJURY.—

(1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR INJURY.—The Secretary shall undertake all necessary actions to—

(A) prevent or minimize the destruction, loss of, or injury to System unit resources; or

(B) minimize the imminent risk of destruction, loss, or injury to System unit resources.

(2) ASSESSMENT AND MONITORING.—The Secretary shall assess and monitor destruction, loss, or injury to System unit resources.

§ 100724. Use of recovered amounts

(a) LIMITATION ON USE.—Response costs and damages recovered by the Secretary under this subchapter or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of destruction, loss of, or injury to any System unit resource shall be available to the Secretary and without further Congressional action may be used only as follows:

(1) REIMBURSEMENT.—To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary considers appropriate.

(2) RESTORATION AND REPLACEMENT.—To restore, replace, or acquire the equivalent of System unit resources that were the subject of the action and to monitor and study those System unit resources. The funds may not be used to acquire any land or water, interest in land or water, or right to land or water unless the acquisition is specifically approved in advance in appropriations Acts. The acquisition shall be subject to any limitations contained in the legislation establishing the System unit.

(b) EXCESS AMOUNTS.—Any amounts remaining after expenditures pursuant to paragraphs (1) and (2) of subsection (a) shall be deposited in the Treasury.

§ 100725. Donations

The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. The donations may be expended or employed at any time after their acceptance, without further Congressional action.

Subchapter III—Mining Activity Within System Units

§ 100731. Findings and declaration

Congress finds and declares that—

(1) the level of technology of mineral exploration and development has changed radically, and continued application of the mining laws of the United States to System units to which the mining laws apply conflicts with the purposes for which the System units were established; and

(2) all mining operations in System units should be conducted so as to prevent or minimize damage to the environment and other resource values.

§ 100732. Preservation and management of System units by Secretary; promulgation of regulations

To preserve for the benefit of present and future generations the pristine beauty of System units, and to further the purposes of section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title and the individual organic Acts for the System units, all activities resulting from the exercise of mineral rights on patented or unpatented mining claims within any System unit shall be subject to such regulations prescribed by the Secretary as the Secretary considers necessary or desirable for the preservation and management of the System units.

§ 100733. Recordation of mining claims; publication of notice

All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2, sections 161 and 162, and chapters 12A and 16) that lie within the boundaries of System units in existence on September 28, 1976, that were not recorded with the Secretary within one year after September 28, 1976, shall be conclusively presumed to be abandoned and shall be void. The recordation does not render valid any claim that was not valid on September 28, 1976, or that becomes invalid after that date.

§ 100734. Report on finding or notification of potential damage to natural and historical landmarks

When the Secretary finds on the Secretary's own motion or on being notified in writing by an appropriate scientific, historical, or archeological authority that a district, site, building, structure, or object that has been found to be nationally significant in illustrating natural history or the history of the United States and that has been designated as a natural or historic landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting the activity and submit a report on the findings or notification, including the basis for the Secretary's finding that the activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate the activity.

§ 100735. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this subchapter that believes the holder has suffered a loss by operation of this subchapter, or by orders or regulations issued pursuant to this subchapter, may bring a civil action in United States district court to recover just compensation, which shall be awarded if the court finds that the loss constitutes a taking of property compensable under the Constitution.

§ 100736. Acquisition of land by Secretary

Nothing in this subchapter shall be construed to limit the authority of the Secretary to acquire land and interests in land within the boundary of any System unit. The Secretary shall give prompt and careful consideration to any offer made by the owner of any valid right or other property in Glacier Bay National Monument, Death Valley National Monument, Organ Pipe Cactus National Monument, or Mount McKinley National Park to sell the right or other property if the owner notifies the Secretary that the continued ownership of the right or property is causing, or would result in, undue hardship.

§ 100737. Financial disclosure by officer or employee of Secretary

(a) WRITTEN STATEMENTS.—Each officer or employee of the Secretary who—

(1) performs any function or duty under this subchapter, or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342) concerning the regulation of mining in the System; and

(2) has any known financial interest—

(A) in any person subject to this subchapter or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342); or

(B) in any person who holds a mining claim within the boundary of any System unit;

shall annually file with the Secretary a written statement concerning all such interests held by the officer or employee during the preceding calendar year. The statement shall be available to the public.

(b) MONITORING AND ENFORCEMENT PROCEDURES.—The Secretary shall—

(1) define the term ''known financial interest'' for purposes of subsection (a);

(2) establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by the officers and employees of the statements and the review by the Secretary of the statements; and

(3) submit to Congress on June 1 of each year a report with respect to the disclosures and the actions taken in regard to the disclosures during the preceding calendar year.

(c) EXEMPTIONS.—In the rules prescribed under subsection (b), the Secretary may identify specific positions within the Department of the Interior that are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying those positions shall be exempt from the requirements of this section.

(d) CRIMINAL PENALTIES.—Criminal penalties for a violation of this section are provided by section 1865 of title 18.

Subchapter IV—Administration

§ 100751. Regulations

(a) IN GENERAL.—The Secretary shall prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.

(b) BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.—The Secretary, under such terms and conditions as the Secretary considers advisable, may prescribe regulations under subsection (a) concerning boating and other activities on or relating to water located within System units, including water subject to the jurisdiction of the United States. Any regulation under this subsection shall be complementary to, and not in derogation of, the authority of the Coast Guard to regulate the use of water subject to the jurisdiction of the United States.

(c) CRIMINAL PENALTIES.—Criminal penalties for a violation of a regulation prescribed under this section are provided by section 1865 of title 18.

§ 100752. Destruction of animals and plant life

The Secretary may provide for the destruction of such animals and plant life as may be detrimental to the use of any System unit.

§ 100753. Disposal of timber

The Secretary, on terms and conditions to be fixed by the Secretary, may sell or dispose of timber in cases where, in the judgment of the Secretary, the cutting of timber is required to control attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any System unit.

§ 100754. Relinquishment of legislative jurisdiction

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may relinquish to a State or a territory (including a possession) of the United States part of the legislative jurisdiction of the United States over System land or interests in land in that State or territory. Relinquishment may be accomplished—

(1) by filing with the chief executive official of the State or territory a notice of relinquishment to take effect on acceptance; or

(2) as the laws of the State or territory may otherwise provide.

(b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating a relinquishment under subsection (a), the Secretary shall submit the proposed agreement to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The Secretary shall not finalize the agreement until 60 calendar days after the submission has elapsed.

(c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall diligently pursue the consummation of arrangements with each State or territory within which a System unit is located so that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within System units.

§ 100755. Applicability of other laws

(a) IN GENERAL.—This section and sections 100501, 100901(d) to (h), 101302(b)(2), 101901(c), and 102711 of this title, and the various authorities relating to the administration and protection of System units, including the provisions of law listed in subsection (b), shall, to the extent that those provisions are not in conflict with any such specific provision, be applicable to System units, and any reference in any of these provisions to a System unit does not limit those provisions to that System unit.

(b) APPLICABLE PROVISIONS.—The provisions of law referred to in subsection (a) are—

(1) section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and 104906, and chapter 2003 of this title;

(2) the Act of March 4, 1911 (43 U.S.C. 961); and

(3) chapter 3201 of this title.

Chapter 1009—Administration

Sec.
100901. Authority of Secretary to carry out certain activities.
100902. Rights of way for public utilities and power and communication facilities.
100903. Solid waste disposal operations.
100904. Admission and special recreation use fees.
100905. Commercial filming.
100906. Advisory committees.

§ 100901. Authority of Secretary to carry out certain activities

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) SERVICES, RESOURCES, OR WATER CONTRACTS.—The Secretary may enter into contracts that provide for the sale or lease to persons, States, or political subdivisions of States, of services, resources, or water available within a System unit, as long as the activity does not jeopardize or unduly interfere with the primary natural or historic resource of the System unit, if the person, State, or political subdivision—

(1) provides public accommodations or services within the immediate vicinity of the System unit to individuals visiting the System unit; and

(2) demonstrates to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water.

(c) VEHICULAR AIR CONDITIONING.—The Secretary may acquire, and have installed, air conditioning units for any Government-owned passenger motor vehicles used by the Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged.

(d) UTILITY FACILITIES.—The Secretary may erect and maintain fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any System unit, where necessary, to provide service in the System unit.

(e) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may furnish, on a reimbursement of appropriation basis, supplies, and rent equipment, to persons and agencies that, in cooperation with and subject to the approval of the Secretary, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the System. The reimbursements may be credited to the appropriation current at the time reimbursements are received.

(f) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may contract, under terms and conditions that the Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the System, regardless of whether the lines and facilities are located within or outside the System.

(g) RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAINTAIN ROADS.—The Secretary may acquire—

(1) rights of way necessary to construct, improve, and maintain roads within the authorized boundaries of any System unit; and

(2) land and interests in land adjacent to the rights of way, when—

(A) considered necessary by the Secretary—

(i) to provide adequate protection of natural features; or

(ii) to avoid traffic and other hazards resulting from private road access connections; or

(B) the acquisition of adjacent residual tracts, which otherwise would remain after acquiring the rights of way, would be in the public interest.

(h) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIPMENT.—

(1) IN GENERAL.—The Secretary may operate, repair, maintain, and replace motor and other equipment on a reimbursable basis when the equipment is used on Federal projects of the System, chargeable to other appropriations, or on work of other Federal agencies, when requested by the agencies.

(2) REIMBURSEMENT.—Reimbursement shall be—

(A) made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary, based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control; and

(B) credited to appropriations currently available at the time adjustment is effected.

(3) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The Secretary may rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

§ 100902. Rights of way for public utilities and power and communication facilities

(a) PUBLIC UTILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical plants, poles, and lines for the generation and distribution of electrical power;

(B) telephone and telegraph purposes; and

(C) canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits and water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection shall be for—

(A) the ground occupied by the canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted under paragraph (1); and

(B) not more than 50 feet—

(i) on each side of the marginal limits of the ground; or

(ii) on each side of the center line of the pipes and pipe lines, electrical, telegraph, and telephone lines and poles.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) REVOCATION.—The Secretary may revoke a right of way under this subsection.

(5) RIGHT, EASEMENT, OR INTEREST NOT CONFERRED.—A right of way under this subsection does not confer any right, easement, or interest in, to, or over a System unit.

(b) POWER AND COMMUNICATION FACILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way over, across, and on through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical poles and lines for the transmission and distribution of electrical power;

(B) poles and lines for communication purposes; and

(C) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection—

(A) shall be for not more than 50 years from the date the right of way is granted; and

(B) for—

(i) lines and poles shall be for 200 feet on each side of the center line of the lines and poles; and

(ii) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be for not more than 400 feet by 400 feet.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) FORFEITURE AND ANNULMENT.—The Secretary may forfeit and annul any part of a right of way under this subsection for—

(A) nonuse for a period of 2 years; or

(B) abandonment.

§ 100903. Solid waste disposal operations

(a) IN GENERAL—To protect the air, land, water, and natural and cultural values of the System and the property of the United States in the System, no solid waste disposal site (including any site for the disposal of domestic or industrial solid waste) may be operated within the boundary of any System unit, other than—

(1) a site that was operating as of September 1, 1984; or

(2) a site used only for disposal of waste generated within that System unit so long as the site will not degrade any of the natural or cultural resources of the System unit.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, on property of the United States.

§ 100904. Admission and special recreation use fees

(a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

(1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON FEES COLLECTED.—

(A) IN GENERAL.—Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) ALLOCATION BASED ON EXPENSES.–The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit

shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) ALLOCATION BASED ON FEES COLLECTED.—The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that System unit until expended.

(c) SELLING OF PERMITS.—

(1) AUTHORITY TO SELL PERMITS.—When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that the volunteers have adequate training regarding—

(A) the sale of permits and the collection of fees;

(B) the purposes and resources of the System units in which they are assigned; and

(C) the provision of assistance and information to visitors to the System unit.

(2) SURETY BOND REQUIRED.—The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Secretary may enter into arrangements with qualified public or private entities pursuant to which the entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. The arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of the permits at or before the Secretary delivers the permits to the entity for sale.

(d) CHARGE FOR TRANSPORTATION PROVIDED BY SERVICE FOR VIEWING SYSTEM UNITS.—

(1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Service provides transportation to view all or a portion of any System unit, the Director may impose a charge for the service in lieu of an admission fee under this section.

(2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the System unit at which the service was provided. The remainder shall be deposited in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the System unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at those System units.

(e) ADMISSION FEES.–Where the primary public access to a System unit is provided by a concessioner, the Secretary may charge an admission fee at the System unit only to the extent that the total of the fee charged by the concessioner for access to the System unit and the admission fee does not exceed the maximum amount of the admission fee that could otherwise be imposed.

(f) COMMERCIAL TOUR USE FEES.—

(1) ESTABLISHMENT.—In the case of each System unit for which an admission fee is charged under this section, the Secretary shall establish a commercial tour use fee to be imposed on each vehicle entering the System unit for the purpose of providing commercial tour services within the System unit.

(2) AMOUNT.—The Secretary shall establish the amount of fee per entry as follows:

(A) Twenty-five dollars per vehicle with a passenger capacity of 25 individuals or less.

(B) Fifty dollars per vehicle with a passenger capacity of more than 25 individuals.

(3) ADJUSTMENTS.—The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) NONAPPLICABILITY.—The commercial tour use fee imposed under this subsection shall not apply to the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a System unit pursuant to a contract issued under subchapter II of chapter 1019 of this title.

(5) APPLICABILITY.—This subsection shall apply to aircraft entering the airspace of—

(A) Haleakalā Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint in Haleakalā National Park or of Grand Canyon National Park; or

(B) any other System unit for the specific purpose of providing commercial tour services if the Secretary determines that the level of the services is equal to or greater than the level at the System units specified in subparagraph (A).

§ 100905. Commercial filming

(a) COMMERCIAL FILMING FEE.—

(1) IN GENERAL.—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place in the System unit.

(B) The size of the film crew present in the System unit.

(C) The amount and type of equipment present in the System unit.

(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—

(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

§ 100906. Advisory committees

(a) ESTABLISHMENT.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may appoint and establish advisory committees in regard to the functions of the Service as the Secretary considers advisable.

(b) CHARTER EXCEPTION ON RENEWAL.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is waived with respect to any advisory commission or advisory committee established by law in connection with any System unit during the period for which the commission or committee is authorized by law.

(c) SERVICE OF MEMBERS.—Any member of any advisory commission or advisory committee established in connection with any System unit may serve after the expiration of the member's term until a successor is appointed.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of an advisory committee established under subsection (a) shall receive no compensation for their services as such but shall be allowed necessary travel expenses as authorized by section 5703 of title 5.

Chapter 1011—Donations

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Subchapter I—Authority of Secretary

§ 101101. Authority to accept land, rights-of-way, buildings, other property, and money

The Secretary in the administration of the Service may accept—

(1) patented land, rights-of-way over patented land or other land, buildings, or other property within a System unit; and

(2) money that may be donated for the purposes of the System.

§ 101102. Authority to accept and use funds to consolidate Federal land ownership

(a) IN GENERAL.—The Secretary may—

(1) accept and use funds that may be donated in order to consolidate Federal land ownership within the existing boundaries of any System unit; and

(2) encourage the donation of funds for that purpose, subject to the condition that donated funds are to be expended for purposes of this section only if Federal funds in an amount equal to the amount of the donated funds are appropriated for the purposes of this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year not more than $500,000 to match funds that are donated for those purposes.

Subchapter II—National Park Foundation

§ 101111. Purpose and establishment of Foundation

To encourage private gifts of real and personal property, or any income from, or other interest in, the property, for the benefit of, or in connection with, the Service, its activities, or its services, and thereby to further the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans, there is established a charitable and nonprofit corporation to be known as the National Park Foundation to accept and administer those gifts.

§ 101112. Board

(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members the Secretary, the Director, and no fewer than 6 private citizens of the United States appointed by the Secretary.

(b) TERM OF OFFICE AND VACANCIES.—The term of the private citizen members of the Board is 6 years. If a successor is chosen to fill a vacancy occurring prior to the expiration of a term, the successor shall be chosen only for the remainder of that term.

(c) CHAIRMAN AND SECRETARY.—The Secretary shall be the Chairman of the Board and the Director shall be the Secretary of the Board.

(d) BOARD MEMBERSHIP NOT AN OFFICE.—Membership on the Board shall not be an office within the meaning of the statutes of the United States.

(e) QUORUM.—A majority of the members of the Board serving at any time shall constitute a quorum for the transaction of business.

(f) SEAL.—The National Park Foundation shall have an official seal, which shall be judicially noticed.

(g) MEETINGS.—The Board shall meet at the call of the Chairman and there shall be at least one meeting each year.

(h) COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as members out of National Park Foundation funds available to the Board for those purposes.

§ 101113. Gifts, devises, or bequests

(a) AUTHORITY TO ACCEPT GIFTS, DEVISES, OR BEQUESTS.—

(1) IN GENERAL.—The National Park Foundation may accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust of real or personal property, or any income from, or other interest in, the gift, devise, or bequest, for the benefit of, or in connection with, the Service, its activities, or its services.

(2) GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RESTRICTED, OR SUBJECT TO BENEFICIAL INTERESTS.—A gift, devise, or bequest may be accepted by the National Park Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Service, its activities, or its services.

(b) WHEN GIFT, DEVISE, OR BEQUEST MAY NOT BE ACCEPTED.—The National Park Foundation may not accept any gift, devise, or bequest that entails any expenditure other than from the resources of the Foundation.

(c) INTEREST IN REAL PROPERTY.—For purposes of this section, an interest in real property includes easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

§ 101114. Disposition of property or income

(a) AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.—Except as otherwise required by the instrument of transfer, the National Park Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income from the property as the Board may determine.

(b) RESTRICTION.—The National Park Foundation shall not engage in any business or make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation.

(c) USE OF SERVICES AND FACILITIES OF THE DEPARTMENTS OF THE INTERIOR AND JUSTICE.—The National Park Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and the services and facilities may be made available on request to the extent practicable with or without reimbursement. Amounts reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which the account is authorized.

§ 101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance

(a) PERPETUAL SUCCESSION.—The National Park Foundation shall have perpetual succession.

(b) POWERS AND DUTIES OF TRUSTEE.—The National Park Foundation shall have all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name.

(c) PERSONAL LIABILITY OF BOARD MEMBERS.—The members of the Board shall not be personally liable, except for malfeasance.

§ 101116. Corporate powers

The National Park Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

§ 101117. Authority of Board

In carrying out this chapter, the Board may—

(1) adopt bylaws and regulations necessary for the administration of its functions; and

(2) contract for any necessary services.

§ 101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States

(a) TAX EXEMPTION.—The National Park Foundation and any income or property received or owned by it, and all transactions relating to that income or property, shall be exempt from all Federal, State, and local taxation.

(b) CONTRIBUTIONS IN LIEU OF TAXES.—The National Park Foundation may—

(1) contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay that government if it were not exempt from taxation by virtue of subsection (a) or by virtue of its being a charitable and nonprofit corporation; and

(2) agree to contribute with respect to property transferred to it and the income derived from the property if the agreement is a condition of the transfer.

(c) TRANSFERS DEEMED TO BE TO OR FOR THE USE OF UNITED STATES.—Contributions, gifts, and other transfers made to or for the use of the Foundation shall be deemed to be contributions, gifts, or transfers to or for the use of the United States.

§ 101119. Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the National Park Foundation.

§ 101120. Promotion of local fundraising support

(a) PROGRAM.—The National Park Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual System unit level.

(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

(1) assist in the creation of local nonprofit support organizations; and

(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

(c) PROGRAM.—The program under subsection (a)—

(1) shall include the greatest number of System units as is practicable; and

(2) at a minimum shall include—

(A) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a System unit;

(B) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual System units; and

(C) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

(d) ANNUAL REPORT.—The National Park Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

(e) AFFILIATIONS.—

(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the National Park Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the National Park Foundation.

(2) ESTABLISHMENT.—An affiliation with the National Park Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

Chapter 1013—Employees

Subchapter I—General Provisions

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Subchapter I—General Provisions

§ 101301. Maintenance management system

The Service shall implement a maintenance management system in the maintenance and operations programs of the System. The system shall include the following elements:

(1) A workload inventory of assets including detailed information that quantifies for all assets (including buildings, roads, utility systems, and grounds that must be maintained) the characteristics affecting the type of maintenance work performed.

(2) A set of maintenance tasks that describe the maintenance work in each System unit.

(3) A description of work standards including—

(A) frequency of maintenance;

(B) measurable quality standard to which assets should be maintained;

(C) methods for accomplishing work;

(D) required labor, equipment, and material resources; and

(E) expected worker production for each maintenance task.

(4) A work program and performance budget that develops an annual work plan identifying maintenance needs and financial resources to be devoted to each maintenance task.

(5) A work schedule that identifies and prioritizes tasks to be done in a specific time period and specifies required labor resources.

(6) Work orders specifying job authorizations and a record of work accomplished that can be used to record actual labor and material costs.

(7) Reports and special analyses that compare planned versus actual accomplishments and costs and that can be used to evaluate maintenance operations.

§ 101302. Authority of Secretary to carry out certain activities

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) TRANSPORTATION.—The Secretary may provide transportation of employees located at an isolated area of the System and to members of their families, if—

(1) the area is not adequately served by commercial transportation; and

(2) the transportation is incidental to official transportation services.

(c) RECREATION FACILITIES, EQUIPMENT, AND SERVICES.—The Secretary may provide recreation facilities, equipment, and services for use by employees and their families located at an isolated area of the System.

(d) FIELD AND SPECIAL PURPOSE EQUIPMENT.—The Secretary may purchase field and special purpose equipment required by employees for the performance of assigned functions. The purchased equipment shall be regarded and listed as System equipment.

(e) MEALS AND LODGING.—The Secretary may provide meals and lodging, as the Secretary considers appropriate, for members of the United States Park Police and other employees of the Service, as the Secretary may designate, serving temporarily on extended special duty in System units. For this purpose the Secretary may use funds appropriated for the expenses of the Department of the Interior.

§ 101303. Medical attention for employees

(a) IN GENERAL.—In the administration of the Service, the Secretary may contract for medical attention and service for employees and to make necessary payroll deductions agreed to by the employees for that medical attention and service.

(b) EMPLOYEES LOCATED AT ISOLATED SITUATIONS.—The Secretary may provide, out of amounts appropriated for the general expense of the System units, medical attention for employees of the Service located at isolated situations, including—

(1) moving the employees to hospitals or other places where medical assistance is available; and

(2) in case of death, to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

§ 101304. Personal equipment and property

(a) PURCHASE OF PERSONAL EQUIPMENT AND SUPPLIES.—The Secretary may purchase personal equipment and supplies for employees of the Service and make deductions for the equipment and supplies from amounts appropriated for salary payments or otherwise due the employees.

(b) LOST, DAMAGED, OR DESTROYED PROPERTY.—The Secretary, in the administration of the Service, may reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of the employee or the Department of the Interior, under authorization, contract, or loan, for necessary firefighting, trail, or other official business. Reimbursement shall be made from any available funds in the appropriation to which the hire of the equipment would be properly chargeable.

(c) EQUIPMENT REQUIRED TO BE FURNISHED BY FIELD EMPLOYEES.—The Secretary may—

(1) require field employees of the Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and

(2) provide, at Federal Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment required to be furnished.

(d) HIRE, RENTAL, AND PURCHASE OF PROPERTY.—The Secretary, under regulations the Secretary may prescribe, may authorize the hire, rental, or purchase of property from employees of the Service whenever it would promote the public interest to do so.

§ 101305. Travel expenses of System employees and dependents of deceased employees

In the administration of the System, the Secretary may, under regulations the Secretary may prescribe, pay the travel expenses (including the costs of packing, crating, and transporting (including draying) personal property) of—

(1) employees, on permanent change of station of the employees; and

(2) dependents of deceased employees—

(A) to the nearest housing reasonably available that is of a standard not less than that which is vacated, including compensation for not to exceed 60 days rental cost, in the case of an employee who occupied Federal Government housing and whose death requires the housing to be promptly vacated; and

(B) to the nearest port of entry in the conterminous 48 States in the case of an employee whose last permanent station was outside the conterminous 48 States.

Subchapter II—Service Career Development, Training, and Management

§ 101321. Service employee training

The Secretary shall develop a comprehensive training program for employees in all professional careers in the workforce of the Service for the purpose of ensuring that the workforce has available the best up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the System.

§ 101322. Management development and training

The Secretary shall maintain a clear plan for management training and development under which career professional Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into System unit management positions, including the position of superintendent of a System unit.

Subchapter III—Housing Improvement

§ 101331. Definitions

In this subchapter:

(1) FIELD EMPLOYEE.—The term ''field employee'' means—

(A) an employee of the Service who is exclusively assigned by the Service to perform duties at a field unit, and the members of the employee's family; and

(B) any other individual who is authorized to occupy Federal Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Federal Government housing, and the members of the individual's family.

(2) PRIMARY RESOURCE VALUES.—The term ''primary resource values'' means resources that are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(3) QUARTERS.—The term ''quarters'' means quarters owned or leased by the Federal Government.

(4) SEASONAL QUARTERS.—The term ''seasonal quarters'' means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

§ 101332. General authority of Secretary

(a) RENTAL HOUSING.—To enhance the ability of the Secretary, acting through the Director, to effectively manage System units, the Secretary may where necessary and justified—

(1) make available employee housing, on or off land under the administrative jurisdiction of the Service; and

(2) rent that housing to field employees at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(b) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(c) CONSTRUCTION LIMITATIONS ON FEDERAL LAND.—The Secretary may not utilize any land for the purposes of providing field employee housing under this subchapter that

will affect a primary resource value of the area or adversely affect the mission of the Service.

(d) RENTAL RATES.—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

§ 101333. Criteria for providing housing

The Secretary shall maintain criteria under which housing is provided to employees of the Service. The Secretary shall examine the criteria with respect to the circumstances under which the Service requires an employee to occupy Federal Government quarters, so as to provide necessary services or protect Federal Government property or because of a lack of availability of non-Federal housing in a geographic area.

§ 101334. Authorization for housing agreements

The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing agreements with housing entities under which the housing entities may develop, construct, rehabilitate, or manage housing, located on or off public land, for rent to Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this subchapter.

§ 101335. Housing programs

(a) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.—

(1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may lease—

(A) Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees, or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the Service and local applicable building codes and industry standards;

(C) shall contain additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents that the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that the lease will improve the quality and availability of field employee quarters.

(4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary may make payments, subject to appropriations, or contributions in kind, in advance or on a continuing basis, to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal land under a lease under this subsection.

(b) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease-to-build arrangement as set forth in subsection (a) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under the lease. A guarantee made under this paragraph shall be in writing.

(2) LIMITATIONS ON GUARANTEES.—

(A) SPECIFIC GUARANTEES.—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under the lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding guarantees shall not be in excess of $3,000,000.

(3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) OPERATION AND MAINTENANCE.—A lease shall be void if the lessee fails to maintain a satisfactory level of operation and maintenance.

§ 101336. Contracts for the management of field employee quarters

Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters. The contract shall contain terms and conditions that the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.

§ 101337. Leasing of seasonal employee quarters

(a) GENERAL AUTHORITY.—The Secretary may lease quarters at or near a System unit for use as seasonal quarters for field employees if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near the System unit and that—

(1) the requirement for the seasonal field employee quarters is temporary; or

(2) leasing would be more cost-effective than construction of new seasonal field employee quarters.

(b) RENT.—The rent charged to field employees under the lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

(c) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this section from annual appropriations for the year in which the lease is made.

§ 101338. General leasing provisions

(a) EXEMPTION FROM LEASING REQUIREMENTS.—Section 102901 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

(b) PROCEEDS FROM LEASES.—The proceeds from any lease under section 101335(a)(1) of this title and any lease under section 101337 of this title shall be retained by the Service and deposited in the special fund established for maintenance and operation of quarters.

§ 101339. Assessment and priority listing

The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of the housing and the necessity and suitability of the housing for carrying out the mission of the Service, using existing information; and

(2) develop a Service-wide priority listing, by structure, identifying the units in greatest need for repair, rehabilitation, replacement, or initial construction.

§ 101340. Use of funds

(a) EXPENDITURE SHALL FOLLOW PRIORITY LISTING.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this chapter shall follow the housing priority listing established by the Secretary under section 101339 of this title, in sequential order, to the maximum extent practicable.

(b) NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.—Each fiscal year the President's proposed budget to Congress shall include identification of nonconstruction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected.

Chapter 1015—Transportation

Subchapter I—Airports
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101501. Airports in or near System units.
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Subchapter IV—Fees
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Subchapter I—Airports

§ 101501. Airports in or near System units

(a) DEFINITIONS.—In this section, the terms ''airport'', ''project'', ''project costs'', ''public agency'', and ''sponsor'' have the meanings given the terms in section 47102 of title 49.

(b) ACQUISITION, OPERATION, AND MAINTENANCE OF AIRPORTS.—

(1) AUTHORIZATION.—The Secretary may plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, System units, when the Secretary determines that the airports are necessary to the proper performance of the functions of the Department of the Interior.

(2) INCLUSION IN NATIONAL PLAN.—The Secretary shall not acquire, establish, or construct an airport under this section unless the airport is included in the national plan of integrated airport systems formulated by the Secretary of Transportation pursuant to section 47103 of title 49.

(3) OPERATION AND MAINTENANCE MUST ACCORD WITH STANDARDS AND REGULATIONS OF SECRETARY OF TRANSPORTATION.—The operation and maintenance of airports under this section shall be in accordance with the standards and regulations prescribed by the Secretary of Transportation.

(c) AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—To carry out this section, the Secretary may—

(A) acquire necessary land and interests in or over land;

(B) contract for the construction, improvement, operation, and maintenance of airports and incidental facilities;

(C) enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by those agencies or jointly by the Secretary and those agencies on mutually satisfactory terms; and

(D) enter into other agreements and take other action with respect to the airports as may be necessary to carry out this section.

(2) CONSENT REQUIRED.—This section does not authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease, without first obtaining the consent of the Governor of the State, and the consent of the chief executive official of the State political subdivision, in which the land is located.

(d) AUTHORIZATION TO SPONSOR AIRPORT PROJECTS.—To carry out this section, the Secretary may—

(1) sponsor projects under subchapter I of chapter 471 of title 49 independently or jointly with other public agencies; and

(2) use, for payment of the sponsor's share of the project costs of those projects, any funds that may be—

(A) contributed or otherwise made available to the Secretary for those purposes; or

(B) appropriated or otherwise specifically authorized for that purpose.

(e) JURISDICTION OVER AIRPORTS.—All airports under the jurisdiction of the Secretary, unless otherwise specifically provided by law, shall be operated as public airports, available for public use on fair and reasonable terms and without unjust discrimination.

Subchapter II—Roads and Trails

§ 101511. Authority of Secretary

(a) ROADS AND TRAILS IN SYSTEM UNITS.—The Secretary may construct, reconstruct, and improve roads and trails, including bridges, in System units.

(b) APPROACH ROADS.—

(1) IN GENERAL.—

(A) DESIGNATION.—When the Secretary determines it to be in the public interest, the Secretary may designate, as System unit approach roads, roads whose primary value is to carry System unit travel and that lead across land at least 90 percent owned by the Federal Government and that will connect the highways within a System unit with a convenient point on or leading to the National Highway System.

(B) LIMIT ON LENGTH OF APPROACH ROADS.—

(i) IN GENERAL.—A designated approach road shall not exceed—

(I) 60 miles in length between a System unit gateway and a point on or leading to the nearest convenient National Highway System road; or

(II) 30 miles in length if the approach road is on the National Highway System.

(ii) COUNTY LIMIT.—Not to exceed 40 miles of any one approach road shall be designated in any one county.

(C) SUPPLEMENTARY PART OF SYSTEM UNIT HIGHWAY SYSTEM.—An approach road designated for a System unit shall be treated as a supplementary part of the highway system of the System unit.

(2) CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT.—

(A) IN GENERAL.—The Secretary may construct, reconstruct, and improve approach roads designated under paragraph (1) (including bridges) and enter into agreements for the maintenance of the approach roads by State or county authorities or to maintain the approach roads when otherwise necessary.

(B) ANNUAL ALLOCATION.—Not more than $1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of System unit approach roads.

(3) APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.—When an approach road is proposed under this section across or within any national forest, the Secretary shall secure the approval of the Secretary of Agriculture before construction begins.

(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—Under agreement with the Secretary, the Secretary of Transportation may carry out any provision of this section.

§ 101512. Conveyance to States of roads leading to certain historical areas

(a) DEFINITION.—In this section, the term ''State'' means a State, Puerto Rico, Guam, and the Virgin Islands.

(b) AUTHORITY OF SECRETARY.—The Secretary may, subject to conditions as seem proper to the Secretary, convey by proper quitclaim deed to any State, county, municipality, or agency of a State, county, or municipality in which the road is located, all right, title, and interest of the United States in and to any Federal Government owned or controlled road leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic site administered by the Service.

(c) NOTIFICATION BY STATE, AGENCY, OR MUNICIPALITY.—Prior to the delivery of any conveyance of a road under this section, the State, county, or municipality to which the conveyance is to be made shall notify the Secretary in writing of its willingness to accept and maintain the road.

(d) TRANSFER OF JURISDICTION.—On the execution and delivery of the conveyance of a road under this section, any jurisdiction previously ceded to the United States by a State over the road is retroceded and shall vest in the State in which the road is located.

Subchapter III—Public Transportation Programs for System Units

§ 101521. Transportation service and facility programs

(a) FORMULATION OF PLANS AND IMPLEMENTATION OF PROJECTS.—The Secretary may formulate transportation plans and implement transportation projects where feasible pursuant to those plans for System units.

(b) CONTRACTS, OPERATIONS, AND ACQUISITIONS FOR IMPROVEMENT OF ACCESS TO SYSTEM UNITS.—

(1) AUTHORITY OF SECRETARY.—To carry out subsection (a), the Secretary may—

(A) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to System units;

(B) operate those services directly in the absence of suitable and adequate agencies or carriers;

(C) acquire, by purchase, lease, or agreement, capital equipment for those services; and

(D) where necessary to carry out this subchapter, acquire, by lease, purchase, donation, exchange, or transfer, land, water, or an interest in land or water that is situated outside the boundary of a System unit.

(2) SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.—

(A) ADMINISTRATION.—The acquired property shall be administered as part of the System unit.

(B) ACQUISTION OF LAND OR INTERESTS IN LAND OWNED BY STATE OR POLITICAL SUBDIVISION.—Any land or interests in land owned by a State or any of its political subdivisions may be acquired only by donation.

(C) ACQUISITION SUBJECT TO STATUTORY LIMITATIONS.—Any land acquisition shall be subject to any statutory limitations on methods of acquisition and appropriations as may be specifically applicable to the area.

(c) ESTABLISHMENT OF INFORMATION PROGRAMS.—The Secretary shall establish information programs to inform the public of available System unit access opportunities and to promote the use of transportation modes other than personal motor vehicles for access to and travel within the System units.

(d) UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.—Transportation facilities and services provided pursuant to this subchapter may be undertaken by the Secretary directly or by contract without regard to any requirement of Federal, State, or local law respecting determinations of public convenience and necessity or other similar matters. The Secretary or contractor shall consult with the appropriate State or local public service commission or other body having authority to issue certificates of convenience and necessity. A contractor shall be subject to applicable requirements of that body unless the Secretary determines that the requirements would not be consistent with the purposes and provisions of this subchapter.

(e) CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.—No grant of authority in this subchapter shall be deemed to expand the exemption of section 13506(a)(9) of title 49.

§ 101522. Transportation projects

(a) ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES IN FORMULATION AND IMPLEMENTATION.—To carry out this subchapter, the Secretary of Transportation, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other Federal departments or agencies that the Secretary considers necessary shall assist the Secretary in the formulation and implementation of transportation projects.

(b) COMPILATION OF STATUTES AND PROGRAMS.—The Secretary shall maintain a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects that might be utilized by the Secretary to carry out this subchapter.

§ 101523. Procedures applicable to transportation plans and projects

(a) DURING FORMULATION OF PLAN.—The Secretary shall, during the formulation of any transportation plan authorized pursuant to section 101521 of this title—

(1) give public notice of intention to formulate the plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected System unit; and

(2) following the notice, hold a public meeting at a location convenient to the affected System unit.

(b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a), the Secretary shall—

(1) establish procedures, including public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and

(2) when the proposed project would involve an expenditure in excess of $100,000 in any fiscal year, submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) WAITING PERIOD.—When a report on a project is required under subsection (b)(2), the Secretary may proceed with the implementation of the project only after 60 days (not counting days on which the Senate or House of Representatives has adjourned for more than 3 consecutive days) have elapsed following submission of the report.

§ 101524. Special rule for service contract to provide transportation services

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a System unit shall be

not more than 10 years in length, including a base period of 5 years and annual extensions for up to an additional 5 years based on satisfactory performance and approval by the Secretary.

Subchapter IV—Fees

§ 101531. Fee for use of transportation services

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

Chapter 1017—Financial Agreements

Sec.
101701. Challenge cost-share agreement authority.
101702. Cooperative agreements.
101703. Cooperative management agreements.
101704. Reimbursable agreements.

§ 101701. Challenge cost-share agreement authority

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—The term ''challenge cost-share agreement'' means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any System unit or System program, any affiliated area, or any designated national scenic trail or national historic trail.

(2) COOPERATOR.—The term ''cooperator'' means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) AUTHORITY TO ENTER INTO CHALLENGE COST-SHARE AGREEMENTS.—The Secretary may negotiate and enter into challenge cost-share agreements with cooperators.

(c) SOURCE OF FEDERAL SHARE.—In carrying out challenge cost-share agreements, the Secretary may provide the Federal funding share from any funds available to the Service.

§ 101702. Cooperative agreements

(a) TRANSFER OF SERVICE APPROPRIATED FUNDS.—A cooperative agreement entered into by the Secretary that involves the transfer of Service appropriated funds to a State, local, or tribal government or other public entity, an educational institution, or a private nonprofit organization to carry out public purposes of a Service program is a cooperative agreement properly entered into under section 6305 of title 31.

(b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

(1) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may—

(A) enter into cooperative agreements with public or private educational institutions, States, and political subdivisions of States to develop adequate, coordinated, cooperative research and training programs concerning the resources of the System; and

(B) pursuant to an agreement, accept from and make available to the cooperator technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units that the Secretary considers appropriate.

(2) EFFECT OF SUBSECTION.—This subsection does not waive any requirements for research projects that are subject to Federal procurement regulations.

(c) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT OF LIVING EXHIBITS AND INTERPRETIVE DEMONSTRATIONS.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may—

(1) sell at fair market value, without regard to the requirements of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, products and services produced in the conduct of living exhibits and interpretive demonstrations in System units;

(2) enter into contracts, including cooperative arrangements, with respect to living exhibits and interpretive demonstrations in System units; and

(3) credit the proceeds from those sales and contracts to the appropriation bearing the cost of the exhibits and demonstrations.

(d) COOPERATIVE AGREEMENTS FOR SYSTEM UNIT NATURAL RESOURCE PROTECTION.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of System units through collaborative efforts on land inside and outside the System units.

(2) TERMS AND CONDITIONS.—A cooperative agreement entered into under paragraph (1) shall provide clear and direct benefits to System unit natural resources and—

(A) provide for—

(i) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(ii) preventing, controlling, or eradicating invasive exotic species that are within a System unit or adjacent to a System unit; or

(iii) restoration of natural resources, including native wildlife habitat or ecosystems;

(B) include a statement of purpose demonstrating how the agreement will—

(i) enhance science-based natural resource stewardship at the System unit; and

(ii) benefit the parties to the agreement;

(C) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the System unit that will—

(i) protect natural resources of the System unit; and

(ii) benefit the parties to the agreement;

(D) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(E) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(F) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a System unit; and

(G) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(3) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under paragraph (1) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

§ 101703. Cooperative management agreements

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

§ 101704. Reimbursable agreements

(a) IN GENERAL.—In carrying out work under reimbursable agreements with any State, local, or tribal government, the Secretary, without regard to any provision of law or a regulation—

(1) may record obligations against accounts receivable from those governments; and

(2) shall credit amounts received from those governments to the appropriate account.

(b) WHEN AMOUNTS SHALL BE CREDITED.—Amounts shall be credited within 90 days of the date of the original request by the Service for payment.

Chapter 1019—Concessions and Commercial Use Authorizations

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Subchapter I—Authority of Secretary

§ 101901. Utility services.

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may furnish, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of the services, within the System. The reimbursements for cost of the services may be credited to the appropriation current at the time reimbursements are received.

Subchapter II—Commercial Visitor Services

§ 101911. Definitions

In this subchapter:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the National Park Service Concessions Management Advisory Board established under section 101919 of this title.

(2) PREFERENTIAL RIGHT OF RENEWAL.—The term ''preferential right of renewal'' means the right of a concessioner, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 101912 of this title, to match the terms and conditions of any competing proposal that the Secretary determines to be the best proposal for a proposed new concession contract that authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

§ 101912. Findings and declaration of policy

(a) FINDINGS.—In furtherance of section 100101(a), Congress finds that the preservation and conservation of System unit resources and values requires that public accommodations, facilities, and services that have to be provided within those System units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair those resources and values; and

(2) development of public accommodations, facilities, and services within System units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System units.

(b) DECLARATION OF POLICY.—It is the policy of Congress that the development of public accommodations, facilities, and services in System units shall be limited to accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the System unit in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System unit.

§ 101913. Award of concession contracts

In furtherance of the findings and policy stated in section 101912 of this title, and except as provided by this subchapter or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to System units. Concession contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concession contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. The competitive process shall include simplified procedures for small, individually-owned entities seeking award of a concession contract.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concession contract (including renewals or extensions of existing concession contracts) the Secretary—

(A) shall publicly solicit proposals for the concession contract; and

(B) in connection with the solicitation, shall—

(i) prepare a prospectus and publish notice of its availability at least once in local or national newspapers or trade publications, by electronic means, or both, as appropriate; and

(ii) make the prospectus available on request to all interested persons.

(3) INFORMATION TO BE INCLUDED IN PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for the contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concession contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services that may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation due an existing concessioner from a new concessioner under the terms of a prior concession contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of those factors in the selection process.

(G) Other information related to the proposed concession operation that is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concession contract held by an existing concessioner as set forth in paragraph (7).

(4) CONSIDERATION OF PROPOSALS.—

(A) MINIMUM REQUIREMENTS.—No proposal shall be considered that fails to meet the minimum requirements as determined by the Secretary. The minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Federal Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the System unit.

(B) REJECTION OF PROPOSAL.—The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that—

(i) the person, corporation, or entity is not qualified or is not likely to provide satisfactory service; or

(ii) the proposal is not responsive to the objectives of protecting and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) ALL PROPOSALS FAIL TO MEET MIMIMUM REQUIREMENTS OR ARE REJECTED.—If all proposals submitted to the Secretary fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT INCORPORATED IN CONTRACT.—The Secretary may not execute a concession contract that materially amends or does not incorporate the proposed terms and conditions of the concession contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concession contract incorporating the material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—

(A) FACTORS IN SELECTION.—In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of the person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) SECONDARY FACTORS.—The Secretary may also consider such secondary factors as the Secretary considers appropriate.

(C) DEVELOPMENT OF REGULATIONS.—In developing regulations to implement this subchapter, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contract should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of more than 10 years to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) WAITING PERIOD.—The Secretary shall not award any proposed concession contract to which subparagraph (A) applies until at least 60 days subsequent to the notification of both Committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract.

(B) EXCEPTION.—The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concession contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) ENTITLEMENT TO AWARD OF NEW CONTRACT.—A concessioner that successfully exercises a preferential right of renewal in accordance with the requirements of this subchapter shall be entitled to award of the proposed new concession contract to which the preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—

(A) APPLICATION.—Paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), concession contracts that solely authorize the provision of specialized backcountry outdoor recreation guide services that require the employment of specially trained and experienced guides to accompany System unit visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in that activity.

(ii) Subject to subparagraph (C), concession contracts with anticipated annual gross receipts under $500,000.

(B) OUTFITTING AND GUIDE CONCESSIONERS.—

(i) DESCRIPTION.—Outfitting and guide concessioners, where otherwise qualified, include concessioners that provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences.

(ii) WHEN ENTITLED TO PREFERENTIAL RIGHT.—An outfitting and guide concessioner is entitled to a preferential right of renewal under this subchapter only if—

(I) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on land owned by the United States within a System unit, other than a capital improvement constructed by a concessioner pursuant to the terms of a concession contract prior to November 13, 1998, or constructed or owned by a concessioner or the concessioner's predecessor before the subject land was incorporated into the System;

(II) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(III) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS THAN $500,000.—A concessioner that holds a concession contract that the Secretary estimates will result in gross annual receipts of less than $500,000 if renewed shall be entitled to a preferential right of renewal under this subchapter if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a System unit.

(10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this subchapter shall be construed as limiting the authority of the Secretary to determine whether to issue a concession contract or to establish its terms and conditions in furtherance of the policies expressed in this subchapter.

(11) EXCEPTIONS.—Notwithstanding this section, the Secretary may award, without public solicitation, the following:

(A) TEMPORARY CONTRACT.—To avoid interruption of services to the public at a System unit, the Secretary may award a temporary concession contract or an extension of an existing concessions contract for a term not to exceed 3 years, except that prior to making the award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid the interruption.

(B) CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.—The Secretary may award a concession contract in extraordinary circumstances where compelling and equitable considerations require the award of a concession contract to a particular party in the public interest. Award of a concession contract under this subparagraph shall not be made by the Secretary until at least 30 days after—

(i) publication in the Federal Register of notice of the Secretary's intention to award the contract and the reasons for the action; and

(ii) submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

§ 101914. Term of concession contracts

A concession contract entered into pursuant to this subchapter shall generally be awarded for a term of 10 years or less. The Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

§ 101915. Protection of concessioner investment

(a) DEFINITIONS.—In this section:

(1) CAPITAL IMPROVEMENT.—The term ''capital improvement'' means a structure, a fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concession contract and located on land of the United States within a System unit.

(2) CONSUMER PRICE INDEX.—The term ''Consumer Price Index'' means—

(A) the ''Consumer Price Index—All Urban Consumers'' published by the Bureau of Labor Statistics of the Department of Labor; or

(B) if the Index is not published, another regularly published cost-of-living index approximating the Consumer Price Index.

(b) LEASEHOLD SURRENDER INTEREST IN CAPITAL IMPROVEMENTS.—A concessioner that constructs a capital improvement on land owned by the United States within a System unit pursuant to a concession contract shall have a leasehold surrender interest in the capital improvement subject to the following terms and conditions:

(1) IN GENERAL.—A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concession contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) PLEDGE AS SECURITY.—A leasehold surrender interest may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary pursuant to this subchapter.

(3) TRANSFER AND RELINQUISHMENT OR WAIVER OF INTEREST.—A leasehold surrender interest shall be transferred by the concessioner in connection with any transfer of the concession contract and may be relinquished or waived by the concessioner.

(4) LIMIT ON EXTINGUISHING OR TAKING INTEREST.—A leasehold surrender interest shall not be extinguished by the expiration or other termination of a concession contract and may not be taken for public use except on payment of just compensation.

(5) VALUE OF INTEREST.—The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) by the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(6) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CONTRACTS.—

(A) HOW VALUE IS DETERMINED.—The Secretary may provide, in any new concession contract that the Secretary estimates will have a leasehold surrender interest of more than $10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on—

(i) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on November 12, 1998; or

(ii) an alternative formula that is consistent with the objectives of this subchapter.

(B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Secretary may use an alternative formula under subparagraph (A)(ii) only if the Secretary determines, after scrutiny of the financial and other circumstances involved in the particular concession contract (including providing notice in the Federal Register and opportunity for comment), that the alternative formula is, compared to the standard method of determining value provided for in paragraph (5), necessary to provide a fair return to the Federal Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes the alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (5).

(7) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of the additional capital improvement shall be added to the then-current value of the concessioner's leasehold surrender interest.

(c) SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NOVEMBER 13, 1998.—

(1) IN GENERAL.—A concessioner that has obtained a possessory interest (as defined pursuant to the Act of October 9, 1965 (known as the National Park Service Concessions Policy Act; Public Law 89–249, 79 Stat. 969), as in effect on November 12, 1998) under the terms of a concession contract entered into before November 13, 1998, shall, on the expiration or termination of the concession contract, be entitled to receive compensation for the possessory interest improvements in the amount and manner as described by the concession contract. Where that possessory interest is not described in the existing concession contract, compensation of possessory interest shall be determined in accordance with the laws in effect on November 12, 1998.

(2) EXISTING CONCESSIONER AWARDED A NEW CONTRACT.—A concessioner awarded a new concession contract to replace an existing concession contract after November 13, 1998,

instead of directly receiving the possessory interest compensation, shall have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new concession contract and shall carry over as the initial value of the leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract. In the event of a dispute between the concessioner and the Secretary as to the value of the possessory interest, the matter shall be resolved through binding arbitration.

(3) NEW CONCESSIONER AWARDED A CONTRACT.—A new concessioner awarded a concession contract and required to pay a prior concessioner for possessory interest in prior improvements shall have a leasehold surrender interest in the prior improvements. The initial value in the leasehold surrender interest (instead of construction cost) shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract.

(4) DE NOVO REVIEW OF VALUE DETERMINATION.—If the Secretary, or either party to a value determination proceeding conducted under a Service concession contract issued before November 13, 1998, considers that the value determination decision issued pursuant to the proceeding misinterprets or misapplies relevant contractual requirements or their underlying legal authority, the Secretary or either party may seek, within 180 days after the date of the decision, de novo review of the value determination decision by the United States Court of Federal Claims. The Court of Federal Claims may make an order affirming, vacating, modifying or correcting the determination decision.

(d) TRANSITION TO SUCCESSOR CONCESSIONER.—On expiration or termination of a concession contract entered into after November 13, 1998, a concessioner shall be entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of the expiration or termination. A successor concessioner shall have a leasehold surrender interest in the capital improvement under the terms of a new concession contract and the initial value of the leasehold surrender interest in the capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

(e) TITLE TO IMPROVEMENTS.—Title to any capital improvement constructed by a concessioner on land owned by the United States in a System unit shall be vested in the United States.

§ 101916. Reasonableness of rates and charges

(a) IN GENERAL.—A concession contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—

(1) FACTORS TO CONSIDER.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the concession contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary:

(A) Length of season.

(B) Peakloads.

(C) Average percentage of occupancy.

(D) Accessibility.

(E) Availability and costs of labor and materials.

(F) Type of patronage.

(2) RATES AND CHARGES NOT TO EXCEED MARKET RATES AND CHARGES.—Rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in paragraph (1).

(c) IMPLEMENTATION OF RECOMMENDATIONS.— Not later than 6 months after receiving recommendations from the Advisory Board regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to Congress the reasons for not implementing the recommendations.

§ 101917. Franchise fees

(a) IN GENERAL.—A concession contract shall provide for payment to the Federal Government of a franchise fee or other monetary consideration as determined by the Secretary, on consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Probable value shall be based on a reasonable opportunity for net profit in relation to capital invested and the obligations of the concession contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving System units and of providing necessary and appropriate services for visitors at reasonable rates.

(b) PROVISIONS TO BE SPECIFIED IN CONTRACT.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract shall be specified in the concession contract and may be modified only to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the concession contract. The Secretary shall include in concession contracts with a term of more than 5 years a provision that allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of extraordinary unanticipated changes. The provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree on an adjustment to the franchise fee in those circumstances.

(c) SPECIAL ACCOUNT IN TREASURY.—

(1) DEPOSIT AND AVAILABILITY.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concession contracts shall be deposited in a special account established in the Treasury. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the System regardless of the System unit in which the funds were collected. The funds deposited in the special account shall remain available until expended.

(2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be established within the special account a subaccount for each System unit. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single System unit under concession contracts. The funds credited to the subaccount for a System unit shall be available for expenditure by the Secretary, without further appropriation, for use at the System unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

§ 101918. Transfer or conveyance of concession contracts or leasehold surrender interests

(a) APPROVAL OF SECRETARY.—No concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) CONDITIONS.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation, or other entity seeking to acquire a concession contract is not qualified or able to satisfy the terms and conditions of the concession contract;

(2) the transfer or conveyance would have an adverse impact on—

(A) the protection, conservation, or preservation of the resources of the System unit; or

(B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of the transfer or conveyance are likely, directly or indirectly, to—

(A) reduce the concessioner's opportunity for a reasonable profit over the remaining term of the concession contract;

(B) adversely affect the quality of facilities and services provided by the concessioner; or

(C) result in a need for increased rates and charges to the public to maintain the quality of the facilities and services.

(c) MODIFICATION OR RENEGOTIATION OF TERMS.—The terms and conditions of any concession contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a) unless the transfer or conveyance would have an adverse impact as described in subsection (b)(2).

§ 101919. National Park Service Concessions Management Advisory Board

(a) ESTABLISHMENT AND PURPOSE.—There is a National Park Service Concessions Management Advisory Board whose purpose shall be to advise the Secretary and Service on matters relating to management of concessions in the System.

(b) DUTIES.—

(1) ADVICE.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to ensure that services and facilities provided by concessioners—

(i) are necessary and appropriate;

(ii) meet acceptable standards at reasonable rates with a minimum of impact on System unit resources and values; and

(iii) provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make Service concession programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) The Service contracting with the private sector to conduct appropriate elements of concession management.

(B) Ways to make the review or approval of concessioner rates and charges to the public more efficient, less burdensome, and timelier.

(C) The nature and scope of products that qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within the meaning of this subchapter.

(D) The allocation of concession fees.

(3) ANNUAL REPORT.—The Advisory Board shall provide an annual report on its activities to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than 7 individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a Service concession. Of the 7 members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concession business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be deemed to be service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or other comparable provisions of Federal law.

(e) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2009. In all other respects, it shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

§ 101920. Contracting for services

(a) CONTRACTING AUTHORIZED.—

(1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO MAXIMUM EXTENT PRACTICABLE.—To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in elements of the management of the Service concession program considered by the Secretary to be suitable for non-Federal performance. Those management elements shall include each of the following:

(A) Health and safety inspections.

(B) Quality control of concession operations and facilities.

(C) Strategic capital planning for concession facilities.

(D) Analysis of rates and charges to the public.

(2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for Service concession contracts.

(B) Development of guidelines for a System capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this subchapter and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title. The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the Service concessions program under this section.

§ 101921. Multiple contracts within a System unit

If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a System unit, the Secretary shall establish a comparable franchise fee structure for those contracts or similar contracts, except that the terms and conditions of any existing concession contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

§ 101922. Use of nonmonetary consideration in concession contracts

Section 1302 of title 40 shall not apply to concession contracts awarded by the Secretary pursuant to this subchapter.

§ 101923. Recordkeeping requirements

(a) IN GENERAL.—A concessioner and any subconcessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of a concession contract have been and are being faithfully performed. The Secretary and any authorized representative of the Secretary shall, for the purpose of audit and examination, have access to those records and to other records of the concessioner or subconcessioner pertinent to the concession contract and all terms and conditions of the concession contract.

(b) ACCESS TO RECORDS BY COMPTROLLER GENERAL.—The Comptroller General and any authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent records described in subsection (a) of the concessioner or subconcessioner related to the contract involved.

§ 101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of System units is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where the trade does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of the purposes of subsection (a), the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this subchapter.

§ 101925. Commercial use authorizations

(a) IN GENERAL.—To the extent specified in this section, the Secretary, on request, may authorize a private person, corporation, or other entity to provide services to visitors to System units through a commercial use authorization. A commercial use authorization shall not be considered to be a concession contract under this subchapter and no other section of this subchapter shall be applicable to a commercial use authorization except where expressly stated.

(b) CRITERIA FOR ISSUANCE OF COMMERCIAL USE AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines—

(A) will have minimal impact on resources and values of a System unit; and

(B) are consistent with the purpose for which the System unit was established and with all applicable management plans and Service policies and regulations.

(2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of a commercial use authorization, the fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under a commercial use authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of System unit resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under a commercial use authorization;

(D) have no authority under this section to issue more commercial use authorizations than are consistent with the preservation and proper management of System unit resources and values; and

(E) shall establish other conditions for issuance of a commercial use authorization that the Secretary determines to be appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of System unit resources and values.

(c) LIMITATIONS.—Any commercial use authorization shall be limited to—

(1) commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a System unit pursuant to the commercial use authorization;

(2) the incidental use of resources of the System unit by commercial operations that provide services originating and terminating outside the boundaries of the System unit; or

(3)(A) uses by organized children's camps, outdoor clubs, and nonprofit institutions (including back country use); and

(B) other uses, as the Secretary determines to be appropriate.

(d) NONPROFIT INSTITUTIONS.—Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(e) PROHIBITION ON CONSTRUCTION.—A commercial use authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned land within the boundaries of a System unit.

(f) DURATION.—The term of any commercial use authorization shall not exceed 2

years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(g) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining a commercial use authorization shall not be precluded from submitting a proposal for concession contracts.

§ 101926. Regulations

(a) IN GENERAL.—The Secretary shall prescribe regulations appropriate for the implementation of this subchapter.

(b) CONTENTS.—The regulations—

(1) shall include appropriate provisions to ensure that concession services and facilities to be provided in a System unit are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below $500,000; and

(2) shall further define the term ''United States Indian, Alaskan Native, and Native Hawaiian handicrafts'' for the purposes of this subchapter.

Chapter 1021—Privileges and Leases

Sec.
102101. General provisions.
102102. Authority of Secretary to enter into lease for buildings and associated property.

§ 102101. General provisions

(a) LIMITATION.—

(1) NO LEASE OR GRANT OF A PRIVILEGE THAT INTERFERES WITH FREE ACCESS.—No natural curiosity, wonder, or object of interest shall be leased or granted to anyone on such terms as to interfere with free access by the public to any System unit.

(2) EXCEPTION FOR GRAZING LIVESTOCK.—The Secretary, under such regulations and on such terms as the Secretary may prescribe, may grant the privilege to graze livestock within a System unit when, in the Secretary's judgment, the use is not detrimental to the primary purpose for which the System unit was created. This paragraph does not apply to Yellowstone National Park.

(b) ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.—The Secretary may grant privileges and enter into leases described in subsection (a), and enter into related contracts with responsible persons, firms, or corporations, without advertising and without securing competitive bids.

(c) ASSIGNMENT OR TRANSFER.— No contract, lease, or privilege described in subsection (a) or (b) that is entered into or granted shall be assigned or transferred by the grantee, lessee, or licensee without the prior written approval of the Secretary.

§ 102102. Authority of Secretary to enter into lease for buildings and associated property

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, and except as provided in subsection (b) and subject to subsection (c), may enter into a lease with any person or government entity for the use of buildings and associated property administered by the Secretary as part of the System.

(b) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under subsection (a) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concession contract, commercial use authorization, or similar instrument.

(c) USE.—Buildings and associated property leased under subsection (a)—

(1) shall be used for an activity that is consistent with the purposes established by law for the System unit in which the building is located;

(2) shall not result in degradation of the purposes and values of the System unit; and

(3) shall be compatible with Service programs.

(d) RENTAL AMOUNTS.—

(1) IN GENERAL.—With respect to a lease under subsection (a)—

(A) payment of fair market value rental shall be required; and

(B) section 1302 of title 40 shall not apply.

(2) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

(e) SPECIAL ACCOUNT.—

(1) DEPOSITS.—Rental payments under a lease under subsection (a) shall be deposited in a special account in the Treasury.

(2) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at System units, including—

(A) facility refurbishment;

(B) repair and replacement;

(C) infrastructure projects associated with System unit resource protection; and

(D) direct maintenance of the leased buildings and associated property.

(3) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102701, and 102702 of this title.

(f) REGULATIONS.—The Secretary shall prescribe regulations implementing this section that include provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

Chapter 1023—Programs and Organizations

Sec.
102301. Volunteers in parks program.
102302. National Capital region arts and cultural affairs.
102303. National Park System Advisory Board.
102304. National Park Service Advisory Council.

§ 102301. Volunteers in parks program

(a) ESTABLISHMENT.—The Secretary may recruit, train, and accept, without regard to chapter 51 and subchapter III of chapter 53 of title 5 or regulations prescribed under that chapter or subchapter, the services of individuals without compensation as volunteers for or in aid of interpretive functions or other visitor services or activities in and related to System units and related areas. In accepting those services, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work or in policymaking processes, or to displace any employee. The services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

(b) INCIDENTAL EXPENSES.—The Secretary may provide for incidental expenses of volunteers, such as transportation, uniforms, lodging, and subsistence.

(c) FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.—

(1) EMPLOYMENT STATUS OF VOLUNTEERS.—Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) TORT CLAIMS.—For the purpose of sections 1346(b) and 2401(b) and chapter 171 of title 28, a volunteer under this chapter shall be deemed a Federal employee.

(3) VOLUNTEERS DEEMED CIVIL EMPLOYEES.—For the purposes of subchapter I of chapter 81 of title 5, volunteers under this chapter shall be deemed civil employees of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, and subchapter I of chapter 81 of title 5 shall apply.

(4) COMPENSATION FOR LOSSES AND DAMAGES.—For the purpose of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this chapter shall be deemed a Federal employee, and section 3721 of title 31 shall apply.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than $3,500,000 for each fiscal year.

§ 102302. National Capital region arts and cultural affairs

(a) ESTABLISHMENT.—There is under the direction of the Service a program to support and enhance artistic and cultural activities in the National Capital region.

(b) GRANT ELIGIBILITY.—

(1) ELIGIBLE ORGANIZATIONS.—Eligibility for grants shall be limited to organizations—

(A) that are of demonstrated national significance; and

(B) that meet at least 2 of the criteria stated in paragraph (2).

(2) CRITERIA.—The criteria referred to in paragraph (1) are the following:

(A) The organization has an annual operating budget in excess of $1,000,000.

(B) The organization has an annual audience or visitation of at least 200,000 people.

(C) The organization has a paid staff of at least 100 individuals.

(D) The organization is eligible under section 320102(f) of this title.

(3) ORGANIZATIONS NOT ELIGIBLE.—Public or private colleges and universities are not eligible for grants under the program under this section.

(c) USE OF GRANTS.—Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of $500,000 in a single year.

(d) RESPONSBILITIES OF DIRECTOR.—The Director shall—

(1) establish an application process;

(2) appoint a review panel of 5 qualified individuals, at least a majority of whom reside in the National Capital region; and

(3) develop other program guidelines and definitions as required.

(e) FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS.—The contractual amounts required for the support of Ford's Theater and Wolf Trap National Park for the Performing Arts shall be available within the amount provided in this section without regard to any other provision of this section.

§ 102303. National Park System Advisory Board

(a) DEFINITION.—In this section, the term ''Board'' means the National Park System Advisory Board established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park System Advisory Board, whose purpose is to advise the Director on matters relating to the Service, the System, and programs administered by the Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board.

(c) MEMBERSHIP.—

(1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board shall be appointed on

a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary.

(2) COMPOSITION.—The Board shall be composed of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the Service. At least 6 of the members shall have outstanding expertise in one or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or natural or cultural resources management. The remaining members shall have outstanding expertise in one or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning, or business management, important to the mission of the Service. At least one individual shall be a locally elected official from an area adjacent to a park.

(3) FIRST MEETING.—The Board shall hold its 1st meeting no later than 60 days after the date on which all members of the Board who are to be appointed have been appointed.

(4) VACANCY.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) COMPENSATION.—All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5. With the exception of travel and per diem, a member of the Board who otherwise is an officer or employee of the United States Government shall serve on the Board without additional compensation.

(d) DUTIES AND POWERS OF BOARD.—

(1) ADOPT RULES.—The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the Secretary on matters relating to the System, to other related areas, and to the administration of chapter 3201 of this title, including matters submitted to it for consideration by the Secretary, but it shall not be required to provide recommendations as to the suitability or desirability of surplus real and related personal property for use as a historic monument. The Board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. The Board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making the recommendations.

(3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Director, the Board is authorized to—

(A) hold such hearings and sit and act at such times;

(B) take such testimony;

(C) have such printing and binding done;

(D) enter into such contracts and other arrangements;

(E) make such expenditures; and

(F) take such other actions

as the Board may consider advisable.

(4) OATHS OR AFFIRMATIONS.—Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(5) COMMITTEES AND SUBCOMMITTEES.—The Board may establish committees or subcommittees. The subcommittees or committees shall be chaired by a voting member of the Board.

(6) USE OF MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

(e) STAFF.—The Secretary may hire 2 full-time staffers to meet the needs of the Board.

(f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member of the Board shall not be deemed service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties relating to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member or an employee of the Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or comparable provisions of Federal law.

(g) COOPERATION OF FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each office, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Board, on request made by a member of the Board.

(2) FACILITIES AND SERVICES.—On request of the Board, the head of any Federal department, agency, or instrumentality may make any of the facilities and services of the department, agency, or instrumentality available to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), with the exception of section 14(b), applies to the Board.

(i) TERMINATION.—The Board continues to exist until January 1, 2010.

§ 102304. National Park Service Advisory Council

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the National Park System Advisory Board established under section 102303 of this title.

(2) COUNCIL.—The term ''Council'' means the National Park Service Advisory Council established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park Service Advisory Council that shall provide advice and counsel to the Board.

(c) MEMBERSHIP.—

(1) ELIGIBILITY.—Membership on the Council shall be limited to individuals whose term on the Board has expired. Those individuals may serve as long as they remain active except that not more than 12 members may serve on the Council at any one time.

(2) COMPENSATION.—Members of the Council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members.

(d) VOTING RESTRICTION.—Members of the Council shall not have a vote on the Board.

Chapter 1025—Museums

Sec.
102501. Purpose.
102502. Definition of museum object.
102503. Authority of Secretary.
102504. Review and approval.

§ 102501. Purpose

The purpose of this chapter is to increase the public benefits from museums established within System units as a means of informing the public concerning the areas and preserving valuable objects and relics relating to the areas.

§ 102502. Definition of museum object

In this chapter:

(1) IN GENERAL.—The term ''museum object'' means an object that—

(A) typically is movable; and

(B) is eligible to be, or is made part of, a museum, library, or archive collection through a formal procedure, such as accessioning.

(2) INCLUSIONS.—The term ''museum object'' includes a prehistoric or historic artifact, work of art, book, document, photograph, or natural history specimen.

§ 102503. Authority of Secretary

(a) IN GENERAL.—Notwithstanding other provisions or limitations of law, the Secretary may perform the functions described in this section in the manner that the Secretary considers to be in the public interest.

(b) DONATIONS AND BEQUESTS.—The Secretary may accept donations and bequests of money or other personal property, and hold, use, expend, and administer the money or other personal property for purposes of this chapter.

(c) PURCHASES.—The Secretary may purchase museum objects and other personal property at prices that the Secretary considers to be reasonable.

(d) EXCHANGES.—The Secretary may make exchanges by accepting museum objects and other personal property and by granting in exchange for the museum objects or other personal property museum property under the administrative jurisdiction of the Secretary that no longer is needed or that may be held in duplicate among the museum properties administered by the Secretary. Exchanges shall be consummated on a basis that the Secretary considers to be equitable and in the public interest.

(e) ACCEPTANCE OF LOANS OF PROPERTY.—The Secretary may accept the loan of museum objects and other personal property and pay transportation costs incidental to the museum objects or other personal property. Loans shall be accepted on terms and conditions that the Secretary considers necessary.

(f) LOANS OF PROPERTY.—The Secretary may loan to responsible public or private organizations, institutions, or agencies, without cost to the United States, such museum objects and other personal property as the Secretary shall consider advisable. Loans shall be made on terms and conditions that the Secretary considers necessary to protect the public interest in those properties.

(g) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer museum objects that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects for the purposes of this chapter from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects directly to the administrative jurisdiction of the Secretary for the purpose of this chapter.

(h) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey museum objects that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary considers necessary, to private institutions exempt from

Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection and subsection (g).

(i) DESTRUCTION OF MUSEUM OBJECTS.—The Secretary may destroy or cause to be destroyed museum objects that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

§ 102504. Review and approval

The Secretary shall ensure that museum objects are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (g), (h), or (i) of section 102503 of this title, the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under those subsections.

Chapter 1027—Law Enforcement and Emergency Assistance

Subchapter I—Law Enforcement
Sec.
102701. Law enforcement personnel within System.
102702. Crime prevention assistance.
Subchapter II—Emergency Assistance
102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System.
102712. Aid to visitors, grantees, permittees, or licensees in emergencies.

Subchapter I—Law Enforcement

§ 102701. Law enforcement personnel within System

(a) OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR.—

(1) DESIGNATION AUTHORITY OF SECRETARY.—The Secretary, pursuant to standards prescribed in regulations by the Secretary, may designate certain officers or employees of the Department of the Interior who shall maintain law and order and protect individuals and property within System units.

(2) POWERS AND DUTIES OF DESIGNEES.—In the performance of the duties described in paragraph (1), the designated officers or employees may—

(A) carry firearms;

(B) make arrests without warrant for any offense against the United States committed in the presence of the officer or employee, or for any felony cognizable under the laws of the United States if the officer or employee has reasonable grounds to believe that the individual to be arrested has committed or is committing the felony, provided the arrests occur within the System or the individual to be arrested is fleeing from the System to avoid arrest;

(C) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in the System or, where the individual subject to the warrant or process is in the System, in connection with any Federal offense; and

(D) conduct investigations of offenses against the United States committed in the System in the absence of investigation of the offenses by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of the other agency.

(b) SPECIAL POLICE OFFICERS.—

(1) IN GENERAL.—The Secretary may designate officers and employees of any other Federal agency, or law enforcement personnel of a State or political subdivision of a State, when determined to be economical and in the public interest and with the concurrence of that agency, State, or subdivision, to—

(A) act as special police officers in System units when supplemental law enforcement personnel may be needed; and

(B) exercise the powers and authority provided by subparagraphs (A) to (D) of subsection (a)(2).

(2) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—The Secretary may—

(A) cooperate, within the System, with any State or political subdivision of a State in the enforcement of supervision of the laws or ordinances of that State or subdivision;

(B) mutually waive, in any agreement pursuant to subparagraph (A) and paragraph (1) or pursuant to subparagraphs (A) and (B) of subsection (a)(2) with any State or political subdivision of a State where State law requires the waiver and indemnification, all civil claims against all the other parties to the agreement and, subject to available appropriations, indemnify and save harmless the other parties to the agreement from all claims by third parties for property damage or personal injury, that may arise out of the parties' activities outside their respective jurisdictions under the agreement; and

(C) provide limited reimbursement, to a State or political subdivisions of a State, in accordance with such regulations as the Secretary may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the System, for expenditures incurred in connection with its activities within the System that were rendered pursuant to paragraph (1).

(3) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW ENFORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—Paragraphs (1) and (2) supplement the law enforcement responsibilities of the Service and do not authorize the delegation of law enforcement responsibilities of the Service to State or local governments.

(4) SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a law enforcement officer of a State or political subdivision of a State designated to act as a special police officer under paragraph (1) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(B) EXCEPTIONS.—A law enforcement officer of a State or political subdivision of a State, when acting as a special police officer under paragraph (1), is deemed to be—

(i) a Federal employee for purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28; and

(ii) a civil service employee of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, for purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, and the provisions of subchapter I of chapter 81 of title 5 shall apply.

(c) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMINAL JURISDICTION NOT PREEMPTED.—This section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102102, and 102702 of this title shall not be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the Service, and nothing shall be construed or applied to affect any right of a State or political subdivision of a State to exercise civil and criminal jurisdiction within the System.

§ 102702. Crime prevention assistance

(a) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the chief official responsible for law enforcement within the Service to—

(1) compile a list of System units with the highest rates of violent crime;

(2) make recommendations concerning capital improvements, and other measures, needed within the System to reduce the rates of violent crime, including the rate of sexual assault; and

(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

(b) DISTRIBUTION OF FUNDS.—Based on the recommendations and list issued pursuant to subsection (a), the Secretary shall distribute the funds authorized by subsection (d) throughout the System. Priority shall be given to areas with the highest rates of sexual assault.

(c) USE OF FUNDS.—Funds provided under this section may be used—

(1) to increase lighting within or adjacent to System units;

(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to System units;

(3) to increase security or law enforcement personnel within or adjacent to System units; or

(4) for any other project intended to increase the security and safety of System units.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Violent Crime Reduction Trust Fund not more than $10,000,000 for the Secretary to take all necessary actions to seek to reduce the incidence of violent crime in the System.

Subchapter II—Emergency Assistance

§ 102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System

To facilitate the administration of the System, the Secretary may use applicable appropriations for the System to render emergency rescue, firefighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside the System.

§ 102712. Aid to visitors, grantees, permittees, or licensees in emergencies

(a) VISITORS.—The Secretary may aid visitors within a System unit in an emergency, when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable the visitors to reach safely a point where food or supplies can be purchased. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for the purchase of similar food or supplies.

(b) GRANTEES, PERMITTEES, AND LICENSEES.—The Secretary may in an emergency, when no other source is available for the immediate procurement of supplies, materials, or special services, aid grantees, permittees, or licensees conducting operations for the benefit of the public in a System unit by the sale, at cost, including transportation and

handling, of supplies, materials, or special services as may be necessary to relieve the emergency and ensure uninterrupted service to the public. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for expenditure for System unit purposes.

Chapter 1029—Land Transfers

Sec.
102901. Conveyance of property and interests in property in System units or related areas.

§ 102901. Conveyance of property and interests in property in System units or related areas

(a) FREEHOLD AND LEASEHOLD INTERESTS.—With respect to any property acquired by the Secretary within a System unit or related area, except property within national parks or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest in the property, subject to such terms and conditions as will ensure the use of the property in a manner that is, in the judgment of the Secretary, consistent with the purpose for which the System unit or related area was authorized by Congress. The Secretary shall convey the interest to the highest bidder, in accordance with such regulations as the Secretary may prescribe. The conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary, except that if the conveyance is proposed within 2 years after the property to be conveyed is acquired by the Secretary, the Secretary shall allow the last owner of record of the property 30 days following the date on which the owner is notified by the Secretary in writing that the property is to be conveyed within which to notify the Secretary that the owner wishes to acquire the interest. On receiving the timely request, the Secretary shall convey the interest to the person, in accordance with such regulations as the Secretary may prescribe, on payment or agreement to pay an amount equal to the highest bid price.

(b) EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary may accept title to any non-Federal property or interest in property within a System unit or related area under the Secretary's administration in exchange for any Federally-owned property or interest under the Secretary's jurisdiction that the Secretary determines is suitable for exchange or other disposal and that is located in the same State as the non-Federal property to be acquired.

(2) EXCEPTION.—Timberland subject to harvest under a sustained yield program shall not be exchanged under paragraph (1).

(3) PUBLIC HEARING.—On request of a State or a political subdivision thereof, or of a party in interest, prior to an exchange under this subsection the Secretary shall hold a public hearing in the area where the properties to be exchanged are located.

(4) VALUES OF PROPERTIES EXCHANGED.—The values of the properties exchanged—

(A) shall be approximately equal; or

(B) if they are not approximately equal, shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary, as the circumstances require.

(c) PROCEEDS CREDITED TO LAND AND WATER CONSERVATION FUND.—The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund.

Chapter 1031—Appropriations and Accounting

Sec.
103101. Availability and use of appropriations.
103102. Appropriations authorized and available for certain purposes.
103103. Amounts provided by private entities for utility services.
103104. Recovery of costs associated with special use permits.

§ 103101. Availability and use of appropriations

(a) CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED FEDERAL GOVERNMENT EMPLOYEES IN THE FIELD.—Cash collections and payroll deductions made for meals and quarters furnished by the Service to employees of the Federal Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the System unit in which the accommodations are furnished.

(b) AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.—Appropriations made for the Service shall be available for any expenses incident to the preparation and recording of title evidence covering land to be donated to the United States for administration by the Service.

(c) USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.—

(1) IN GENERAL.—Funds, not to exceed $250,000 per incident, available to the Service may be used, with the approval of the Secretary, to—

(A) maintain law and order in emergency and other unforeseen law enforcement situations; and

(B) conduct emergency search and rescue operations in the System.

(2) REPLENISHMENT OF FUNDS.—If the Secretary expends funds under paragraph (1), the funds shall be replenished by a supplemental appropriation for which the Secretary shall make a request as promptly as possible.

(d) CONTRIBUTION FOR ANNUITY BENEFITS.—

(1) IN GENERAL.—Necessary amounts are appropriated for reimbursement, pursuant to the Policemen and Firemen's Retirement and Disability Act amendments of 1957 (Public Law 85–157, 71 Stat. 391), to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under section 12 of the Policemen and Firemen's Retirement and Disability Act (ch. 433, 39 Stat. 718), to the extent that those payments exceed contributions made by active Park Police members covered under the Policemen and Firemen's Retirement and Disability Act.

(2) NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.—Appropriations made to the Service are not available for the purpose of making reimbursements under paragraph (1).

(e) WATERPROOF FOOTWEAR.—Appropriations for the Service that are available for the purchase of equipment may be used for purchase of waterproof footwear, which shall be regarded and listed as System equipment.

§ 103102. Appropriations authorized and available for certain purposes

Appropriations for the Service are authorized and are available for—

(1) administration, protection, improvement, and maintenance of areas, under the jurisdiction of other Federal agencies, that are devoted to recreational use pursuant to cooperative agreements;

(2) necessary local transportation and subsistence in kind of individuals selected for employment or as cooperators, serving without other compensation, while attending fire protection training camps;

(3) administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal;

(4) educational lectures in or in the vicinity of and with respect to System units, and services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in System units as the Secretary may designate;

(5) travel expenses of employees attending—

(A) Federal Government camps for training in forest fire prevention and suppression;

(B) the Federal Bureau of Investigation National Police Academy; and

(C) Federal, State, or municipal schools for training in building fire prevention and suppression;

(6) investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of land or interests in land or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of System units;

(7) official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary; and

(8) provision of transportation for children in nearby communities to and from any System unit used in connection with organized recreation and interpretive programs of the Service.

§ 103103. Amounts provided by private entities for utility services

Notwithstanding any other provision of law, amounts provided to the Service by private entities for utility services shall be credited to the appropriate account and remain available until expended.

§ 103104. Recovery of costs associated with special use permits

Notwithstanding any other provision of law, the Service may recover all costs of providing necessary services associated with special use permits. The reimbursements shall be credited to the appropriation current at that time.

Chapter 1033—National Military Parks

Sec.
103301. Military maneuvers.
103302. Camps for military instruction.
103303. Performance of duties of commissions.
103304. Recovery of land withheld.
103305. Travel expenses incident to study of battlefields.
103306. Studies.

§ 103301. Military maneuvers

To obtain practical benefits of great value to the country from the establishment of national military parks, the parks and their approaches are declared to be national fields for military maneuvers for the Regular Army or Regular Air Force and the National Guard or militia of the States. National military parks shall be opened for those purposes only in the discretion of the Secretary, and under such regulations as the Secretary may prescribe.

§ 103302. Camps for military instruction

(a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The Secretary of the Army or Secretary of the Air Force, within the limits of appropriations that may be available for that purpose, may assemble in camp at such season of the year and for such period as the Secretary of the Army or Secretary of the Air Force may designate, at the field of military maneuvers, such portions of the military forces of the United States as the Secretary of the Army or Secretary of the Air Force may think best, to receive military instruction there. The Secretary of the Army of Secretary of the Air Force may detail instructors from the Regular Army or Regular Air Force, respectively, for those forces during their exercises.

(b) REGULATIONS.—The Secretary of the Army or Secretary of the Air Force may prescribe regulations governing the assembling of the National Guard or militia of the States on the maneuvering grounds.

§ 103303. Performance of duties of commissions

The duties of commissions in charge of national military parks shall be performed under the direction of the Secretary.

§ 103304. Recovery of land withheld

(a) CIVIL ACTION.—The United States may bring a civil action in the courts of the United States against a person to whom land lying within a national military park has been leased that refuses to give up possession of the land to the United States after the termination of the lease, and after possession has been demanded for the United States by the park superintendent, or against a person retaining possession of land lying within the boundary of a national military park that the person has sold to the United States for park purposes and received payment therefor, after possession of the land has been demanded for the United States by the park superintendent, to recover possession of the land withheld. The civil action shall be brought according to the statutes of the State in which the national military park is situated.

(b) TRESPASS.—A person described in subsection (a) shall be guilty of trespass.

§ 103305. Travel expenses incident to study of battlefields

Mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battlefields shall be paid from the appropriations made to meet expenses for those purposes.

§ 103306. Studies

(a) STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.—The Secretary of the Army may make studies and investigations and, where necessary, surveys of all battlefields within the continental limits of the United States on which troops of the United States or of the original 13 colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battlefields or other adjacent points of historic and military interest.

(b) INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN APPROPRIATION ESTIMATES.—The Secretary of the Army shall include annually in the Department of the Interior appropriation estimates a list of the battlefields for which surveys or other field investigations are planned for the fiscal year in question, with the estimated cost of making each survey or other field investigation.

(c) PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PURPOSES.—No real estate shall be purchased for national military park purposes by the Federal Government unless a report on the real estate has been made by the Secretary of the Army through the President to Congress under subsection (d).

(d) REPORT TO CONGRESS.—The Secretary of the Army, through the President, shall annually submit to Congress a detailed report of progress made under this subchapter, with recommendations for further operations.

Chapters 1035 through 1047—Reserved

Chapter 1049—Miscellaneous

Sec.
104901. Central warehouses at System units.
104902. Services or other accommodations for public.
104903. Care, removal, and burial of indigents.
104904. Hire of work animals, vehicles, and equipment with or without personal services.
104905. Preparation of mats for reproduction of photographs.
104906. Protection of right of individuals to bear arms.
104907. Limitation on extension or establishment of national parks in Wyoming.

§ 104901. Central warehouses at System units

(a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of the System, may maintain central warehouses at System units.

(b) APPROPRIATIONS.—

(1) AVAILABILITY.—Appropriations made for the administration, protection, maintenance, and improvement of System units shall be available for the purchase of supplies and materials to be kept in central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations.

(2) TRANSFERS BETWEEN APPROPRIATIONS.—

(A) AUTHORIZATION.—Transfers between the various appropriations made for System units are authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited.

(B) AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANSFERS IN SUBSEQUENT YEARS.—Supplies and materials that remain at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and shall be charged for by transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of System units for the fiscal year then current without decreasing the appropriations made for that fiscal year.

(c) LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.—Supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

§ 104902. Services or other accommodations for public

The Secretary may contract for services or other accommodations provided in System units for the public under contract with the Department of the Interior, as may be required in the administration of the Service, at rates approved by the Secretary for the furnishing of those services or accommodations to the Federal Government and without compliance with section 6101 of title 41.

§ 104903. Care, removal, and burial of indigents

The Secretary may provide, out of amounts appropriated for the general expenses of System units, for the temporary care and removal from a System unit of indigents, and in case of death to provide for their burial in System units not under local jurisdiction for these purposes. This section does not authorize transportation of indigents or deceased for a distance of more than 50 miles from the System unit.

§ 104904. Hire of work animals, vehicles, and equipment with or without personal services

The Secretary may hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary and without compliance with section 6101 of title 41.

§ 104905. Preparation of mats for reproduction of photographs

The Secretary shall prepare mats that may be used for the reproduction in magazines and newspapers of photographs of scenery in a System unit that, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. The mats may be furnished, without charge and under regulations the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications that may carry photographic reproductions.

§ 104906. Protection of right of individuals to bear arms

(a) FINDINGS.—Congress finds the following:

(1) The 2d amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at System units.

(4) The existence of different laws relating to the transportation and possession of firearms at different System units entrapped law-abiding gun owners while at System units.

(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in System units that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the Obama administration; and

(ii) may be altered.

(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 83,600,000 acres of System land.

(7) Federal laws should make it clear that the 2d amendment rights of an individual at a System unit should not be infringed.

(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYSTEM UNITS.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any System unit if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the System unit is located.

§ 104907. Limitation on extension or establishment of national parks in Wyoming

No extension or establishment of national parks in Wyoming may be undertaken except by express authorization of Congress.

Division B—System Units and Related Areas—Reserved

Subtitle II—Outdoor Recreation Programs

Chapter 2001—Coordination of Programs

Sec.
200101. Findings and declaration of policy.
200102. Definitions.
200103. Authority of Secretary to carry out certain functions and activities.
200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.

§ 200101. Findings and declaration of policy

Congress finds and declares it is desirable—

(1) that all American people of present and future generations be assured adequate outdoor recreation resources; and

(2) for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize those resources for the benefit and enjoyment of the American people.

§ 200102. Definitions

As used in this chapter:

(1) STATE.—The term ''State'', to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(2) UNITED STATES.—The term ''United States''—

(A) includes the District of Columbia; and

(B) to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200103. Authority of Secretary to carry out certain functions and activities

(a) IN GENERAL.—To carry out this chapter, the Secretary may perform the functions and activities described in this section.

(b) INVENTORY AND EVALUATION.—The Secretary may prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(c) CLASSIFICATION SYSTEM.—The Secretary may prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

(d) RECREATION PLAN.—The Secretary may formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall submit the plan to the President for transmittal to Congress. Revisions of the plan shall be similarly transmitted at succeeding 5-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the chief executive officials of the States.

(e) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

(f) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

(g) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.—The Secretary may—

(1) sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3324(a) and (b) of title 31 concerning advances of funds when the Secretary considers such action to be in the public interest;

(2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate the information without regard to section 3204 of title 39; and

(3) cooperate with educational institutions and others to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

(h) COOPERATION AND COORDINATION WITH FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may—

(A) cooperate with and provide technical assistance to Federal agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this chapter; and

(B) promote coordination of Federal plans and activities generally relating to outdoor recreation.

(2) FUNDING.—An agency furnishing advice or assistance under this paragraph may expend its own funds for those purposes, with or without reimbursement, as may be agreed to by that agency.

(i) DONATIONS.—The Secretary may accept and use donations of money, property, personal services, or facilities for the purposes of this chapter.

§ 200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan

To carry out the policy declared in section 200101 of this title, the heads of Federal agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, individually or as a group—

(1) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities that the Secretary carries on under authority of this chapter that are pertinent to their work; and

(2) carry out that responsibility in general conformance with the nationwide plan authorized under section 200103(d) of this title.

Chapter 2003—Land and Water Conservation Fund

Sec.
200301. Definitions.
200302. Establishment of Land and Water Conservation Fund.
200303. Appropriations for expenditure of Fund amounts.
200304. Statement of estimated requirements.
200305. Financial assistance to States.
200306. Allocation of Fund amounts for Federal purposes.
200307. Availability of Fund amounts for publicity purposes.
200308. Contracts for acquisition of land and water.
200309. Contracts for options to acquire land and water in System.
200310. Transfers to and from Fund.

§ 200301. Definitions

In this chapter:

(1) FUND.—The term ''Fund'' means the Land and Water Conservation Fund established under section 200302 of this title.

(2) STATE.—The term ''State'' means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200302. Establishment of Land and Water Conservation Fund

(a) ESTABLISHMENT.—There is established in the Treasury the Land and Water Conservation Fund.

(b) DEPOSITS.—During the period ending September 30, 2015, there shall be deposited in the Fund the following revenues and collections:

(1) All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of the provisions of law set forth in section 572(a) or 574(a) to (c) of title 40 or under authority of any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property) received from any disposal of surplus real property and related personal property under chapter 5 of title 40, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this chapter shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(2) The amounts provided for in section 200310 of this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than $900,000,000 for each fiscal year through September 30, 2015.

(2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To the extent that amounts appropriated under paragraph (1) are not sufficient to make the total annual income of the Fund equivalent to the amounts provided in paragraph (1), an amount sufficient to cover the remainder shall be credited to the Fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 200303 of this title, money deposited in the Fund under this subsection shall remain in the Fund until appropriated by Congress to carry out this chapter.

§ 200303. Appropriations for expenditure of Fund amounts

Amounts deposited in the Fund shall be available for expenditure for the purposes of this chapter only when appropriated for those purposes. The appropriations may be made without fiscal-year limitation. Amounts made available for obligation or expenditure from the Fund may be obligated or expended only as provided in this chapter.

§ 200304. Statement of estimated requirements

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Fund. Not less than 40 percent of such appropriations shall be available for Federal purposes.

§ 200305. Financial assistance to States

(a) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.—The Secretary may provide financial assistance to the States from amounts available for State purposes. Payments may be made to the States by the Secretary as provided in this section, subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter, for outdoor recreation:

(1) Planning.

(2) Acquisition of land, water, or interests in land or water.

(3) Development.

(b) APPORTIONMENT AMONG STATES.—Amounts appropriated and available for State purposes for each fiscal year shall be apportioned among the States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty percent of the 1st $225,000,000; 30 percent of the next $275,000,000; and 20 percent of all additional appropriations shall be apportioned equally among the States.

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in the Secretary's judgment will best accomplish the purposes of this chapter. The determination of need shall include consideration of—

(A) the proportion that the population of each State bears to the total population of the United States;

(B) the use of outdoor recreation resources of each State by persons from outside the State; and

(C) the Federal resources and programs in each State.

(3) The total allocation to a State under paragraphs (1) and (2) shall not exceed 10 percent of the total amount allocated to all of the States in any one year.

(4) The Secretary shall notify each State of its apportionments. The amounts shall be available for payment to the State for planning, acquisition, or development projects as prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given and for 2 fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) without regard to the 10 percent limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1), the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be deemed to be one State, and shall receive shares of the apportionment in proportion to their populations.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 percent of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with funds or services as shall be satisfactory to the Secretary.

(d) COMPREHENSIVE STATE PLAN.—

(1) REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this chapter. No plan shall be approved unless the chief executive official of the State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the chief executive official. The plan shall contain—

(A) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this chapter;

(B) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(C) a program for the implementation of the plan; and

(D) other necessary information, as determined by the Secretary.

(2) FACTORS TO BE CONSIDERED.—The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Secretary of Housing and Urban Development, any statewide outdoor recreation plan prepared for purposes of this part shall be based on the same population, growth, and other pertinent factors as are used in formulating plans financed by the Secretary of Housing and Urban Development.

(3) PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAILABLE OR TO MAINTAIN PLAN.—The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when the plan is not otherwise available or for the maintenance of the plan.

(4) WETLANDS.—A comprehensive statewide outdoor recreation plan shall specifically address wetlands within the State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921) or, if the national plan has not been completed, consistent with the provisions of that section.

(e) PROJECTS FOR LAND AND WATER ACQUISITION AND DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—

(1) IN GENERAL.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the types of projects described in paragraphs (2) and (3), or combinations of those projects, if the projects are in accordance with the State comprehensive plan.

(2) ACQUISITION OF LAND OR WATER.—

(A) IN GENERAL.—Under paragraph (1), the Secretary may provide financial assistance for a project for the acquisition of land, water, or an interest in land or water, or a wetland area or an interest in a wetland area, as identified in the wetlands provisions of the comprehensive plan (other than land, water, or an interest in land or water acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(B) RETENTION OF RIGHT OF USE AND OCCUPANCY.—When a State provides that the owner of a single-family residence may, at the owner's option, elect to retain a right of use and occupancy for not less than 6 months after the date of acquisition of the residence and the owner elects to retain such a right—

(i) the owner shall be deemed to have waived any benefits under sections 203 to 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623 to 4626); and

(ii) for the purposes of those sections the owner shall not be deemed to be a displaced person as defined in section 101 of that Act (42 U.S.C. 4601).

(3) DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—Under paragraph (1), the Secretary may provide financial assistance for a project for development of basic outdoor recreation facilities to serve the general public, including the development of Federal land under lease to States for terms of 25 years or more. No assistance shall be available under this chapter to enclose or shelter a facility normally used for an outdoor recreation activity, but the Secretary may permit local funding, not to exceed 10 percent of the total amount allocated to a State in any one year, to be used for construction of a sheltered facility for a swimming pool or ice skating rink in an area where the Secretary determines that the construction is justified by the severity of climatic conditions and the increased public use made possible by the construction.

(f) PAYMENTS.—

(1) CRITERIA FOR MAKING PAYMENTS.—The Secretary may make a payment to a State only for a planning, acquisition, or development project that is approved by the Secretary. The Secretary shall not make a payment for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance shall be given under any other Federal program or activity for or on account of any project with respect to which the assistance has been given or promised under this chapter. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of a project. The approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of all of the projects, and to operate and maintain by acceptable standards, at State expense, the properties or facilities acquired or developed for public outdoor recreation use.

(2) PAYMENT RECIPIENTS.—Payments for all projects shall be made by the Secretary to the chief executive official of the State or to a State official or agency designated by the chief executive official or by State law having authority and responsibility to accept and to administer funds paid under this section for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be made to any State until the State has agreed to—

(A) provide such reports to the Secretary in such form and containing such information as may be reasonably necessary to enable the Secretary to perform the Secretary's duties under this chapter; and

(B) provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting for Federal funds paid to the State under this chapter.

(g) RECORDS.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records that fully disclose—

(1) the amount and the disposition by the recipient of the proceeds of the assistance;

(2) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(3) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(h) ACCESS TO RECORDS.—The Secretary, and the Comptroller General, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

(i) PROHIBITION OF DISCRIMINATION.—With respect to property acquired or developed with assistance from the Fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(j) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in policies and actions under this chapter with other related Federal programs and activities and to ensure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities—

(1) the President may issue such regulations with respect thereto as the President considers desirable; and

(2) the assistance may be provided only in accordance with the regulations.

(k) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—

(1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed $15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

(A) increase lighting within or adjacent to public parks and recreation areas;

(B) provide emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

(C) increase security personnel within or adjacent to public parks and recreation areas; and

(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) ELIGIBILITY.—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall depend on a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) FEDERAL SHARE.—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by a State for the purposes described in this subsection.

§ 200306. Allocation of Fund amounts for Federal purposes

(a) ALLOWABLE PURPOSES AND SUBPURPOSES.—

(1) IN GENERAL.—Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.

(2) ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR WATER.—

(A) SYSTEM UNITS AND RECREATION AREAS ADMINISTERED FOR RECREATION PURPOSES.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of—

(i) a System unit authorized or established; and

(ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) NATIONAL FOREST SYSTEM.—

(i) IN GENERAL.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within—

(I) wilderness areas of the National Forest System; and

(II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) ADJACENT LAND.—Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

(iii) LIMITATION.—Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

(C) ENDANGERED SPECIES AND THREATENED SPECIES; FISH AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYSTEM.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for—

(i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));

(ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k–1);

(iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and

(iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas, prior to January 15, 1979, except that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the ceiling or $1,000,000, whichever is greater.

(b) ACQUISITION RESTRICTIONS.—Appropriations from the Fund pursuant to this section shall not be used for acquisition unless the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized.

§ 200307. Availability of Fund amounts for publicity purposes

(a) IN GENERAL.—Amounts derived from the sources listed in section 200302 of this title shall not be available for publicity purposes.

(b) EXCEPTION FOR TEMPORARY SIGNING.—In a case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Fund. The signing may indicate the percentage amounts and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes amounts derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of the signing to ensure consistency of design and application.

§ 200308. Contracts for acquisition of land and water

Not more than $30,000,000 of the amount authorized to be appropriated from the Fund by section 200303 of this title may be obligated by contract during each fiscal year for the acquisition of land, water, or interest in land or water within areas specified in section 200306(a)(2) of this title. The contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary. The contract shall be a contractual obligation of the United States and shall be liquidated with money appropriated from the Fund specifically for liquidation of that contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless the acquisition is otherwise authorized by Federal law.

§ 200309. Contracts for options to acquire land and water in System

The Secretary may enter into contracts for options to acquire land, water, or interests in land or water within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the System. The minimum period of any such option shall be 2 years, and any sums expended for the purchase of an option shall be credited to the purchase price of the area. Not more than $500,000 of the sum authorized to be appropriated from the Fund by section 200303 of this title may be expended by the Secretary in any one fiscal year for the options.

§ 200310. Transfers to and from Fund

(a) MOTORBOAT FUEL TAXES.—There shall be set aside in the Fund the amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(B)).

(b) REFUNDS OF TAXES.—There shall be paid from time to time from the Fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before October 1, 2017, under section 6421 of the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 2016; and

(2) 80 percent of the floor stocks refunds made before October 1, 2017, under section 6412(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motorboats.

Chapter 2005—Urban Park and Recreation Recovery Program

Sec.
200501. Definitions.
200502. Federal assistance.
200503. Rehabilitation grants and innovation grants.
200504. Recovery action programs.
200505. State action.
200506. Non-Federal share of project costs.
200507. Conversion of recreation property.
200508. Coordination of program.
200509. Recordkeeping.
200510. Inapplicability of matching provisions.
200511. Funding limitations.

§ 200501. Definitions

In this chapter:

(1) AT-RISK YOUTH RECREATION GRANT.—

(A) IN GENERAL.—The term ''at-risk youth recreation grant'' means a grant in a neighborhood or community with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders.

(B) INCLUSIONS.—The term ''at-risk youth recreation grant'' includes—

(i) a rehabilitation grant;

(ii) an innovation grant; and

(iii) a matching grant for continuing program support for a program of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including a grant for operating, or coordinating, a recreation program or service.

(C) ADDITIONAL USES OF REHABILITATION GRANT.—In addition to the purposes specified in paragraph (8), a rehabilitation grant that serves as an at-risk youth recreation grant may be used for the provision of lighting, emergency phones, or any other capital improvement that will improve the security of an urban park.

(2) GENERAL PURPOSE LOCAL GOVERNMENT.—The term ''general purpose local government'' means—

(A) a city, county, town, township, village, or other general purpose political subdivision of a State; and

(B) the District of Columbia.

(3) INNOVATION GRANT.—The term ''innovation grant'' means a matching grant to a local government to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative and cost-effective ways to augment park and recreation opportunities at the neighborhood level and to address common problems related to facility operations and improved delivery of recreation service, not including routine operation and maintenance activities.

(4) MAINTENANCE.—The term ''maintenance'' means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear.

(5) PRIVATE, NONPROFIT AGENCY.—The term ''private, nonprofit agency'' means a community-based, nonprofit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on a neighborhood or communitywide basis through voluntary donations, voluntary labor, or public or private grants.

(6) RECOVERY ACTION PROGRAM GRANT.—

(A) IN GENERAL.—The term ''recovery action program grant'' means a matching grant to a local government for development of local park and recreation recovery action programs to meet the requirements of this chapter.

(B) USE.—A recovery action program grant shall be used for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to—

(i) encourage public definition of goals; and

(ii) develop priorities and strategies for overall recreation system recovery.

(7) RECREATION AREA OR FACILITY.—The term ''recreation area or facility'' means an indoor or outdoor park, building, site, or other facility that is dedicated to recreation purposes and administered by a public or private nonprofit agency to serve the recreation needs of community residents. Emphasis shall be on public facilities readily accessible to residential neighborhoods, including multiple-use community centers that have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas, and conference halls used primarily for commercial sports, spectator, or display activities.

(8) REHABILITATION GRANT.—The term ''rehabilitation grant'' means a matching capital grant to a local government for rebuilding, remodeling, expanding, or developing an existing outdoor or indoor recreation area or facility, including improvements in park landscapes, buildings, and support facilities, but excluding routine maintenance and upkeep activities.

(9) SPECIAL PURPOSE LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''special purpose local government'' means a local or regional special district, public-purpose corporation, or other limited political subdivision of a State.

(B) INCLUSIONS.—The term ''special purpose local government'' includes—

(i) a park authority;

(ii) a park, conservation, water, or sanitary district; and

(iii) a school district.

(10) STATE.—The term ''State'' means a State, an instrumentality of a State approved by the Governor of the State, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200502. Federal assistance

(a) ELIGIBILITY DETERMINED BY SECRETARY.—Eligibility of general purpose local governments for assistance under this chapter shall be based on need as determined by the Secretary. The Secretary shall publish in the Federal Register a list of local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Criteria shall be based on factors that the Secretary determines are related to deteriorated recreational facilities or systems and physical and economic distress.

(b) ADDITIONAL ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.—In addition to eligible local governments established in accordance with subsection (a), the Secretary may establish eligibility, in accord with the findings and purpose of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–625, 92 Stat. 3538), of other general purpose local governments in metropolitan statistical areas as defined by the Director of the Office of Management and Budget.

(c) PRIORITY CRITERIA FOR PROJECT SELECTION AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall establish priority criteria for project selection and approval that consider such factors as—

(A) population;

(B) condition of existing recreation areas and facilities;

(C) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority and low- and moderate-income residents;

(D) public participation in determining rehabilitation or development needs;

(E) the extent to which a project supports or complements target activities undertaken as part of a local government's overall community development and urban revitalization program;

(F) the extent to which a proposed project would provide—

(i) employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood;

(ii) for participation of neighborhood, nonprofit, or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities; or

(iii) both; and

(G) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.

(2) AT-RISK YOUTH RECREATION GRANTS.—For at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

(A) Programs that are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

(B) Programs that teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

(C) Programs that offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

(D) Programs that offer services during late night or other nonschool hours.

(E) Programs that demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

(F) Programs that leverage public or private recreation investments in the form of services, materials, or cash.

(G) Programs that show the greatest potential of being continued with non-Federal funds or that can serve as models for other communities.

(d) LIMITATION OF FUNDS.—Grants to discretionary applicants under subsection (b) may not be more than 15 percent of the total amount of funds appropriated under this chapter for rehabilitation grants, innovation grants, and recovery action program grants.

§ 200503. Rehabilitation grants and innovation grants

(a) MATCHING GRANTS.—The Secretary may provide 70 percent matching rehabilitation grants and innovation grants directly to eligible general purpose local governments on the Secretary's approval of applications for the grants by the chief executive officials of those governments.

(b) SPECIAL CONSIDERATIONS.—An innovation grant should be closely tied to goals, priorities, and implementation strategies expressed in local park and recreation recovery action programs, with particular regard to the special considerations listed in section 200504(c)(2) of this title.

(c) TRANSFER.—If consistent with an approved application, a grant recipient may transfer a rehabilitation grant or innovation grant in whole or in part to an independent special purpose local government, private nonprofit agency, or county or regional park authority if the assisted recreation area or facility owned or managed by the transferree offers recreation opportunities to the general population within the jurisdictional boundaries of the grant recipient.

(d) PAYMENTS.—Payments may be made only for a rehabilitation project or innovation project that has been approved by the Secretary. Payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of the project, except that the Secretary, when appropriate, may make advance payments on an approved rehabilitation project

or innovation project in an amount not to exceed 20 percent of the total project cost.

(e) MODIFICATION OF PROJECT.—The Secretary may authorize modification of an approved project only when a grant recipient adequately demonstrates that the modification is necessary because of circumstances not foreseeable at the time at which the project was proposed.

§ 200504. Recovery action programs

(a) EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.—As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs that maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government submissions of preliminary action programs that briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a 5-year action program for park and recreation recovery that satisfactorily demonstrates—

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) the capacity and commitment to ensure that facilities provided or improved under this chapter shall continue to be adequately maintained, protected, staffed, and supervised;

(4) the intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those in the year preceding that in which grant assistance is sought except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

(b) CONTINUING PLANNING PROCESS.—Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process that includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

(c) SPECIAL CONSIDERATIONS.—Action programs shall address, but are not limited to—

(1) rehabilitation of existing recreational areas and facilities, including—

(A) general systemwide renovation;

(B) special rehabilitation requirements for recreational areas and facilities in areas of high population concentration and economic distress; and

(C) restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance; and

(2) local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including—

(A) recycling of abandoned schools and other public buildings for recreational purposes;

(B) multiple use of operating educational and other public buildings, purchase of recreation services on a contractual basis;

(C) use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents;

(D) integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights of way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate;

(E) conversion of recreation use of street space, derelict land, and other public land not now designated for neighborhood recreational use; and

(F) use of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

(d) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs.

(e) ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.—To be eligible to receive at-risk youth recreation grants a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.

(f) MATCHING RECOVERY ACTION PROGRAM GRANTS.—The Secretary may provide up to 50 percent matching recovery action program grants to eligible local governments for program development and planning specifically to meet the objectives of this chapter.

§ 200505. State action

(a) ADDITIONAL MATCH.—The Secretary may increase rehabilitation grants or innovation grants authorized in section 200503 of this title by providing an additional match equal to the total match provided by a State of up to 15 percent of total project costs. The Federal matching amount shall not exceed 85 percent of total project cost.

(b) ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.—The Secretary shall encourage States to assist the Secretary in ensuring—

(1) that local recovery plans and programs are adequately implemented by cooperating with the Secretary in monitoring local park and recreation recovery plans and programs; and

(2) consistency of the plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.

§ 200506. Non-Federal share of project costs

(a) SOURCES.—

(1) ALLOWABLE SOURCES.—The non-Federal share of project costs assisted under this chapter may be derived from general or special purpose State or local revenues, State categorical grants, special appropriations by State legislatures, donations of land, buildings, or building materials, and in-kind construction, technical, and planning services. Reasonable local costs of recovery action program development to meet the requirements of section 200504(a) of this title may be used as part of the local match only when the local government has not received a recovery action program grant.

(2) NON-ALLOWABLE SOURCES.—No amount from the Land and Water Conservation Fund or from any other Federal grant program other than the community development block grant programs shall be used to match Federal grants under this program.

(b) ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.—The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.

§ 200507. Conversion of recreation property

No property improved or developed with assistance under this chapter shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such a conversion only if the Secretary finds it to be in accord with the then-current local park and recreation recovery action program and only on such conditions as the Secretary considers necessary to ensure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

§ 200508. Coordination of program

The Secretary shall—

(1) coordinate the urban park and recreation recovery program with the total urban recovery effort and cooperate to the fullest extent possible with other Federal agencies and with State agencies that administer programs and policies affecting urban areas, including programs in housing, urban development, natural resources management, employment, transportation, community services, and voluntary action;

(2) encourage maximum coordination of the program between State agencies and local applicants; and

(3) require that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in recovery planning and project selection.

§ 200509. Recordkeeping

(a) IN GENERAL.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including—

(1) records that disclose—

(A) the amount and disposition of project undertakings in connection with which assistance under this chapter is given or used; and

(B) the amount and nature of the portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

§ 200510. Inapplicability of matching provisions

Amounts authorized for Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands are not subject to the matching provisions of this chapter, and may be subject only to such conditions, reports, plans, and agreements, if any, as the Secretary may determine.

§ 200511. Funding limitations

(a) LIMITATION OF FUNDS.—The amount of grants made under this chapter for projects in any one State for any fiscal year shall not be more than 15 percent of the amount made available for grants to all of the States for that fiscal year.

(b) RECOVERY ACTION PROGRAM GRANTS.—Not more than 3 percent of the amount made

available for grants under this chapter for a fiscal year shall be used for recovery action program grants.

(c) INNOVATION GRANTS.—Not more than 10 percent of the amount made available for grants under this chapter for a fiscal year shall be used for innovation grants.

(d) PROGRAM SUPPORT.—Not more than 25 percent of the amount made available under this chapter to any local government shall be used for program support.

(e) NO LAND ACQUISITION.—No funds made available under this chapter shall be used for the acquisition of land or an interest in land.

Subtitle III—National Preservation Programs

Division A—Historic Preservation

Subdivision 1—General Provisions

Chapter 3001—Policy

Sec.
300101. Policy.

§ 300101. Policy

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;

(3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

Chapter 3003—Definitions

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300301. Agency.
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§ 300301. Agency

In this division, the term ''agency'' has the meaning given the term in section 551 of title 5.

§ 300302. Certified local government

In this division, the term ''certified local government'' means a local government whose local historic preservation program is certified pursuant to chapter 3025 of this title.

§ 300303. Council

In this division, the term ''Council'' means the Advisory Council on Historic Preservation established by section 304101 of this title.

§ 300304. Cultural park

In this division, the term ''cultural park'' means a definable area that—

(A) is distinguished by historic property, prehistoric property, and land related to that property; and

(B) constitutes an interpretive, educational, and recreational resource for the public at large.

§ 300305. Historic conservation district

In this division, the term ''historic conservation district'' means an area that contains—

(1) historic property;

(2) buildings having similar or related architectural characteristics;

(3) cultural cohesiveness; or

(4) any combination of features described in paragraphs (1) to (3).

§ 300306. Historic Preservation Fund

In this division, the term ''Historic Preservation Fund'' means the Historic Preservation Fund established under section 303101 of this title.

§ 300307. Historic preservation review commission

In this division, the term ''historic preservation review commission'' means a board, council, commission, or other similar collegial body—

(1) that is established by State or local legislation as provided in section 302503(a)(2) of this title; and

(2) the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent that those professionals are available in the community; and

(B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and will provide for an adequate and qualified commission.

§ 300308. Historic property

In this division, the term ''historic property'' means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

§ 300309. Indian tribe

In this division, the term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

§ 300310. Local government

In this division, the term ''local government'' means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

§ 300311. National Register

In this division, the term ''National Register'' means the National Register of Historic Places maintained under chapter 3021 of this title.

§ 300312. National Trust

In this division, the term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 300313. Native Hawaiian

In this division, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes Hawaii.

§ 300314. Native Hawaiian organization

(a) IN GENERAL.—In this division, the term ''Native Hawaiian organization'' means any organization that—

(1) serves and represents the interests of Native Hawaiians;

(2) has as a primary and stated purpose the provision of services to Native Hawaiians; and

(3) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

(b) INCLUSIONS.—In this division, the term ''Native Hawaiian organization'' includes the Office of Hawaiian Affairs of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

§ 300315. Preservation or historic preservation

In this division, the term ''preservation'' or ''historic preservation'' includes—

(1) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;

(2) education and training regarding the foregoing activities; or

(3) any combination of the foregoing activities.

§ 300316. Secretary

In this division, the term ''Secretary'' means the Secretary acting through the Director.

§ 300317. State

In this division, the term ''State'' means—

(1) a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands; and

(2) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

§ 300318. State historic preservation review board

In this division, the term ''State historic preservation review board'' means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

(1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);

(2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

(A) review National Register nominations and appeals from nominations;

(B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(C) provide general advice and guidance to the State Historic Preservation Officer; and

(D) perform such other duties as may be appropriate.

§ 300319. Tribal land

In this division, the term ''tribal land'' means—

(1) all land within the exterior boundaries of any Indian reservation; and

(2) all dependent Indian communities.

§ 300320. Undertaking

In this division, the term ''undertaking'' means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(1) those carried out by or on behalf of the Federal agency;

(2) those carried out with Federal financial assistance;

(3) those requiring a Federal permit, license, or approval; and

(4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

§ 300321. World Heritage Convention

In this division, the term ''World Heritage Convention'' means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

Subdivision 2—Historic Preservation Program

Chapter 3021—National Register of Historic Places

Sec.
302101. Maintenance by Secretary.
302102. Inclusion of properties on National Register.
302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List.
302104. Nominations for inclusion on National Register.
302105. Owner participation in nomination process.
302106. Retention of name.
302107. Regulations.
302108. Review of threats to historic property.

§ 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

§ 302102. Inclusion of properties on National Register

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List

The Secretary, in consultation with national historical and archeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

§ 302104. Nominations for inclusion on National Register

(a) NOMINATION BY STATE.—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (c).

(b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (c).

(c) APPEAL.—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

§ 302105. Owner participation in nomination process

(a) REGULATIONS.—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) REVIEW BY SECRETARY.—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

§ 302106. Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

§ 302107. Regulations

The Secretary shall promulgate regulations—

(1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter I of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;

(2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and

(3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

§ 302108. Review of threats to historic property

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

(1) determine the kinds of historic property that may be threatened;

(2) ascertain the causes of the threats; and

(3) develop and submit to the President and Congress recommendations for appropriate action.

Chapter 3023—State Historic Preservation Programs

Sec.

302301. Regulations.
302302. Program evaluation.
302303. Responsibilities of State Historic Preservation Officer.
302304. Contracts and cooperative agreements.

§ 302301. Regulations

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

(1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

(2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

§ 302302. Program evaluation

(a) WHEN EVALUATION SHOULD OCCCUR.—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(A) establishes and maintains substantially similar accountability standards; and

(B) provides for independent professional peer review.

(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

§ 302303. Responsibilities of State Historic Preservation Officer

(a) IN GENERAL.—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(3) prepare and implement a comprehensive statewide historic preservation plan;

(4) administer the State program of Federal assistance for historic preservation within the State;

(5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(7) provide public information, education, and training and technical assistance in historic preservation;

(8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;

(9) consult with appropriate Federal agencies in accordance with this division on—

(A) Federal undertakings that may affect historic property; and

(B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and

(10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

§ 302304. Contracts and cooperative agreements

(a) STATE.—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(b) SECRETARY.—

(1) IN GENERAL.—

(A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

(i) Identification and preservation of historic property.

(ii) Determination of the eligibility of property for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

(B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing in subparagraph (A) shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(2) REQUIREMENTS.—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(D) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(E) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out that responsibility.

(3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary's duties in each of those programs.

(4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.—Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

Chapter 3025—Certification of Local Governments

Sec.
302501. Definitions.
302502. Certification as part of State program.
302503. Requirements for certification.
302504. Participation of certified local governments in National Register nominations.
302505. Eligibility and responsibility of certified local government.

§ 302501. Definitions

In this chapter:

(1) DESIGNATION.—The term ''designation'' means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) PROTECTION.—The term ''protection'' means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

§ 302503. Requirements for certification

(a) APPROVED STATE PROGRAM.—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) NO APPROVED STATE PROGRAM.—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

§ 302504. Participation of certified local governments in National Register nominations

(a) NOTICE.—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) REPORT.—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) RECOMMENDATION.—

(1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

Chapter 3027—Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations

Sec.
302701. Program to assist Indian tribes in preserving historic property.
302702. Indian tribe to assume functions of State Historic Preservation Officer.
302703. Apportionment of grant funds.
302704. Contracts and cooperative agreements.
302705. Agreement for review under tribal historic preservation regulations.
302706. Eligibility for inclusion on National Register.

§ 302701. Program to assist Indian tribes in preserving historic property

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) COMMUNICATION AND COOPERATION.—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(c) TRIBAL VALUES.—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe's chief governing authority.

(e) CONSULTATION.—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations Officers, and other interested parties concerning the program under subsection (a).

§ 302702. Indian tribe to assume functions of State Historic Preservation Officer

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

(1) the Indian tribe's chief governing authority so requests;

(2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(3) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—

(A) the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);

(B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and

(5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

§ 302703. Apportionment of grant funds

In consultation with interested Indian tribes, other Native American organizations, and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

§ 302704. Contracts and cooperative agreements

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 of this title, the Secretary shall enter into a contract or cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this division; and

(3) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

§ 302705. Agreement for review under tribal historic preservation regulations

The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

§ 302706. Eligibility for inclusion on National Register

(a) IN GENERAL.—Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) CONSULTATION.—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) HAWAII.—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of

any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

Chapter 3029—Grants

Sec.
302901. Awarding of grants and availability of grant funds.
302902. Grants to States.
302903. Grants to National Trust.
302904. Direct grants for the preservation of properties included on National Register.
302905. Religious property.
302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups.
302907. Grants to Indian tribes and Native Hawaiian organizations.
302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
302909. Prohibited use of grant amounts.
302910. Recordkeeping.

§ 302901. Awarding of grants and availability of grant funds

(a) IN GENERAL.—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq).

(c) AVAILABILITY.—The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

§ 302902. Grants to States

(a) IN GENERAL.—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) CONDITIONS.—

(1) In general.—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) WAIVER.—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) AMOUNT LIMITATION.—

(A) IN GENERAL.—No grant may be made under this division for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 of this title in any one fiscal year.

(B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) APPORTIONMENT OF GRANT AMOUNTS

(1) BASES FOR APPORTIONMENT.—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) NOTIFICATION.—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) REAPPORTIONMENT.—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

§ 302903. Grants to National Trust

(a) SECRETARY OF THE INTERIOR.—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding $90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

§ 302904. Direct grants for the preservation of properties included on National Register

(a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) AVAILABLE AMOUNT.—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) USES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) LIMIT ON CERTAIN GRANTS.—A grant may be made under subparagraph (A) or (D) of paragraph (1) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 303901 of this title.

§ 302905. Religious property

(a) IN GENERAL.—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

(1) is secular;

(2) does not promote religion; and

(3) seeks to protect qualities that are historically significant.

(b) EFFECT OF SECTION.—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivision to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

§ 302907. Grants to Indian tribes and Native Hawaiian organizations

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or Native Hawaiian organization's conducting its responsibilities pursuant to this subdivision.

§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

(a) IN GENERAL.—As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled ''Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes'' (48 U.S.C. 1931 et seq.) or any successor enactment.

(b) GOAL OF PROGRAM.—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

(c) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

§ 302909. Prohibited use of grant amounts

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

§ 302910. Recordkeeping

A recipient of assistance under this division shall keep—

(1) such records as the Secretary shall prescribe, including records that fully disclose—

(A) the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(2) such other records as will facilitate an effective audit.

Chapter 3031—Historic Preservation Fund

Sec.
303101. Establishment.
303102. Content.
303103. Use and availability.

§ 303101. Establishment

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.

§ 303102. Contents

For each of fiscal years 2012 to 2015, $150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

§ 303103. Use and availability

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

Chapters 3033 Through 3037—Reserved

Chapter 3039—Miscellaneous

Sec.
303901. Loan insurance program for preservation of property included on National Register.
303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property.
303903. Preservation education and training program.

§ 303901. Loan insurance program for preservation of property included on National Register

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) LOAN QUALIFICATIONS.—A loan may be insured under this section if—

(1) the loan is made by a private le nder approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation Fund but which has not been appropriated for any purpose.

(e) INSURANCE CONTRACTS.—Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.—The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.—In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.—

(1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.—In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.—No debt obligation that is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property

The Secretary shall develop and make available to Federal agencies, State and

local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

§ 303903. Preservation education and training program

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

(1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(3) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(4) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(A) distribution of information on preservation technologies;

(B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

Subdivision 3—Advisory Council on Historic Preservation

Chapter 3041—Advisory Council on Historic Preservation

Sec.
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§ 304101. Establishment; vacancies

(a) ESTABLISHMENT.—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The Chairman of the National Trust.

(9) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.

(10) Three members from the general public, appointed by the President.

(11) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (9), or (10) of subsection (a). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(f) QUORUM.—Twelve members of the Council shall constitute a quorum.

§ 304102. Duties of Council

(a) DUTIES.—The Council shall—

(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this division.

§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

§ 304104. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The other members of the Council shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

§ 304105. Administration

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89–665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the International Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

§ 304108. Regulations, procedures, and guidelines

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

§ 304109. Budget submission

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

§ 304110. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

§ 304111. Reimbursements from State and local agencies

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

§ 304112. Effectiveness of Federal grant and assistance programs

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of the program in meeting the purposes and policies of this division;

(2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

Subdivision 4—Other Organizations and Programs

Chapter 3051—Historic Light Station Preservation

Sec.
305101. Definitions.
305102. Duties of Secretary in providing a national historic light station program.
305103. Selection of eligible entity and conveyance of historic light stations.
305104. Terms of conveyance.

305105. Description of property.
305106. Historic light station sales.

§ 305101. Definitions

In this chapter:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term ''Federal aid to navigation'' means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) INCLUSIONS.—The term ''Federal aid to navigation'' includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) HISTORIC LIGHT STATION.—The term ''historic light station'' includes the light tower, lighthouse, keeper's dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated with a historic light station that is a historic property.

§ 305102. Duties of Secretary in providing a national historic light station program

To provide a national historic light station program, the Secretary shall—

(1) collect and disseminate information concerning historic light stations;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this chapter regarding the conveyance of historic light stations.

§ 305103. Selection of eligible entity and conveyance of historic light stations

(a) PROCESS AND POLICIES.—The Secretary and the Administrator shall maintain a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of the light station by the eligible entity.

(b) APPLICATION REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be excess property (as that term is defined in section 102 of title 40); and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

(2) CONSULTATION.—When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

(1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in paragraph (2), after the Secretary's selection of an eligible entity, the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to a historic light station, subject to the conditions set forth in section 305104 of this title. The conveyance of a historic light station under this chapter shall not be subject to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105–383, 14 U.S.C. 93 note).

(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) APPROVAL OF SECRETARY REQUIRED.—A historic light station located within the exterior boundaries of a System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the conveyance of a historic light station described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(C) CONDITIONS OF SALE.—If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this division, to the extent that the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the System unit or wildlife refuge.

§ 305104. Terms of conveyance

(a) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, that the Administrator considers necessary to ensure that—

(1) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(2) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(3) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation or hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(4)(A) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws; and

(B) any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations and the Secretary's Standards for Rehabilitation contained in section 67.7 of title 36, Code of Federal Regulations;

(5) the eligible entity to which the historic light station is conveyed shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(6) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part of the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, unless the sale, conveyance, assignment, exchange, or encumbrance is approved by the Secretary;

(7) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activity at the historic light station, at any part of the historic light station, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless the commercial activity is approved by the Secretary; and

(8) the United States shall have the right, at any time, to enter the historic light station without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aid to navigation permitted to the eligible entity under section 83 of title 14.

(c) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions that shall be set forth in the eligible entity's application;

(2) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present

or future use as a site for a Federal aid to navigation;

(3) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be maintained in compliance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(4) the eligible entity to which the historic light station is conveyed sells, conveys, assigns, exchanges, or encumbers the historic light station, any part of the historic light fixture, or any associated historic artifact, without approval of the Secretary;

(5) the eligible entity to which the historic light station is conveyed conducts any commercial activity at the historic light station, at any part of the historic light station, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(6) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part of the historic light station is needed for national security purposes.

(d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—On receiving notice of an executed or intended conveyance by an owner that received from the Federal Government under authority other than this division a historic light station in which the United States retains a reversionary or other interest and that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide information as is necessary to complete the review. If the Secretary determines that the new owner has not complied or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take other action as may be necessary to protect the interests of the United States.

§ 305105. Description of property

(a) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the historic light station at the time of conveyance. Wherever possible, the historical artifacts should be used in interpreting the historic light station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the historic light station, if they meet loan requirements.

(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic light station at the time of conveyance shall remain the property of the United States under the administrative control of the Secretary of Homeland Security.

(c) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(d) SUBMERGED LAND.—No submerged land shall be conveyed under this chapter.

§ 305106. Historic light station sales

(a) IN GENERAL.—

(1) WHEN SALE MAY OCCUR.—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) TERMS OF SALE.—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) NET SALE PROCEEDS.—

(1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard's Operating Expenses appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's Operating Expense appropriation for that purpose.

Chapter 3053—National Center for Preservation Technology and Training

Sec.
305301. Definitions.
305302. National Center for Preservation Technology and Training.
305303. Preservation Technology and Training Board.
305304. Preservation grants.
305305. General provisions.
305306. Service preservation centers and offices.

§ 305301. Definitions

In this chapter:

(1) BOARD.—The term ''Board'' means the Preservation Technology and Training Board established pursuant to section 305303 of this title.

(2) CENTER.—The term ''Center'' means the National Center for Preservation Technology and Training established pursuant to section 305302 of this title.

§ 305302. National Center for Preservation Technology and Training

(a) ESTABLISHMENT.—There is established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) PURPOSES.—The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of historic property;

(2) develop and facilitate training for Federal, State, and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) PROGRAMS.—The purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 305304 of this title.

(d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

§ 305303. Preservation Technology and Training Board

(a) ESTABLISHMENT.—There is established a Preservation Technology and Training Board.

(b) DUTIES.—The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and Congress.

(c) MEMBERSHIP.—The Board shall be comprised of—

(1) the Secretary;

(2) 6 members appointed by the Secretary, who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications, who represent major organizations in the fields of archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

§ 305304. Preservation grants

(a) IN GENERAL.—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution, and skills training in all the related historic preservation fields.

(b) GRANT REQUIREMENTS.—

(1) ALLOCATION.—Grants provided under this section shall be allocated in such a fashion as to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

(1) Federal and non-Federal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the System;
(6) State Historic Preservation Offices;
(7) tribal preservation offices; and
(8) Native Hawaiian organizations.
(d) STANDARDS AND METHODS.—Grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

§ 305305. General provisions

(a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—
(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and
(2) transfers of funds from other Federal agencies.
(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this chapter.
(c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

§ 305306. Service preservation centers and offices

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

Chapter 3055—National Building Museum

Sec.
305501. Definitions.
305502. Cooperative agreement to operate museum.
305503. Activities and functions.
305504. Matching grants to Committee.
305505. Annual report.

§ 305501. Definitions

In this chapter:
(1) BUILDING ARTS.—The term ''building arts'' includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.
(2) COMMITTEE.—The term ''Committee'' means the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor.

§ 305502. Cooperative agreement to operate museum

To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building that exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services shall enter into a cooperative agreement with the Committee for the operation of a National Building Museum in the Federal building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. The cooperative agreement shall include provisions that—
(1) make the site available to the Committee without charge;
(2) provide, subject to available appropriations, such maintenance, security, information, janitorial, and other services as may be necessary to ensure the preservation and operation of the site; and
(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this division.

§ 305503. Activities and functions

The National Building Museum shall—
(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;
(2) foster educational programs relating to the history, practice, and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;
(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;
(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and
(5) encourage contributions to the building arts.

§ 305504. Matching grants to Committee

The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in such a manner and with such funds and services as shall be satisfactory to the Secretary, except that not more than $500,000 may be provided to the Committee in any one fiscal year.

§ 305505. Annual report

The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this chapter and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may consider necessary or advisable.

Subdivision 5—Federal Agency Historic Preservation Responsibilities

Chapter 3061—Program Responsibilities and Authorities

Subchapter I—In General
Sec.
306101. Assumption of responsibility for preservation of historic property.
306102. Preservation program.
306103. Recordation of historic property prior to alteration or demolition.
306104. Agency Preservation Officer.
306105. Agency programs and projects.
306106. Review of plans of transferees of surplus federally owned historic property.
306107. Planning and actions to minimize harm to National Historic Landmarks.
306108. Effect of undertaking on historic property.
306109. Costs of preservation as eligible project costs.
306110. Annual preservation awards program.
306111. Environmental impact statement.
306112. Waiver of provisions in event of natural disaster or imminent threat to national security.
306113. Anticipatory demolition.
306114. Documentation of decisions respecting undertakings.
Subchapter II—Lease, Exchange, or Management of Historic Property
306121. Lease or exchange.
306122. Contracts for management of historic property.
Subchapter III—Protection and Preservation of Resources
306131. Standards and guidelines.

Subchapter I—In General

§ 306101. Assumption of responsibility for preservation of historic property

(a) IN GENERAL.—
(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.
(2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).
(3) NECESSARY PRESERVATION.—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.
(b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).
(c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.—The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.

§ 306102. Preservation program

(a) ESTABLISHMENT.—Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection, of historic property.
(b) REQUIREMENTS.—The program shall ensure that—
(1) historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register;
(2) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 306108 of this title and gives special consideration to the preservation of those values in the case of property designated as having national significance;
(3) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;
(4) the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and
(5) the agency's procedures for compliance with section 306108 of this title—
(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;
(B) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements,

in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(C) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

§ 306103. Recordation of historic property prior to alteration or demolition

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

§ 306104. Agency Preservation Officer

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency's Preservation Officer who shall be responsible for coordinating the agency's activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

§ 306105. Agency programs and projects

Consistent with the agency's missions and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this division and give consideration to programs and projects that will further the purposes of this division.

§ 306106. Review of plans of transferees of surplus federally owned historic property

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

§ 306107. Planning and actions to minimize harm to National Historic Landmarks

Prior to the approval of any Federal undertaking that may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306108. Effect of undertaking on historic property

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306109. Costs of preservation as eligible project costs

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

§ 306110. Annual preservation awards program

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts of not to exceed $1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

§ 306111. Environmental impact statement

Nothing in this division shall be construed to—

(1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

§ 306112. Waiver of provisions in event of natural disaster or imminent threat to national security

The Secretary shall promulgate regulations under which the requirements of this subchapter (except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

§ 306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

§ 306114. Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

Subchapter II—Lease, Exchange, or Management of Historic Property

§ 306121. Lease or exchange

(a) AUTHORITY TO LEASE OR EXCHANGE.—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

§ 306122. Contracts for management of historic property

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

Subchapter III—Protection and Preservation of Resources

§ 306131. Standards and guidelines

(a) STANDARDS.—

(1) IN GENERAL.—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) CONSIDERATIONS.—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) REVISION.—The Office of Management and Budget shall revise qualification standards for the disciplines involved.

(b) GUIDELINES.—To promote the preservation of historic property eligible for listing on the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this division include plans to—

(1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and

(4) encourage owners that are undertaking archeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

Subdivision 6—Miscellaneous

Chapter 3071—Miscellaneous

Sec.
307101. World Heritage Convention.
307102. Effective date of regulations.
307103. Access to information.
307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol.
307105. Attorney's fees and costs to prevailing parties in civil actions.
307106. Authorization for expenditure of appropriated funds.
307107. Donations and bequests of money, personal property, and less than fee interests in historic property.
307108. Privately donated funds.

§ 307101. World Heritage Convention

(a) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) PARTICIPATION BY UNITED STATES.—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(c) NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.—The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) CONSIDERATION OF UNDERTAKING ON PROPERTY.—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over the undertaking shall take into account the effect of the undertaking on the property for purposes of avoiding or mitigating any adverse effect.

§ 307102. Effective date of regulations

(a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The regulation shall not become effective if, within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: ''That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on , '' the blank spaces in the resolution being appropriately filled.

(c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) SESSIONS OF CONGRESS.—For purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DISAPPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of the regulation.

§ 307103. Access to information

(a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the historic property; or

(3) impede the use of a traditional religious site by practitioners.

(b) ACCESS DETERMINATION.—When the head of a Federal agency or other public official determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) CONSULTATION WITH COUNCIL.—When information described in subsection (a) has been developed in the course of an agency's compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol

Nothing in this division applies to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

§ 307105. Attorney's fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

§ 307106. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this division, except to the extent that appropriations legislation expressly provides otherwise.

§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property

(a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

§ 307108. Privately donated funds

(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as long as

the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—In expending the funds, the Secretary shall give due consideration to—

(A) the national significance of the project;

(B) its historical value to the community;

(C) the imminence of its destruction or loss; and

(D) the expressed intentions of the donor.

(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

Division B—Organizations and Programs

Subdivision 1—Administered by National Park Service

Chapter 3081—American Battlefield Protection Program

Sec.
308101. Definition.
308102. Preservation assistance.
308103. Battlefield acquisition grant program.

§ 308101. Definition

In this chapter, the term ''Secretary'' means the Secretary, acting through the American Battlefield Protection Program.

§ 308102. Preservation assistance

(a) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a national, State, and local level.

(b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each fiscal year, to remain available until expended.

§ 308103. Battlefield acquisition grant program

(a) DEFINITION.—In this section, the term ''eligible site'' means a site—

(1) that is not within the exterior boundaries of a System unit; and

(2) that is identified in the document entitled ''Report on the Nation's Civil War Battlefields'', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to State and local governments to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—A State or local government may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 200305(f)(3) of this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section $10,000,000 for each of fiscal years 2012 and 2013.

Chapter 3083—National Underground Railroad Network to Freedom

Sec.
308301. Definition.
308302. Program.
308303. Preservation and interpretation of Underground Railroad history, historic sites, and structures.
308304. Authorization of appropriations.

§ 308301. Definition

In this chapter, the term ''national network'' means the National Underground Railroad Network to Freedom established under section 308302 of this title.

§ 308302. Program

(a) ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.—The Secretary shall establish in the Service the National Underground Railroad Network to Freedom. Under the national network, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) ELEMENTS.—The national network shall encompass the following elements:

(1) All System units and programs of the Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the national network with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance—

(1) to the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, to the governments of Canada, Mexico, and any appropriate country in the Caribbean.

§ 308303. Preservation and interpretation of Underground Railroad history, historic sites, and structures

(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

(b) GRANT CONDITIONS.—Any grant made under this section shall provide that—

(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of the property for interpretive and other purposes; and

(3) conversion, use, or disposal of the property for purposes contrary to the purposes of this chapter, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this chapter.

(c) MATCHING REQUIREMENT.—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement if the Secretary determines that an extreme emergency exists or that a waiver is in the public interest to ensure the preservation of historically significant resources.

§ 308304. Authorization of appropriations

(a) AMOUNTS.—There is authorized to be appropriated to carry out this chapter $2,500,000 for each fiscal year, of which—

(1) $2,000,000 shall be used to carry out section 308302 of this title; and

(2) $500,000 shall be used to carry out section 308303 of this title.

(b) LIMITATION.—No amount may be appropriated for the purposes of this chapter except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this chapter.

Chapter 3085—National Women's Rights History Project

Sec.
308501. National women's rights history project national registry.
308502. National women's rights history project partnerships network.

§ 308501. National women's rights history project national registry

(a) IN GENERAL.—The Secretary may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(b) ELIGIBILITY.—In making grants under subsection (a), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(c) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled ''Places Where Women Made History'' is updated to contain—

(1) the results of the inventory conducted under subsection (a); and

(2) any links to websites related to places on the inventory.

(d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2012 and 2013.

§ 308502. National women's rights history project partnerships network

(a) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this section as the ''network''), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(b) MANAGEMENT OF NETWORK.—

(1) IN GENERAL.—Through a competitive process, the Secretary shall designate a nongovernmental managing entity to manage the network.

(2) COORDINATION.—The nongovernmental managing entity designated under paragraph (1) shall work in partnership with the Director and State historic preservation offices to coordinate operation of the network.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(2) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2012 and 2013.

Chapter 3087—National Maritime Heritage

Sec.
308701. Policy.
308702. Definitions.
308703. National Maritime Heritage Grants Program.
308704. Funding.
308705. Designation of America's National Maritime Museum.
308706. Regulations.
308707. Applicability of other authorities.

§ 308701. Policy

It shall be the policy of the Federal Government, in partnership with the States and local governments and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation of historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand their maritime historic preservation programs and activities.

§ 308702. Definitions

In this chapter:

(1) NATIONAL TRUST.—The term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

(2) PRIVATE NONPROFIT ORGANIZATION.—The term ''private nonprofit organization'' means any person that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) and described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) PROGRAM.—The term ''Program'' means the National Maritime Heritage Grants Program established under section 308703(a) of this title.

(4) STATE HISTORIC PRESERVATION OFFICER.—The term ''State Historic Preservation Officer'' means a State Historic Preservation Officer appointed pursuant to section 302301(1) of this title by the chief executive official of a State having a State Historic Preservation Program approved by the Secretary under that section.

§ 308703. National Maritime Heritage Grants Program

(a) ESTABLISHMENT.—There is established in the Department of the Interior the National Maritime Heritage Grants Program, to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture. The Program shall consist of—

(1) annual grants to the National Trust for subgrants administered by the National Trust for maritime heritage education projects under subsection (b); and

(2) grants to State Historic Preservation Officers for maritime heritage preservation projects carried out or administered by those Officers under subsection (c).

(b) GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.—

(1) GRANTS TO NATIONAL TRUST.—The Secretary, subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(A) of this title, shall make an annual grant to the National Trust for maritime heritage education projects.

(2) USE OF GRANTS.—Amounts received by the National Trust as an annual grant under this subsection shall be used to make subgrants to State and local governments and private nonprofit organizations to carry out education projects that have been approved by the Secretary under subsection (f) and that consist of—

(A) assistance to any maritime museum or historical society for—

(i) existing and new educational programs, exhibits, educational activities, conservation, and interpretation of artifacts and collections;

(ii) minor improvements to educational and museum facilities; and

(iii) other similar activities;

(B) activities designed to encourage the preservation of traditional maritime skills, including—

(i) building and operation of vessels of all sizes and types for educational purposes;

(ii) special skills such as wood carving, sail making, and rigging;

(iii) traditional maritime art forms; and

(iv) sail training;

(C) other educational activities relating to historic maritime resources, including—

(i) maritime educational waterborne-experience programs in historic vessels or vessel reproductions;

(ii) maritime archeological field schools; and

(iii) educational programs on other aspects of maritime history;

(D) heritage programs focusing on maritime historic resources, including maritime heritage trails and corridors; or

(E) the construction and use of reproductions of historic maritime resources for educational purposes, if a historic maritime resource no longer exists or would be damaged or consumed through direct use.

(c) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

(1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The Secretary, acting through the National Maritime Initiative of the Service and subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(B) of this title, shall make grants to State Historic Preservation Officers for maritime heritage preservation projects.

(2) USE OF GRANTS.—Amounts received by a State Historic Preservation Officer as a grant under this subsection shall be used by the Officer to carry out, or to make subgrants to local governments and private nonprofit organizations to carry out, projects that have been approved by the Secretary under subsection (f) for the preservation of historic maritime resources through—

(A) identification of historic maritime resources, including underwater archeological sites;

(B) acquisition of historic maritime resources for the purposes of preservation;

(C) repair, restoration, stabilization, maintenance, or other capital improvements to historic maritime resources, in accordance with standards prescribed by the Secretary; and

(D) research, recording (through drawings, photographs, or otherwise), planning (through feasibility studies, architectural and engineering services, or otherwise), and other services carried out as part of a preservation program for historic maritime resources.

(d) CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.—To qualify for a subgrant from the National Trust under subsection (b), or a direct grant to or a subgrant from a State Historic Preservation Officer under subsection (c), a person shall—

(1) demonstrate that the project for which the direct grant or subgrant will be used has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture;

(2) match the amount of the direct grant or subgrant, on a 1-to-1 basis, with non-Federal assets from non-Federal sources, which may include cash or donated services fairly valued as determined by the Secretary;

(3) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the direct grant or subgrant;

(B) the total cost of the project for which the direct grant or subgrant is made; and

(C) other records as may be required by the Secretary, including such records as will facilitate an effective accounting for project funds;

(4) provide access to the Secretary for the purposes of any required audit and examination of any records of the person; and

(5) be a unit of State or local government, or a private nonprofit organization.

(e) PROCEDURES, TERMS, AND CONDITIONS.—

(1) APPLICATION PROCEDURES.—An application for a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), shall be submitted under procedures prescribed by the Secretary.

(2) TERMS AND CONDITIONS.—A person may not receive a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), unless the person agrees to assume, after completion of the project for which the direct grant or subgrant is awarded, the total cost of the continued maintenance, repair, and administration of any property for which the subgrant will be used in a manner satisfactory to the Secretary.

(f) ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.—

(1) ALLOCATION.—To the extent feasible, the Secretary shall ensure that the amount made available under subsection (b) for maritime heritage education projects is equal to the amount made available under subsection (c) for maritime heritage preservation projects.

(2) LIMITATION.—The amount provided by the Secretary in a fiscal year as grants under this section for projects relating to historic maritime resources owned or operated by the

Federal Government shall not exceed 40 percent of the total amount available for the fiscal year for grants under this section.

(g) PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.—The Secretary shall publish annually in the Federal Register and otherwise as the Secretary considers appropriate—

(1) a solicitation of applications for direct grants and subgrants under this section;

(2) a list of priorities for the making of those direct grants and subgrants;

(3) a single deadline for the submission of applications for those direct grants and subgrants; and

(4) other relevant information.

(h) DIRECT GRANT AND SUBGRANT ADMINISTRATION.—

(1) RESPONSIBILITY.—

(A) NATIONAL TRUST.—The National Trust is responsible for administering subgrants for maritime heritage education projects under subsection (b).

(B) SECRETARY.—The Secretary is responsible for administering direct grants for maritime heritage preservation projects under subsection (c).

(C) STATE HISTORIC PRESERVATION OFFICERS.—State Historic Preservation Officers are responsible for administering subgrants for maritime heritage preservation projects under subsection (c).

(2) ACTIONS.—The appropriate responsible party under paragraph (1) shall administer direct grants or subgrants by—

(A) publicizing the Program to prospective grantees, subgrantees, and the public at large, in cooperation with the Service, the Maritime Administration, and other appropriate government agencies and private institutions;

(B) answering inquiries from the public, including providing information on the Program as requested;

(C) distributing direct grant and subgrant applications;

(D) receiving direct grant and subgrant applications and ensuring their completeness;

(E) keeping records of all direct grant and subgrant awards and expenditures of funds;

(F) monitoring progress of projects carried out with direct grants and subgrants; and

(G) providing to the Secretary such progress reports as may be required by the Secretary.

(i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The Secretary, the National Trust, and the State Historic Preservation Officers may, individually or jointly, enter into cooperative agreements with any private nonprofit organization with appropriate expertise in maritime preservation issues, or other qualified maritime preservation organizations, to assist in the administration of the Program.

(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report on the Program, including—

(1) a description of each project funded under the Program in the period covered by the report;

(2) the results or accomplishments of each such project; and

(3) recommended priorities for achieving the policy set forth in section 308701 of this title.

§ 308704. Funding

(a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE VESSELS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the amount of funds credited in a fiscal year to the Vessel Operations Revolving Fund established by section 50301(a) of title 46 that is attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that are scrapped or sold under section 57102, 57103, or 57104 of title 46 shall be available until expended as follows:

(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

(B) Twenty five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

(C) The remainder shall be available—

(i) to the Secretary to carry out the Program, as provided in subsection (b); or

(ii) if otherwise determined by the Administrator of the Maritime Administration, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.

(2) APPLICABILITY.—Paragraph (1) does not apply to amounts credited to the Vessel Operations Revolving Fund before July 1, 1994.

(b) USE OF AMOUNTS FOR PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), of amounts available each fiscal year for the Program under subsection (a)(1)(C)—

(A) one half shall be used for grants under section 308703(b) of this title; and

(B) one half shall be used for grants under section 308703(c) of this title.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Not more than 15 percent or $500,000, whichever is less, of the amount available for the Program under subsection (a)(1)(C) for a fiscal year may be used for expenses of administering the Program.

(B) ALLOCATION.—Of the amount available under subparagraph (A) for a fiscal year—

(i) one half shall be allocated to the National Trust for expenses incurred in administering grants under section 308703(b) of this title; and

(ii) one half shall be allocated as appropriate by the Secretary to the Service and participating State Historic Preservation Officers.

(c) DISPOSAL OF VESSELS.—

(1) REQUIREMENT.—The Secretary of Transportation shall dispose (by sale or by purchase of disposal services) of all vessels described in paragraph (2)—

(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, that shall include provisions requiring the Maritime Administration to—

(i) dispose of all deteriorated high priority ships that are available for disposal within 12 months of their designation as available for disposal; and

(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;

(B) in the manner that provides the best value to the Federal Government, except in any case in which obtaining the best value would require towing a vessel and the towing poses a serious threat to the environment; and

(C) in accordance with the plan of the Department of Transportation for disposal of those vessels and requirements under sections 57102 to 57104 of title 46.

(2) DESCRIPTION OF VESSELS.—The vessels referred to in paragraph (1) are the vessels in the National Defense Reserve Fleet after July 1, 1994, that—

(A) are not assigned to the Ready Reserve Force component of the National Defense Reserve Fleet; and

(B) are not specifically authorized or required by statute to be used for a particular purpose.

(d) TREATMENT OF AVAILABLE AMOUNTS.—Amounts available under this section shall not be considered in any determination of the amounts available to the Department of the Interior.

§ 308705. Designation of America's National Maritime Museum

(a) IN GENERAL.—America's National Maritime Museum shall be composed of the museums designated by law to be museums of America's National Maritime Museum on the basis that the museums—

(1) house a collection of maritime artifacts clearly representing the Nation's maritime heritage; and

(2) provide outreach programs to educate the public about the Nation's maritime heritage.

(b) INITIAL DESIGNATION.—The following museums (meeting the criteria specified in subsection (a)) are designated as museums of America's National Maritime Museum:

(1) The Mariners' Museum, located at 100 Museum Drive, Newport News, Virginia.

(2) The South Street Seaport Museum, located at 207 Front Street, New York, New York.

(c) FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.—The designation of the museums referred to in subsection (b) as museums of America's National Maritime Museum does not preclude the designation by law of any other museum that meets the criteria specified in subsection (a) as a museum of America's National Maritime Museum.

(d) REFERENCE TO MUSEUMS.—Any reference in any law, map, regulation, document, paper, or other record of the United States to a museum designated by law to be a museum of America's National Maritime Museum shall be deemed to be a reference to that museum as a museum of America's National Maritime Museum.

§ 308706. Regulations

The Secretary, after consultation with the National Trust, the National Conference of State Historic Preservation Officers, and appropriate members of the maritime heritage community, shall prescribe appropriate guidelines, procedures, and regulations to carry out the chapter, including direct grant and subgrant priorities, the method of solicitation and review of direct grant and subgrant proposals, criteria for review of direct grant and subgrant proposals, administrative requirements, reporting and recordkeeping requirements, and any other requirements the Secretary considers appropriate.

§ 308707. Applicability of other authorities

The authorities contained in this chapter shall be in addition to, and shall not be construed to supersede or modify those contained in division A of this subtitle.

Chapter 3089—Save America's Treasures Program

Sec.
308901. Definitions.
308902. Establishment.
308903. Grants.
308904. Guidelines and regulations.
308905. Authorization of appropriations.

§ 308901. Definitions

In this chapter:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 300308 of this title.

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'', in reference to a collection or historic property, means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 302103 of this title.

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under section 308902(a) of this title.

(6) SECRETARY.—The term ''Secretary'' means the Secretary, acting through the Director.

§ 308902. Establishment

(a) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures Program.

(b) PARTICIPANTS.—In consultation and partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation in the United States, the National Conference of State Historic Preservation Officers, the National Association of Tribal Historic Preservation Officers, and the President's Committee on the Arts and the Humanities, the Secretary shall use the amounts made available under section 308905 of this title to provide grants to eligible entities for projects to preserve nationally significant collections and historic property.

§ 308903. Grants

(a) DETERMINATION OF GRANTS.—Of the amounts made available for grants under section 308905 of this title, not less than 50 percent shall be made available for grants for projects to preserve collections and historic property, to be distributed through a competitive grant process administered by the Secretary, subject to the selection criteria established under subsection (d).

(b) APPLICATION FOR GRANTS.—To be considered for a grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(c) COLLECTIONS AND HISTORIC PROPERTY ELIGIBLE FOR GRANTS.—

(1) IN GENERAL.—A collection or historic property shall be provided a grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of a collection under paragraph (1)(A) shall be made in consultation with the organizations described in section 308902(b) of this title, as appropriate.

(3) ELIGIBLE HISTORIC PROPERTY.—To be eligible for a grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed on the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(d) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall not provide a grant under this chapter to a project for a collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) PREFERENCE.—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) LIMITATION.—In providing grants under this chapter, the Secretary shall provide only one grant to each project selected for a grant.

(e) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(1) CONSULTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall consult with the organizations described in section 308902(b) of this title in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) LIMITATION.—If an organization described in section 308902(b) of this title has submitted an application for a grant under the program, the organization shall be recused by the Secretary from the consultation requirements under subparagraph (A) and section 308902(b) of this title.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(f) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

§ 308904. Guidelines and regulations

The Secretary shall develop any guidelines and prescribe any regulations that the Secretary determines to be necessary to carry out this chapter.

§ 308905. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter $50,000,000 for each fiscal year, to remain available until expended.

Chapter 3091—Commemoration of Former Presidents

Sec.
309101. Sites and structures that commemorate former Presidents.

§ 309101. Sites and structures that commemorate former Presidents

(a) SURVEY.—The Secretary may conduct a survey of sites that the Secretary considers exhibit qualities most appropriate for the commemoration of each former President. The survey may—

(1) include sites associated with the deeds, leadership, or lifework of a former President; and

(2) identify sites or structures historically unrelated to a former President but that may be suitable as a memorial to honor that President.

(b) REPORTS.—The Secretary shall, from time to time, prepare and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate reports on individual sites and structures identified in a survey under subsection (a), together with the Secretary's recommendation as to whether the site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each report shall include pertinent information with respect to the need for acquisition of land and interests in land, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost of the operation and maintenance.

(c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6-month period following the transmittal of a report pursuant to subsection (b) neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may by appropriate order establish the site or structure as a national historic site, including the land and interests in land identified in the report accompanying the recommendation of the Secretary.

(d) ACQUISTION OF LAND AND INTERESTS IN LAND.—The Secretary may acquire the land and interests in land by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(e) EFFECT OF SECTION.—Nothing in this section shall be construed as diminishing the authority of the Secretary under chapter 3201 of this title or as authorizing the Secretary to establish any national memorial, creation of which is expressly reserved to Congress.

Subdivision 2—Administered Jointly With National Park Service

Chapter 3111—Preserve America Program

Sec.
311101. Definitions.
311102. Establishment.
311103. Designation of Preserve America Communities.
311104. Regulations.
311105. Authorization of appropriations.

§ 311101. Definitions

In this chapter:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under section 311102(a).

§ 311102. Establishment

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 311103 of this title, Indian tribes, communities designated as Preserve America Communities under section 311103 of this title, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this chapter:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(E) A project to support heritage tourism in a Preserve America Community designated under section 311103 of this title.

(F) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this chapter.

(2) LIMITATION.—In providing grants under this chapter, the Secretary shall provide only one grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

§ 311103. Designation of Preserve America Communities

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(1) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(2) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(3) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 302502 of this title.

(d) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

§ 311104. Regulations

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this chapter.

§ 311105. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter $25,000,000 for each fiscal year, to remain available until expended.

Subdivision 3—Administered by Other Than National Park Service

Chapter 3121—National Trust for Historic Preservation in the United States

Sec.
312101. Definitions.
312102. Establishment and purposes.
312103. Principal office.
312104. Board of trustees.
312105. Powers.
312106. Consultation with National Park System Advisory Board.

§ 312101. Definitions

In this chapter:

(1) BOARD.—The term ''Board'' means the board of trustees of the National Trust.

(2) NATIONAL TRUST.—The term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 312102. Establishment and purposes

(a) ESTABLISHMENT.—To further the policy enunciated in chapter 3201 of this title, and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is established a charitable, educational, and nonprofit corporation to be known as the National Trust for Historic Preservation in the United States.

(b) PURPOSES.—The purposes of the National Trust shall be to—

(1) receive donations of sites, buildings, and objects significant in American history and culture;

(2) preserve and administer the sites, buildings, and objects for public benefit;

(3) accept, hold, and administer gifts of money, securities, or other property of any character for the purpose of carrying out the preservation program; and

(4) execute other functions vested in the National Trust by this chapter.

§ 312103. Principal office

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia. The National Trust may establish offices in other places as it may consider necessary or appropriate in the conduct of its business.

§ 312104. Board of trustees

(a) MEMBERSHIP.—The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows:

(1) The Attorney General, the Secretary, and the Director of the National Gallery of Art, ex officio.

(2) Not fewer than 6 general trustees who shall be citizens of the United States.

(b) DESIGNATION OF ANOTHER OFFICER.—The Attorney General and the Secretary, when it appears desirable in the interest of the conduct of the business of the Board and to such extent as they consider it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the Board.

(c) GENERAL TRUSTEES.—

(1) NUMBER AND SELECTION.—The number of general trustees shall be fixed by the Board and shall be chosen by the members of the National Trust from its members at any regular meeting of the National Trust.

(2) TERM OF OFFICE.—The respective terms of office of the general trustees shall be as prescribed by the Board but in no case shall exceed a period of 5 years from the date of election.

(3) SUCCESSOR.—A successor to a general trustee shall be chosen in the same manner and shall have a term expiring 5 years from the date of the expiration of the term for which the predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of a term shall be chosen only for the remainder of that term.

(d) CHAIRMAN.—The chairman of the Board shall be elected by a majority vote of the members of the Board.

(e) COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid to the members of the Board for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the Board.

§ 312105. Powers

(a) IN GENERAL.—To the extent necessary to enable it to carry out the functions vested in it by this chapter, the National Trust has the general powers described in this section.

(b) SUCCESSION.—The National Trust has succession until dissolved by Act of Congress, in which event title to the property of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States.

(c) SUE AND BE SUED.—The National Trust may sue and be sued in its corporate name.

(d) CORPORATE SEAL.—The National Trust may adopt, alter, and use a corporate seal that shall be judicially noticed.

(e) CONSTITUTION, BYLAWS, AND REGULATIONS.—The National Trust may adopt a constitution and prescribe such bylaws and regulations, not inconsistent with the laws of the United States or of any State, as it considers necessary for the administration of its functions under this chapter, including among other matters, bylaws and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the Board.

(f) PERSONAL PROPERTY—The National Trust may accept, hold, and administer gifts and bequests of money, securities, or other personal property of any character, absolutely or in trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of a gift or bequest, the National Trust may sell, exchange, or otherwise dispose of, and invest or reinvest in investments as it may determine from time to time, the moneys, securities, or other property given or bequeathed to it. The principal of corporate funds and the income from those funds and all other revenues received by the National Trust from

any source shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(g) REAL PROPERTY.—The National Trust may acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and hold and, unless otherwise restricted by the terms of the gift or devise, encumber, convey, or otherwise dispose of, any real property, or any estate or interest in real property (except property within the exterior boundaries of a System unit), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(h) CONTRACTS AND COOPERATIVE AGREEMENTS RESPECTING PROTECTION, PRESERVATION, MAINTENANCE, OR OPERATION.—The National Trust may contract and make cooperative agreements with Federal, State, or local agencies, corporations, associations, or individuals, under terms and conditions that the National Trust considers advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection with the site, building, object, or property for public use, regardless of whether the National Trust has acquired title to the property, or any interest in the property.

(i) ENTER INTO CONTRACTS AND EXECUTE INSTRUMENTS.—The National Trust may enter into contracts generally and execute all instruments necessary or appropriate to carry out its corporate purposes, including concession contracts, leases, or permits for the use of land, buildings, or other property considered desirable either to accommodate the public or to facilitate administration.

(j) OFFICERS, AGENTS, AND EMPLOYEES.—The National Trust may appoint and prescribe the duties of officers, agents, and employees as may be necessary to carry out its functions, and fix and pay compensation to them for their services as the National Trust may determine.

(k) LAWFUL ACTS.—The National Trust may generally do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

§ 312106. Consultation with National Park System Advisory Board

In carrying out its functions under this chapter, the National Trust may consult with the National Park System Advisory Board on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant to this chapter.

Chapter 3123—Commission for the Preservation of America's Heritage Abroad

Sec.
312301. Definition.
312302. Declaration of national interest.
312303. Establishment.
312304. Duties and powers; administrative support.
312305. Reports.

§ 312301. Definition

In this chapter, the term ''Commission'' means the Commission for the Preservation of America's Heritage Abroad established under section 312303 of this title.

§ 312302. Declaration of national interest

Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

§ 312303. Establishment

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad.

(b) MEMBERSHIP.—The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(c) TERM.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall be appointed for a term of 3 years.

(2) VACANCY.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(3) MEMBER UNTIL SUCCESSOR APPOINTED.—A member may retain membership on the Commission until the member's successor has been appointed.

(d) CHAIRMAN.—The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every 6 months.

(f) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission.

(2) EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as individuals employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

§ 312304. Duties and powers; administrative support

(a) DUTIES.—The Commission shall—

(1) identify and publish a list of cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly cemeteries, monuments, and buildings that are in danger of deterioration or destruction;

(2) encourage the preservation and protection of those cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Secretary of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of, and the progress toward preserving and protecting, those cemeteries, monuments, and historic buildings.

(b) POWERS.—

(1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE.—The Commission or any member it authorizes may, for the purposes of carrying out this chapter, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) APPOINT PERSONNEL AND FIX PAY.—The Commission may appoint such personnel (subject to the provisions of title 5 governing appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5), as the Commission considers desirable.

(3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect under section 5376 of title 5.

(4) DETAIL PERSONNEL TO COMMISISON.—On request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(5) SECURE INFORMATION.—The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this chapter. On the request of the Chairman of the Commission, the head of the department or agency shall furnish the information to the Commission.

(6) GIFTS OR DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) USE OF MAILS.—The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

§ 312305. Reports

As soon as practicable after the end of each fiscal year, the Commission shall transmit to the President a report that includes—

(1) a detailed statement of the activities and accomplishments of the Commission during the fiscal year; and

(2) any recommendations of the Commission for legislation and administrative actions.

Chapter 3125—Preservation of Historical and Archeological Data

Sec.
312501. Definition.
312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects.
312503. Survey and recovery by Secretary.
312504. Progress reports by Secretary on surveys and work undertaken as result of surveys.
312505. Notice of dam construction.
312506. Administration.
312507. Assistance to Secretary by Federal agencies responsible for construction projects.
312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property.

§ 312501. Definition

In this chapter, the term ''State'' includes a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects

(a) ACTIVITY OF FEDERAL AGENCY.—

(1) NOTIFICATION OF SECRETARY.—When any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, the agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity.

(2) RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—The agency—

(A) may request the Secretary to undertake the recovery, protection, and preservation of the data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from the investigation); or

(B) may, with funds appropriated for the project, program, or activity, undertake those activities.

(3) AVAILABILITY OF REPORTS.—Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.—

(1) RECOVERY BY SECRETARY.—When any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if the Secretary determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may, with funds appropriated expressly for this purpose—

(A) conduct, with the consent of all persons, associations, or public entities having a legal interest in the property, a survey of the affected site; and

(B) undertake the recovery, protection, and preservation of the data (including analysis and publication).

(2) COMPENSATION.—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned land.

§ 312503. Survey and recovery by Secretary

(a) IN GENERAL.—The Secretary, on notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data are being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if the Secretary determines that the data are significant and are being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing the project, activity, or program—

(1) conduct or cause to be conducted a survey and other investigation of the areas that are or may be affected; and

(2) recover and preserve the data (including analysis and publication) that, in the opinion of the Secretary, are not being, but should be, recovered and preserved in the public interest.

(b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recovery work shall be required pursuant to this section that, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

(c) INITIATION OF SURVEY.—The Secretary shall initiate the survey or recovery effort within—

(1) 60 days after notification pursuant to subsection (a); or

(2) such time as may be agreed on with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) COMPENSATION BY SECRETARY.—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

§ 312504. Progress reports by Secretary on surveys and work undertaken as result of surveys

(a) PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.—The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under this chapter or of any work undertaken as a result of a survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of the agency. The survey and recovery programs shall terminate at a time agreed on by the Secretary and the head of the agency unless extended by agreement.

(b) DISPOSITION OF RELICS AND SPECIMENS.—The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, private institutions, and qualified individuals, with a view to determining the ownership of, and the most appropriate repository for, any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) COORDINATION OF ACTIVITIES.—The Secretary shall coordinate all Federal survey and recovery activities authorized under this chapter.

§ 312505. Notice of dam construction

(a) IN GENERAL.—Before any Federal agency undertakes the construction of a dam, or issues a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if construction is undertaken.

(b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.—With respect to any flood water retarding dam that provides fewer than 5,000 acre-feet of detention capacity, and with respect to any other type of dam that creates a reservoir of fewer than 40 surface acres, this section shall apply only when the constructing agency, in its preliminary surveys, finds or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

§ 312506. Administration

In the administration of this chapter, the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, educational or scientific organization, or institution, corporation, association, or qualified individual;

(2) obtain the services of experts and consultants or organizations of experts and consultants in accordance with section 3109 of title 5; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to the Secretary by any Federal agency.

§ 312507. Assistance to Secretary by Federal agencies responsible for construction projects

(a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out this chapter, any Federal agency responsible for a construction project may assist the Secretary or may transfer to the Secretary funds as may be agreed on, but not more than 1 percent of the total amount authorized to be appropriated for the project, except that the 1 percent limitation under this section shall not apply if the cost of the project is $50,000 or less. The costs of the survey, recovery, analysis, and publication shall be deemed nonreimbursable project costs.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for purposes of this section shall remain available until expended.

§ 312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property

Notwithstanding section 312507(a) of this title or any other provision of law—

(1) identification, surveys, and evaluation carried out with respect to historic property within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic property within project areas may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, may waive, in appropriate cases, the 1 percent limitation under section 312507(a) of this title.

Division C—American Antiquities

Chapter 3201—Policy and Administrative Provisions

Sec.
320101. Declaration of national policy.
320102. Powers and duties of Secretary.
320103. Cooperation with governmental and private agencies and individuals.
320104. Jurisdiction of States in acquired land.
320105. Criminal penalties.
320106. Limitation on obligation or expenditure of appropriated amounts.

§ 320101. Declaration of national policy

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

§ 320102. Powers and duties of Secretary

(a) IN GENERAL.—The Secretary, acting through the Director, for the purpose of effectuating the policy expressed in section 320101 of this title, has the powers and shall perform the duties set out in this section.

(b) PRESERVATION OF DATA.—The Secretary shall secure, collate, and preserve drawings, plans, photographs, and other data of historic and archeologic sites, buildings, and objects.

(c) SURVEY.—The Secretary shall make a survey of historic and archeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(d) INVESTIGATIONS AND RESEARCHES.—The Secretary shall make necessary investigations and researches in the United States relating to particular sites, buildings, and objects to obtain accurate historical and archeological facts and information concerning the sites, buildings, and objects.

(e) ACQUISITION OF PROPERTY.—The Secretary may, for the purpose of this chapter, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate in property, title to any real property to be satisfactory to the Secretary. Property that is owned by any religious or educational institution or that is owned or administered for the benefit of the public shall not be acquired without the consent of the owner. No property shall be acquired or contract or agreement for the acquisition of the property made that will obligate the general fund of the Treasury for the payment of the property, unless Congress has appropriated money that is available for that purpose.

(f) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where considered advisable, to protect, preserve, maintain, or operate any historic or archeologic building, site, or object, or property used in connection with the building, site, or object, for public use, regardless whether the title to the building, site, object, or property is in the United States. No contract or cooperative agreement shall be made or entered into that will obligate the general fund of the Treasury unless or until Congress has appropriated money for that purpose.

(g) PROTECTION OF SITES, BUILDINGS, OBJECTS, AND PROPERTY.—The Secretary shall restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and property of national historical or archeological significance and where considered desirable establish and maintain museums in connection with the sites, buildings, objects, and property.

(h) TABLETS TO MARK OR COMMEMORATE PLACES AND EVENTS.—The Secretary shall erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archeological significance.

(i) OPERATION FOR BENEFIT OF PUBLIC.—The Secretary may operate and manage historic and archeologic sites, buildings, and property acquired under this chapter together with land and subordinate buildings for the benefit of the public and may charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration. The Secretary may grant those concessions, leases, or permits and enter into contracts relating to the contracts, leases, or permits with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(j) CORPORATION TO CARRY OUT DUTIES.—When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archeologic site, building, or property donated to the United States through the Service, the Secretary may cause the restoration, reconstruction, operation, or maintenance to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(k) EDUCATIONAL PROGRAM AND SERVICE.—The Secretary shall develop an educational program and service for the purpose of making available to the public information pertaining to American historic and archeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such information.

(l) ACTIONS AND REGULATIONS NECESSARY TO CARRY OUT CHAPTER.—The Secretary shall perform any and all acts and make regulations not inconsistent with this chapter that may be necessary and proper to carry out this chapter.

§ 320103. Cooperation with governmental and private agencies and individuals

(a) AUTHORIZATION OF SECRETARY.—The Secretary may cooperate with and may seek and accept the assistance of any Federal, State, or local agency, educational or scientific institution, patriotic association, or individual.

(b) TECHNICAL ADVISORY COMMITTEES.—When the Secretary considers it necessary, the Secretary may establish technical advisory committees to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or other structure.

(c) EMPLOYMENT OF ASSISTANCE.—The Secretary may employ professional and technical assistance and establish service as may be required to accomplish the purposes of this chapter and for which money may be appropriated by Congress or made available by gifts for those purposes.

§ 320104. Jurisdiction of States in acquired land

Nothing in this chapter shall be held to deprive any State, or political subdivision of a State, of its civil and criminal jurisdiction in and over land acquired by the United States under this chapter.

§ 320105. Criminal penalties

Criminal penalties for a violation of a regulation authorized by this chapter are provided by section 1866 of title 18.

§ 320106. Limitation on obligation or expenditure of appropriated amounts

Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary to carry out subsection (f) or (g) of section 320102 of this title may be obligated or expended—

(1) unless the appropriation of the funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after October 30, 1992.

Chapter 3203—Monuments, Ruins, Sites, and Objects of Antiquity

Sec.
320301. National monuments.
320302. Permits.
320303. Regulations.

§ 320301. National monuments

(a) PRESIDENTIAL DECLARATION.—The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) RESERVATION OF LAND.—The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

(c) RELINQUISHMENT TO FEDERAL GOVERNMENT.—When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.

(d) LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN WYOMING.—No extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

§ 320302. Permits

(a) AUTHORITY TO GRANT PERMIT.—The Secretary, the Secretary of Agriculture, or the Secretary of the Army may grant a permit for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity on land under their respective jurisdictions to an institution that the Secretary concerned considers properly qualified to conduct the examination, excavation, or gathering, subject to such regulations as the Secretary concerned may prescribe.

(b) PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.—A permit may be granted only if—

(1) the examination, excavation, or gathering is undertaken for the benefit of a reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of the objects; and

(2) the gathering shall be made for permanent preservation in a public museum.

§ 320303. Regulations

The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall make and publish uniform regulations for the purpose of carrying out this chapter.

SEC. 4. CONFORMING AMENDMENTS.

(a) TITLE 18.—

(1) IN GENERAL.—Chapter 91 of title 18, United States Code, is amended by adding at the end the following:

"§ 1865. National Park Service

"(a) VIOLATION OF REGULATIONS RELATING TO USE AND MANAGEMENT OF NATIONAL PARK SYSTEM UNITS.—A person that violates any regulation authorized by section 100751(a) of title 54 shall be imprisoned not more than 6 months, fined under this title, or both, and be adjudged to pay all cost of the proceedings.

"(b) FINANCIAL DISCLOSURE BY OFFICERS OR EMPLOYEES PERFORMING FUNCTIONS OR DUTIES UNDER SUBCHAPTER III OF CHAPTER 1007 OF TITLE 54.—An officer or employee of the Department of the Interior who is subject to, and knowingly violates, section 100737 of title 54 or any regulation prescribed under that section shall be imprisoned not more than one year, fined under this title, or both.

"(c) OFFENSES RELATING TO STRUCTURES AND VEGETATION.—A person that willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or that willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within a national military park shall be imprisoned not less than 15 days nor more than one year, fined under this title but not less than $10 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant that is destroyed, defaced, injured, cut, or removed, or both.

"(d) TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR SHOOT.—An individual who trespasses in a national military park to hunt or shoot, or hunts game of any kind in a national military park with a gun or dog, or sets a trap or net or other device in a national military park to hunt or catch game of any kind, shall be imprisoned not less than 5 nor more than 30 days, fined under this title, or both.

"§ 1866. Historic, archeologic, or prehistoric items and antiquities

"(a) VIOLATION OF REGULATIONS AUTHORIZED BY CHAPTER 3201 OF TITLE 54.—A person that violates any of the regulations authorized by chapter 3201 of title 54 shall be fined under this title and be adjudged to pay all cost of the proceedings.

"(b) APPROPRIATION OF, INJURY TO, OR DESTRUCTION OF HISTORIC OR PREHISTORIC RUIN OR MONUMENT OR OBJECT OF ANTIQUITY.—A person that appropriates, excavates, injures, or destroys any historic or prehistoric ruin or monument or any other object of antiquity that is situated on land owned or controlled by the Federal Government without the permission of the head of the Federal agency having jurisdiction over the land on which the object is situated, shall be imprisoned not more than 90 days, fined under this title, or both.".

(2) TABLE OF CONTENTS.—The table of contents of chapter 91 of title 18, United States Code, is amended by adding at the end the following:

"1865. National Park Service.

''1866. Historic, archeologic, or prehistoric items and antiquities.''.

(b) TITLE 28.—

(1) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 190—MISCELLANEOUS

''Sec.

''5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States.

"§ 5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States

''(a) DEATH.—In the case of the death of an individual by the neglect or wrongful act of another in a place subject to the exclusive jurisdiction of the United States within a State, a right of action shall exist as though the place were under the jurisdiction of the State in which the place is located.

''(b) PERSONAL INJURY.—In a civil action brought to recover on account of an injury sustained in a place described in subsection (a), the rights of the parties shall be governed by the law of the State in which the place is located.''.

(2) TABLE OF CONTENTS.—The table of contents of part VI of title 28, United States Code, is amended by adding at the end the following:

"190. Miscellaneous ..... 5001".

(c) ACT OF MAY 26, 2000.—Section 1 of Public Law 106–206 (114 Stat. 314) is amended to read as follows:

"section 1. commercial filming.

''(a) COMMERCIAL FILMING FEE.—

''(1) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture (hereafter individually referred to as the 'Secretary' with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

''(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

''(B) The size of the film crew present on Federal land under the Secretary's jurisdiction.

''(C) The amount and type of equipment present.

''(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

''(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar project, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

''(c) STILL PHOTOGRAPHY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

''(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

''(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

''(1) there is a likelihood of resource damage;

''(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

''(3) the activity poses health or safety risks to the public.

''(e) USE OF PROCEEDS.—

''(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

''(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

''(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.''.

(d) PUBLIC LAW 111–24.—Section 512 of Public Law 111–24 (123 Stat. 1764) is amended to read as follows:

''SEC. 512. PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS

''(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

''(1) The 2d amendment to the Constitution provides that 'the right of the people to keep and bear Arms, shall not be infringed'.

''(2) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not 'possess, use, or transport firearms on national wildlife refuges' of the United States Fish and Wildlife Service.

''(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at units of the National Wildlife Refuge System.

''(4) The existence of different laws relating to the transportation and possession of firearms at different units of the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Wildlife Refuge System.

''(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in units of the National Wildlife Refuge System that went into effect on January 9, 2009—

''(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

''(B) the new regulations—

''(i) are under review by the Obama administration; and

''(ii) may be altered.

''(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

''(7) Federal laws should make it clear that the 2d amendment rights of an individual at a unit of the National Wildlife Refuge System should not be infringed.

''(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any unit of the National Wildlife Refuge System if—

''(1) the individual is not otherwise prohibited by law from possessing the firearm; and

''(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Wildlife Refuge System is located.''.

SEC. 5. CONFORMING CROSS-REFERENCES.

(a) TITLE 7, UNITED STATES CODE.—Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code''.

(b) TITLE 10, UNITED STATES CODE.—Section 2684(c)(1) of title 10, United States Code, is amended by striking ''section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a))'' and substituting ''section 2023.01 of title 54''.

(c) TITLE 15, UNITED STATES CODE.—Section 1072(a)(3)(D) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720(a)(3)(D)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''.

(d) TITLE 16, UNITED STATES CODE.—

(1) Section 6 of Public Law 89–72 (16 U.S.C. 460*l*–17) is amended—

(A) in subsection (a), by striking ''subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''section 200305(d) of title 54, United States Code''; and

(B) in subsection (g), by striking ''Subsection 6(a)(2) of the Land and Water Development Fund Act of 1965 (78 Stat. 897)'' and substituting ''section 200306(a)(3) of title 54, United States Code,''.

(2) Section 8 of Public Law 90–540 (16 U.S.C. 460v–7) is amended by striking ''section 6 of the Act of September 3, 1964 (78 Stat. 897, 903)'' and substituting ''section 200306 of title 54, United States Code''.

(3) Section 7(c) of the Springs Mountain National Recreation Area Act (16 U.S.C. 460hhh–5(c)) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9)'' and substituting ''section 100506 of title 54, United States Code''.

(4) Section 5(b) of Public Law 103–64 (16 U.S.C. 460iii–4(b)) is amended by striking ''section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–9(a))'' and substituting ''section 200306(a) of title 54, United States Code''.

(5) Section 702(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn-122(a)) is amended by striking ''section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5)'' and substituting ''section 200302 of title 54, United States Code,''.

(6) Section 4 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470cc) is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking ''the Act of June 8, 1906 (16 U.S.C. 431–433)'' and substituting ''chapter 3203 of title 54, United States Code''; and

(ii) in paragraph (2), by striking ''the Act of June 8, 1906'' each place it appears and substituting ''chapter 3203 of title 54, United States Code''; and

(B) in subsection (i), by striking ''section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f)'' and substituting ''section 306108 of title 54, United States Code''.

(7) Section 5 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470dd) is amended by striking ''the Act of June 27, 1960 (16 U.S.C. 469–469c) or the Act of June 8, 1906 (16 U.S.C. 431–433)'' and substituting ''chapter 3125 or chapter 3203 of title 54, United States Code''.

(8) Section 9(a)(2) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh(a)(2)) is amended by striking ''the Act of June 27, 1960 (16 U.S.C. 469–469c)'' and substituting ''chapter 3125 of title 54, United States Code''.

(9) Section 6311(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 470aaa–10(1)) is amended by striking ''Public Law 94–429 (commonly known as the 'Mining in the Parks Act' (16 U.S.C. 1901 et seq.)'' and substituting ''subchapter 3 of chapter 1007 of title 54, United States Code''.

(10) Section 502(h)(1)(B) of the National Parks and Recreation Act of 1998 (16 U.S.C. 471i(h)(1)(B)) is amended by striking ''the Land and Water Conservation Fund Act'' and substituting ''chapter 2003 of title 54, United States Code''.

(11) Section 339(f)(4)(H) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (Public Law 106–113, div. B, §1000(a)(3), title III, 16 U.S.C. 528 note), is amended by striking ''Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a)'' and substituting ''Section 100904 of title 54, United States Code''.

(12) Section 6(d) of the Alaska Land Status Technical Corrections Act of 1992 (Public Law 102–415, 16 U.S.C. 539 note) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9)'' and substituting ''section 100506 of title 54, United States Code''.

(13) Section 2(b) of the Greer Spring Acquisition and Protection Act of 1991 (Public Law 102–220, 16 U.S.C. 539h note) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9)'' and substituting ''section 100506 of title 54, United States Code''.

(14) Section 606 of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277, div. A, §101(e), title VI, 16 U.S.C. 539k note) is amended—

(A) in subsection (a)(3), by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9)'' and substituting ''section 100506 of title 54, United States Code,'';

(B) in subsection (b)(2), by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) in subsection (g)(1), by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code,''.

(15) Section 6 of Public Law 93–535 (16 U.S.C. 541e) is amended by striking ''clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903), as amended'' and substituting ''section 200306(a)(2) of title 54, United States Code''.

(16) Section 14(e)(3)(D)(iii) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544*l*(e)(3)(D)(iii)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(17) Section 16(a)(1) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544n(a)(1) is amended by striking ''the Land and Water Conservation Fund (16 U.S.C. 4601–4 and following)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(18) Section 3(b) of the Saint Helena Island National Scenic Area Act (16 U.S.C. 546a(b)) is amended by striking ''section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9)'' and substituting ''section 100506 of title 54, United States Code''.

(19) Section 6(a) of the Act of June 22, 1948 (known as the Thye-Blatnik Act) (16 U.S.C. 577h(a)) is amended by striking ''the Land and Water Conservation Fund Act (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(20) Section 104(f) of the Valles Caldera Preservation Act (16 U.S.C. 688v–2(f)) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9)'' and substituting ''section 100506 of title 54, United States Code''.

(21) Section 4(a)(3) of the Wilderness Act (16 U.S.C. 1133(a)(3)) is amended—

(A) by striking ''the Act of August 25, 1916'' and substituting ''section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''; and

(B) by striking ''the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.)'' and substituting ''section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and chapters 3201 and 3203 of title 54, United States Code''.

(22) Section 5 of Public Law 90–454 (16 U.S.C. 1225) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code''.

(23) Section 7(h)(1) of the National Trails System Act (16 U.S.C. 1246(h)(1) is amended by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code,''.

(24) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended—

(A) by striking ''the Land and Water Conservation Fund Act'' and substituting ''chapter 2003 of title 54, United States Code'';

(B) by striking ''the Act of October 15, 1966 (80 Stat. 915), as amended'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) by striking ''the Act of May 28, 1963 (77 Stat. 49'' and substituting ''chapter 2003 of title 54, United States Code''.

(25) Section 9(e)(3) of the National Trails System Act (16 U.S.C. 1248 (e)(3)) is amended by striking ''section 2 of the Land and Water Conservation Fund Act of 1965'' and substituting ''section 200302 of title 54, United States Code''.

(26) Section 10(a)(1) of the National Trails System Act (16 U.S.C. 1249(a)(1)) is amended by striking ''the Land and Water Conservation Fund Act (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(27) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended—

(A) by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code''; and

(B) by striking ''section 6 of the Land and Water Conservation Fund Act of 1965'' and substituting ''200305 of title 54, United States Code''.

(28) Section 12(4) of the National Trails System Act (16 U.S.C. 1251(4)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code,''.

(29) Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by striking ''the Land and Water Conservation Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code,''.

(30) Section 7(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(d)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(31) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a), by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897'' and substituting ''chapter 2003 of title 54, United States Code''; and

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code,''; and

(ii) in subparagraph (B), by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(32) Section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b) is amended by striking ''the Land and Water Conservation Fund Act of 1965, as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(33) Section 815(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3125(4)'' is amended—

(A) by striking ''the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4)'' and substituting ''section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''; and

(B) by adding ''or such title'' after ''such Acts''.

(34) Section 6(a)(6)(C) of the Coastal Barrier Act of 1968 (16 U.S.C. 3505(a)(6)(C)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(35) Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by striking ''Public Law 90–209 (16 U.S.C. 19e et seq.)'' and substituting ''subchapter II of chapter 1011 of title 54, United States Code''.

(36) Section 805(f)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(f)(1)) is amended—

(A) by striking ''(16 U.S.C. 4601–6a)''; and

(B) by striking ''; 16 U.S.C. 5991–5995''.

(37) Section 813 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812) is amended—

(A) in subsection (A), by striking ''(16 U.S.C. 4601–6a et seq.)'';

(B) in subsection (b), by striking ''; 16 U.S.C. 4601–6a'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''; 16 U.S.C. 5982''; and

(ii) in paragraph (2), by striking ''; 16 U.S.C. 5991–5995''; and

(D) in subsection (e)—

(i) in paragraph (1), by striking ''(16 U.S.C. 4601–6a(i)(1))'';

(ii) in paragraph (2), by striking ''; 16 U.S.C. 5991–5995''; and

(iii) in paragraph (3), by striking ''; 16 U.S.C. 4601–6a''.

(e) TITLE 20, UNITED STATES CODE.—

(1) Section 2 of the Act of August 15, 1949 (20 U.S.C. 78a) is amended by striking ''the Act of June 8, 1906 (16 U.S.C. 432, 433)'' and substituting ''section 1866(b) of title 18, United States Code, and sections 320302 and 320303 of title 54, United States Code''.

(2) Section 1517(a)(3) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4424(a)(3)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(3) Section 7202(13)(E) of the Native Hawaiian Education Act (20 U.S.C. 7512(13)(D)) is amended by striking '' the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(f) TITLE 23, UNITED STATES CODE.—

(1) Section 103(c)(5) of title 23, United States Code, is amended—

(A) in subparagraph (B)(i), by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''; and

(B) in subparagraph (C), by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(2) Section 138(b)(2)(A) of title 23, United States Code, is amended by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(3) Section 206 of title 23, United States Code, is amended—

(A) in subsection (d)(1)(B), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54'';

(B) in subsection (d)(2)(D)(ii), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54''; and

(C) in subsection (h)(3), by striking ''section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3))'' and substituting ''section 200305(f)(3) of title 54''.

(g) TITLE 25, UNITED STATES CODE.—Section 509(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–8(a)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(h) TITLE 26, UNITED STATES CODE.—Section 9503(c)(3)(A)(i) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(A)(i)) is amended by striking ''title I of the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54''.

(i) TITLE 36, UNITED STATES CODE.—Section 153513(a)(1) of title 36, United States Code, is amended by striking ''the Act of August 25, 1916 (16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act)'' and substituting ''section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''.

(j) TITLE 40, UNITED STATES CODE.—

(1) Section 549(c)(3)(B)(ix) of title 40, United States code, is amended—

(A) by striking ''section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2))'' and substituting ''section 305101(4) of title 54''; and

(B) by striking ''subsection (b) of that section'' and substituting ''section 305103 of title 54''.

(2) Section 550(h)(1)(B) of title 40, United States Code, is amended by striking ''section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act)'' and substituting ''section 102303 of title 54''.

(3) Section 1303(c) of title 40, United States Code, is amended by striking ''the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act)'' and substituting ''chapter 3201 of title 54''.

(4) Section 1314(a)(2)(A)(ii) of title 40, United States Code, is amended by striking ''the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act)'' and substituting ''section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54''.

(5) Section 3303(c) of title 40, United States Code, is amended by striking ''title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)'' and substituting ''section 304101 of title 54''.

(6) Section 3306(a)(4) of title 40, United States Code, is amended by striking ''section 101 of the National Historic Preservation Act (16 U.S.C. 470a)'' and substituting ''chapter 3021 of title 54''.

(7) Section 14507(a)(1)(A)(ii) of title 40, United States Code, is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54''.

(k) TITLE 42, UNITED STATES CODE.—

(1) Section 303(2) of the Water Resources Planning Act (42 U.S.C. 1962c–2(2)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(2) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking ''section 5(e) of the Land And Water Conservation Fund Act of 1965'' and substituting ''section 200305(e) of title 54, United States Code''.

(3) Section 5(c) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(c)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(4) Section 121 of the Housing and Community Development Act of 1974 (42 U.S.C. 5320) is amended—

(A) by amending subsection (a) to read as follows:

''(a) With respect to applications for assistance under section 5318 of this title, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 5318 of this title and their relationship with division A of subtitle III and chapter 3125 of title 54, United States Code.'';

and

(B) in subsection (c), by striking ''section 106 of the Act referred to in subsection (a)(1)'' and substituting ''section 306108 of title 54, United States Code,''.

(5) Section 504(c)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12204(c)(2)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(6) Section 999H(c)(2) of the Energy Policy Act of 2005 Energy Research, Development, Demonstration, and Commercial Application Act of 2005 (42 U.S.C. 16378(c)(2)) is amended—

(A) in subparagraph (B), by striking ''section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c))'' and substituting ''section 200302(c) of title 54, United States Code''; and

(B) in subparagraph (C), by striking ''section 108 of the National Historic Preservation Act (16 U.S.C. 470h)'' and substituting ''chapter 3031 of title 54, United States Code''.

(*l*) TITLE 43, UNITED STATES CODE.—

(1) The second paragraph under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''BUREAU OF RECLAMATION'' (43 U.S.C. 377b) is amended by striking ''the Acts of August 21, 1935 (16 U.S.C. 461–467) and June 27 1960 (16 U.S.C. 469)'' and substituting ''chapters 3125 and 3201 of title 54, United States Code''.

(2) Section 105 of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432, div. C, title I, 43 U.S.C. 1331 note) is amended—

(A) in subsection (a)(2)(B)—

(i) by striking ''section 6 of the Land And Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8)'' and substituting ''section 200305 of title 54, United States Code''; and

(ii) by striking ''section 2 of that Act (16 U.S.C. 460l–5)'' and substituting ''section 200302 of that title''; and

(B) in subsection (e)(3)(B), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''.

(3) Section 1401(b) of the Omnibus Budget Reconciliation Act of 1981 (43 U.S.C. 1457a(b)) is amended—

(A) by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat; 897; 16 U.S.C. 460z)'' and substituting ''chapter 2003 of title 54, United States Code'';

(B) by striking ''the National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470)'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) by striking ''the Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.)'' and substituting ''chapter 2005 of title 54, United States Code''.

(4) The paragraph under the heading ''NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND'' under the heading ''UNITED STATES FISH AND WILDLIFE SERVICE'' in Public Law 103–138 (43 U.S.C. 1474b–1) is omitted by striking ''the Act of July 27, 1990 (Public Law 101–337)'' and substituting ''subchapter II of chapter 1007 of title 54, United States Code,''.

(5) Section 7(e)(3) of the Colorado River Floodway Protection Act (43 U.S.C. 1600e(e)(3)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code''.

(6) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking ''the Act of September 3, 1964 (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(7) Section 204(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(j)) is amended by striking ''the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433)'' and substituting ''chapter 3203 of title 54, United States Code''.

(8) Section 201(d)(3)(E) of the Consolidated Natural Resources Act of 2008 (43 U.S.C. 1786(d)(3)(E)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code,''.

(9) Section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) is amended—

(A) in subsection (e), by striking ''the Land and Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''; and

(B) in subsection (f)(2), by striking ''section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6)'' and substituting ''section 200303 of title 54, United States Code''.

(m) TITLE 45, UNITED STATES CODE.—

(1) Section 1168(a) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1111(a)) is amended by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code''.

(2) Section 613(a) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1212(a)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(n) TITLE 46, UNITED STATES CODE.—Section 13102(b)(2) of title 46, United States Code, is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4—460–11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(*o*) TITLE 48, UNITED STATES CODE.—

(1) Section 105(l) of Public Law 99–239 (known as the Compact of Free Association Amendments Act of 2003) (48 U.S.C. 1905(*l*)) is

amended by striking ''the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(2) Section 105(j) of Public Law 108–188 (known as the Compact of Free Association Act of 1985) (48 U.S.C. 1921(d)) is amended by striking ''the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(p) TITLE 49, UNITED STATES CODE.—Section 303(d)(2) of title 49, United States Code, is amended by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54, United States Code''.

SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term ''source provision'' means a provision of law that is replaced by a title 54 provision.

(2) TITLE 54 PROVISION.—The term ''title 54 provision'' means a provision of title 54, United States Code, that is enacted by section 3.

(b) CUTOFF DATE.—The title 54 provisions replace certain provisions of law enacted on or before January 15, 2013. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 54 provision. If a law enacted after that date is otherwise inconsistent with a title 54 provision or a provision of this Act, that law supersedes the title 54 provision or provision of this Act to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 54 provision is deemed to have been enacted on the date of enactment of the source provision that the title 54 provision replaces.

(d) REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54 provision is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 54 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 54 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 54 provision.

SEC. 7. REPEALS.

The following provisions of law are repealed, except with respect to rights and duties that matured, penalties that were incurred, or proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Act	Section	United States Code Former Classification
Act of February 15, 1901 (ch. 372 relating to System units)		16 U.S.C. 79.
Act of June 8, 1906 (ch. 3060)	1 2 3 4	16 U.S.C. 433. 16 U.S.C. 431. 16 U.S.C. 432. 16 U.S.C. 432.
Act of March 4, 1911 (ch. 238 (4th and last paragraphs (relating to System units) under heading ''IMPROVEMENT OF THE NATIONAL FOREST'' under heading ''FOREST SERVICE'')		16 U.S.C. 5.
Act of August 25, 1916 (ch. 408)	1 2 3 4	16 U.S.C. 1. 16 U.S.C. 2. 16 U.S.C. 3. 16 U.S.C. 4.
Act of June 12, 1917 (ch. 27)	1 (21st undesignated paragraph under heading ''NATIONAL PARKS'').	16 U.S.C. 452.
Act of June 5, 1920 (ch. 235)	1 (2d undesignated paragraph under heading ''NATIONAL PARKS'').	16 U.S.C. 6.
Act of May 24, 1922 (ch. 199)	(1st sentence in 9th undesignated paragraph under heading ''NATIONAL PARKS'').	16 U.S.C. 452.
Act of April 9, 1924 (ch. 86)	1 4 5 6	16 U.S.C. 8. 16 U.S.C. 8a. 16 U.S.C. 8b. 16 U.S.C. 8c.
Act of May 10, 1926 (ch. 277)	1 (28th undesignated paragraph under heading ''NATIONAL PARKS''). 1 (last undesignated paragraph under heading ''NATIONAL PARKS'').	16 U.S.C. 456. 16 U.S.C. 11.
Act of June 11, 1926 (ch. 555)	1 2 3 4	16 U.S.C. 455. 16 U.S.C. 455a. 16 U.S.C. 455b. 16 U.S.C. 455c.
Act of July 3, 1926 (ch. 792)	1 2	16 U.S.C. 12. 16 U.S.C. 13.
Act of February 1, 1928 (ch. 15)		16 U.S.C. 457.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Act of March 7, 1928 (ch. 137)	1 (28th undesignated paragraph under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 15.
Act of March 8, 1928 (ch. 152)		16 U.S.C. 458.
Act of April 18, 1930 (ch. 187)		16 U.S.C. 16.
Act of May 26, 1930 (ch. 324)	1	16 U.S.C. 17.
	3	16 U.S.C. 17b.
	4	16 U.S.C. 17c.
	5	16 U.S.C. 17d.
	6	16 U.S.C. 17e.
	7	16 U.S.C. 17f.
	8	16 U.S.C. 17g.
	9	16 U.S.C. 17h.
	10	16 U.S.C. 17i.
	11	16 U.S.C. 17j.
Act of March 4, 1931 (ch. 522)	title I (proviso in last undesignated paragraph under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 9a.
Act of March 2, 1933 (ch. 180)	1	16 U.S.C. 9a.
Act of May 9, 1935 (ch. 101)	1 (34th undesignated paragraph under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 14b, 456a.
Act of August 21, 1935 (ch. 593)	1	16 U.S.C. 461.
	2	16 U.S.C. 462.
	3	16 U.S.C. 463.
	4	16 U.S.C. 464.
	5	16 U.S.C. 465.
	6	16 U.S.C. 466.
	7	16 U.S.C. 467.
Act of June 23, 1936 (ch. 735)	1	16 U.S.C. 17k.
	2	16 U.S.C. 17*l*.
	3	16 U.S.C. 17m.
	4	16 U.S.C. 17n.
Act of May 10, 1939 (ch. 119)	1 (41st undesignated paragraph under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 14a.
Act of June 18, 1940 (ch. 395)	1 (proviso in 3d undesignated paragraph under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 17j–1.
Act of August 27, 1940 (ch. 690)	1	16 U.S.C. 458a.
Act of June 28, 1941 (ch. 259)	1 (41st undesignated paragraph under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 14c.
Act of August 7, 1946 (ch. 788)	(b) through (g)	16 U.S.C. 17j–2(b) through (g).
	(i), (j)	16 U.S.C. 17j–2(i), (j).
Act of June 3, 1948 (ch. 401)	1	16 U.S.C. 8e.
	2	16 U.S.C. 8f.
Act of October 26, 1949 (ch. 755)	1	16 U.S.C. 468.
	2	16 U.S.C. 468a.
	3	16 U.S.C. 468b.
	4	16 U.S.C. 468c.
	5	16 U.S.C. 468d.
Act of March 18, 1950 (ch. 72)	1	16 U.S.C. 7a.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	2	16 U.S.C. 7b.
	3	16 U.S.C. 7c.
	4	16 U.S.C. 7d.
	5	16 U.S.C. 7e.
Act of September 14, 1950 (ch. 950)	1 (last sentence proviso relating to national monuments).	16 U.S.C. 431a.
	1 (last sentence proviso relating to national parks).	16 U.S.C. 451a.
Act of August 8, 1953 (ch. 384)	1 (less (3))	16 U.S.C. 1b (less (3)).
	2	16 U.S.C. 1c.
	3	16 U.S.C. 1d.
Act of August 31, 1954 (ch. 1163)		16 U.S.C. 452a.
Act of July 1, 1955 (ch. 259)	1	16 U.S.C. 18f.
	2	16 U.S.C. 18f–2.
	3	16 U.S.C. 18f–3.
Public Law 86–523	2	16 U.S.C. 469a.
	3	16 U.S.C. 469a–1.
	4	16 U.S.C. 469a–2.
	5	16 U.S.C. 469a–3.
	6	16 U.S.C. 469b.
	7	16 U.S.C. 469c.
	8	16 U.S.C. 469c–1.
Public Law 87–608		16 U.S.C. 3b.
Public Law 88–29	1	16 U.S.C. 460*l*.
	2	16 U.S.C. 460*l*–1.
	3	16 U.S.C. 460*l*–2.
	4	16 U.S.C. 460*l*–3.
Land and Water Conservation Fund Act of 1965 (Pub. L. 88–578)	title I, § 2	16 U.S.C. 460*l*–5.
	title I, § 3	16 U.S.C. 460*l*–6.
	title I, § 4(i)(1)(C)	16 U.S.C. 460*l*–6a(i)(1)(C).
	title I, § 4(j) through (n)	16 U.S.C. 460*l*–6a(j) through (n).
	title I, § 5	16 U.S.C. 460*l*–7.
	title I, § 6	16 U.S.C. 460*l*–8.
	title I, § 7	16 U.S.C. 460*l*–9.
	title I, § 8	16 U.S.C. 460*l*–10.
	title I, § 9	16 U.S.C. 460*l*–10a.
	title I, § 10	16 U.S.C. 460*l*–10b.
	title I, § 11	16 U.S.C. 460*l*–10c.
	title I, § 12	16 U.S.C. 460*l*–10d.
	title I, § 13	16 U.S.C. 460*l*–10e.
	title II, § 201	16 U.S.C. 460*l*–11.
National Historic Preservation Act (Pub. L. 89–665)	2	16 U.S.C. 470–1.
	101	16 U.S.C. 470a.
	102	16 U.S.C. 470b.
	103	16 U.S.C. 470c.
	104	16 U.S.C. 470d.
	105	16 U.S.C. 470e.
	106	16 U.S.C. 470f.
	107	16 U.S.C. 470g.
	108	16 U.S.C. 470h.
	109	16 U.S.C. 470h–1.
	110	16 U.S.C. 470h–2.
	111	16 U.S.C. 470h–3.
	112	16 U.S.C. 470h–4.
	113	16 U.S.C. 470h–5.
	201	16 U.S.C. 470i.
	202	16 U.S.C. 470j.
	203	16 U.S.C. 470k.
	204	16 U.S.C. 470*l*.
	205	16 U.S.C. 470m.
	206	16 U.S.C. 470n.
	207	16 U.S.C. 470*o*.
	208	16 U.S.C. 470p.
	209	16 U.S.C. 470q.
	210	16 U.S.C. 470r.
	211	16 U.S.C. 470s.
	212	16 U.S.C. 470t.
	213	16 U.S.C. 470u.
	214	16 U.S.C. 470v.
	215	16 U.S.C. 470v–1.
	216	16 U.S.C. 470v–2.
	301	16 U.S.C. 470w.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	302	16 U.S.C. 470w–1.
	303	16 U.S.C. 470w–2.
	304	16 U.S.C. 470w–3.
	305	16 U.S.C. 470w–4.
	306	16 U.S.C. 470w–5.
	307	16 U.S.C. 470w–6.
	308	16 U.S.C. 470w–7.
	309	16 U.S.C. 470w–8.
	401	16 U.S.C. 470x.
	402	16 U.S.C. 470x–1.
	403	16 U.S.C. 470x–2.
	404	16 U.S.C. 470x–3.
	405	16 U.S.C. 470x–4.
	406	16 U.S.C. 470x–5.
	407	16 U.S.C. 470x–6.
Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89–754)	603	16 U.S.C. 470b–1.
Public Law 90–209	1	16 U.S.C. 19e.
	2	16 U.S.C. 19f.
	3	16 U.S.C. 19g.
	4	16 U.S.C. 19h.
	5	16 U.S.C. 19i.
	6	16 U.S.C. 19j.
	7	16 U.S.C. 19k.
	8	16 U.S.C. 19*l*.
	9	16 U.S.C. 19m.
	10	16 U.S.C. 19n.
	11	16 U.S.C. 19*o*.
Public Law 90–401	5	16 U.S.C. 460*l*–22.
Volunteers in the Parks Act of 1969 (Pub. L. 91–357)	1	16 U.S.C. 18g.
	2	16 U.S.C. 18h.
	3	16 U.S.C. 18i.
	4	16 U.S.C. 18j.
Public Law 91–383	1	16 U.S.C. 1a–1.
	3	16 U.S.C. 1a–2.
	6	16 U.S.C. 1a–3.
	7	16 U.S.C. 1a–4.
	8	16 U.S.C. 1a–5.
	10	16 U.S.C. 1a–6.
	12	16 U.S.C. 1a–7.
	13	16 U.S.C. 1a–7a.
Public Law 94–429	1	16 U.S.C. 1901.
	2	16 U.S.C. 1902.
	4	16 U.S.C. 1903.
	5	16 U.S.C. 1904.
	6	16 U.S.C. 1905.
	7	16 U.S.C. 1906.
	8	16 U.S.C. 1907.
	9	16 U.S.C. 1908.
	10	16 U.S.C. 1909.
	11	16 U.S.C. 1910.
	12	16 U.S.C. 1911.
	13	16 U.S.C. 1912.
Public Law 95–344	title III, § 302	16 U.S.C. 2302.
	title III, § 303	16 U.S.C. 2303.
	title III, § 304	16 U.S.C. 2304.
	title III, § 305	16 U.S.C. 2305.
	title III, § 306	16 U.S.C. 2306.
Urban Park and Recreation Recovery Act of 1978 (Pub. L. 95–625)	title X, § 1004	16 U.S.C. 2503.
	title X, § 1005	16 U.S.C. 2304.
	title X, § 1006	16 U.S.C. 2305.
	title X, § 1007	16 U.S.C. 2306.
	title X, § 1008	16 U.S.C. 2307.
	title X, § 1009	16 U.S.C. 2308.
	title X, § 1010	16 U.S.C. 2309.
	title X, § 1011	16 U.S.C. 2310.
	title X, § 1012	16 U.S.C. 2311.
	title X, § 1013	16 U.S.C. 2312.
	title X, § 1014	16 U.S.C. 2313.
	title X, § 1015	16 U.S.C. 2314.
Public Law 96–199	title I, § 120	16 U.S.C. 467b.
National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515)	208	16 U.S.C. 469c–2.
	401	16 U.S.C. 470a–1.
	402	16 U.S.C. 470a–2.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Public Law. 98–473	title I, §101(c) [title I, §100].	16 U.S.C. 1e.
Public Law 98–540	4(a)	16 U.S.C. 1a–8(a).
International Security and Development Cooperation Act of 1985 (Pub. L. 99–83)	1303	16 U.S.C. 469j.
Public Law 101–337	1	19jj.
	2	19jj–1.
	3	19jj–2.
	4	19jj–3.
	5	19jj–4.
Public Law 101–628	title XII, §1213	16 U.S.C. 1a–9.
	title XII, §1214	16 U.S.C. 1a–10.
	title XII, §1215	16 U.S.C. 1a–11.
	title XII, §1216	16 U.S.C. 1a–12.
	title XII, §1217	16 U.S.C. 1a–13.
Department of the Interior and Related Agencies Appropriations Act, 1993 (Pub. L. 102–381)	title I (1st proviso in paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 14d.
Public Law 102–525	title III, §301	16 U.S.C. 1a–14.
Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103–138)	title I (3d proviso in paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 3a.
National Maritime Heritage Act of 1994 (Pub. L. 103–451)	3	16 U.S.C. 5402.
	4	16 U.S.C. 5403.
	5	16 U.S.C. 5404.
	6	16 U.S.C. 5405.
	7	16 U.S.C. 5406.
	8	16 U.S.C. 5407.
	9	16 U.S.C. 5408.
Omnibus Consolidated Appropriations Act, 1997 (Pub. L. 104–208)	div. A, title I, §101(d) [title I (3d undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'')].	16 U.S.C. 1g.
Omnibus Parks and Public Lands Management Act of 1996 (Pub. L. 104–333)	div. I, title VI, §604	16 U.S.C. 469k.
	div. I, title VIII, §814(a)(2) through (19).	16 U.S.C. 17*o*(2) through (19).
	div. I, title VIII, §814(g)	16 U.S.C. 1f.
National Underground Railroad Network to Freedom Act of 1998 (Pub. L. 105–203)	3	16 U.S.C. 469*l*–1.
	4	16 U.S.C. 469*l*–2.
	5	16 U.S.C. 469*l*–3.
Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261)	div. A, title X, §1068	16 U.S.C. 5409.
National Parks Omnibus Management Act of 1998 (Pub. L. 105–391)	2	16 U.S.C. 5901.
	101	16 U.S.C. 5911.
	102	16 U.S.C. 5912.
	103	16 U.S.C. 5913.
	104	16 U.S.C. 5914.
	201	16 U.S.C. 5931.
	202	16 U.S.C. 5932.
	203	16 U.S.C. 5933.
	204	16 U.S.C. 5934.
	205	16 U.S.C. 5935.
	206	16 U.S.C. 5936.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	207	16 U.S.C. 5937.
	402	16 U.S.C. 5951.
	403	16 U.S.C. 5952.
	404	16 U.S.C. 5953.
	405	16 U.S.C. 5954.
	406	16 U.S.C. 5955.
	407	16 U.S.C. 5956.
	408	16 U.S.C. 5957.
	409	16 U.S.C. 5958.
	410	16 U.S.C. 5959.
	411	16 U.S.C. 5960.
	412	16 U.S.C. 5961.
	413	16 U.S C. 5962.
	414	16 U.S.C. 5963.
	416	16 U.S.C. 5964.
	417	16 U.S.C. 5965.
	418	16 U.S.C. 5966.
	501	16 U.S.C. 5981.
	801	16 U.S.C. 6011.
Public Law 106–206	1 (relating to National Park System).	16 U.S.C. 460*l*–6d (relating to National Park System).
Department of the Interior and Related Agencies Appropriations Act, 2002 (Pub. L. 107–63)	title I (paragraph under heading ''CONTRIBUTION FOR ANNUITY BENEFITS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 14e.
Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7)	div. F, title I (words before proviso in last undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 1h.
	div. F, title I (proviso in last undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 1i.
Consolidated Appropriations Act of 2008 (Pub. L. 110–161)	div. F, title I (1st paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 5954 note.
Consolidated Natural Resources Act of 2008 (Pub. L. 110–229)	title III, subtitle A, § 301.	16 U.S.C. 1j.
Omnibus Public Land Management Act of 2009 (Pub. L. 111–11)	title VII, subtitle B, § 7111(b).	16 U.S.C. 469m(b).
	title VII, subtitle B, § 7111(c).	16 U.S.C. 469m(c).
	title VII, subtitle D, § 7301(b), (c).	16 U.S.C. 469k–1)(b), (c).
	title VII, subtitle D, § 7302(b) through (f).	16 U.S.C. 469n(b) through (f).
	title VII, subtitle D, § 7303.	16 U.S.C. 469*o*.
Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111–24)	title V, § 512 (relating to National Park System).	16 U.S.C. 1a–7b (relating to National Park System).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from California (Ms. BASS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1068 currently under consideration, as amended.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume and rise to bring before the House H.R. 1068, a bill to enact title 54, United

States Code, ''National Park Service and Related Programs'', as positive law.

Until now, laws relating to the organization and management of the National Park System have been clarified as part of title 16—not in one distinct place but, rather, dispersed throughout the title. Over time, these code clarifications have become very cumbersome to use.

Ranking Member CONYERS and I introduced this bill to organize all of the provisions relating to the National Park System and restate them as a new positive law title of the United States Code.

The new positive law provisions replace the existing provisions which are repealed by the bill. All changes made by this bill are purely technical in nature. This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives as part of its ongoing responsibility to prepare and submit periodically to the Committee on the Judiciary, one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

The bill was prepared in accordance with the statutory standard for codification legislation, which is that the restatement shall conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections.

H.R. 1068 will ensure that the U.S. Code is accurate, up-to-date, and usable. For these reasons, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I'm pleased to join Chairman GOODLATTE in supporting H.R. 1068, as amended.

Chairman GOODLATTE and Ranking Member CONYERS introduced this commonsense, noncontroversial bill that enjoys strong bipartisan support.

This legislation was drafted by the Office of the Law Revision Counsel as part of its ongoing statutory responsibility to prepare and submit to the Judiciary Committee a complete compilation, restatement, and revision of the general and permanent laws of the United States.

H.R. 1068 concerns the National Park System, which is managed by the National Park Service. As many of us know, numerous laws relating to these entities have been enacted since the mid-19th century. These laws include, for example, the Historic Sites, Buildings, and Antiquities Act, the National Historic Preservation Act, and other provisions intended to protect and preserve sites that document our Nation's history.

These laws have been codified in scattered sections of title 16 of the United States Code. In addition, as laws relating to the National Park System were amended and new laws enacted pertaining to these provisions, the code classifications have become cumbersome to use.

H.R. 1068 is not intended to make any significant changes in the law. As is typical with the codification process, a number of minor revisions are made, including the reorganization of the sections into a more coherent overall structure.

This measure collects provisions relating to the establishment and administration of the National Park System, outdoor recreation programs that the Secretary of the Interior administers, and the responsibility of the Secretary to preserve historic sites, buildings, objects, and antiquities—all of which are currently found in various places throughout title 16 of the United States Code—and restates these provisions as a new positive law title of the code.

□ 1640

On March 14, 2013, the Judiciary Committee ordered H.R. 1068 favorably reported by voice vote. The amended version of the bill that we are considering on the floor today is essentially the same as the version reported by the committee except that it makes minor typographical corrections.

I commend the chairman and ranking member for their leadership on this bill. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I want to thank the gentlewoman from California, Congresswoman BASS, for her support in helping us move this legislation through the House today. It is a technical correction, but an important improvement to our United States Code; and I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1068, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 41 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: H.R. 1067, by the yeas and nays; H.R. 1068, by the yeas and nays; approval of the Journal, de novo.

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

TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1067) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 118]

YEAS—409

Aderholt	Camp	Davis, Rodney
Alexander	Campbell	DeFazio
Amash	Cantor	DeGette
Amodei	Capito	Delaney
Andrews	Capps	DeLauro
Bachmann	Capuano	DelBene
Bachus	Cárdenas	Denham
Barber	Carney	Dent
Barletta	Carson (IN)	DeSantis
Barr	Carter	DesJarlais
Barrow (GA)	Cartwright	Deutch
Barton	Cassidy	Diaz-Balart
Bass	Castor (FL)	Dingell
Beatty	Castro (TX)	Doggett
Becerra	Chabot	Doyle
Benishek	Chaffetz	Duckworth
Bentivolio	Chu	Duffy
Bera (CA)	Cicilline	Duncan (SC)
Bilirakis	Clay	Duncan (TN)
Bishop (GA)	Cleaver	Edwards
Bishop (NY)	Clyburn	Ellison
Bishop (UT)	Coble	Ellmers
Black	Coffman	Enyart
Blackburn	Cohen	Eshoo
Blumenauer	Cole	Esty
Bonamici	Collins (GA)	Farenthold
Bonner	Collins (NY)	Farr
Boustany	Conaway	Fattah
Brady (PA)	Connolly	Fincher
Brady (TX)	Conyers	Fitzpatrick
Braley (IA)	Cook	Fleischmann
Bridenstine	Cooper	Fleming
Brooks (AL)	Costa	Flores
Brooks (IN)	Cotton	Forbes
Broun (GA)	Courtney	Fortenberry
Brown (FL)	Crawford	Foster
Brownley (CA)	Crenshaw	Foxx
Buchanan	Crowley	Frankel (FL)
Bucshon	Cuellar	Franks (AZ)
Burgess	Cummings	Frelinghuysen
Bustos	Daines	Fudge
Butterfield	Davis (CA)	Gabbard
Calvert	Davis, Danny	Gallego

Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Holding
Holt
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
Nunnelee
O'Rourke
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Sinema
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoho
Young (AK)
Young (IN)

NOT VOTING—23

Clarke
Cramer
Culberson
Engel
Grijalva
Gutierrez
Hinojosa
Lynch
Markey
Miller, George
Olson
Polis
Richmond
Rohrabacher
Rush
Schock
Simpson
Sires
Smith (NE)
Tierney
Tipton
Yoder
Young (FL)

□ 1900

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL PARK SERVICE AND RELATED PROGRAMS ENACTMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1068) to enact title 54, United States Code, ''National Park Service and Related Programs'', as positive law, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 119]

YEAS—409

Aderholt
Alexander
Amash
Amodei
Andrews
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clay
Cleaver
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Holding
Holt
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
Nunnelee
O'Rourke
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Sinema
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoho
Young (AK)
Young (IN)

NOT VOTING—23

Clarke
Cramer
Engel
Grijalva
Gutierrez
Hinojosa
Lynch
Markey
Miller, George
Olson
Perry
Polis

Richmond
Rohrabacher
Rush
Schock
Simpson
Sires
Smith (NE)
Tierney
Tipton
Yoder
Young (FL)

□ 1908

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 285, nays 118, answered ''present'' 1, not voting 28, as follows:

[Roll No. 120]

YEAS—285

Aderholt
Alexander
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Cassidy
Castro (TX)
Chabot
Cicilline
Clay
Cleaver
Clyburn
Coble
Cole
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
DeGette
DeLauro
DelBene
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fleischmann
Fleming
Forbes
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Granger
Grayson
Green, Al
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hastings (WA)
Heck (WA)
Hensarling
Higgins
Himes
Holt
Horsford
Huffman
Hultgren
Hunter
Hurt
Issa
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kline
Kuster
Labrador
LaMalfa
Lamborn
Langevin
Lankford
Larsen (WA)
Latta
Levin
Lipinski
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Carolyn
Maloney, Sean
Marino
Massie
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Messer
Mica
Michaud
Miller (MI)
Miller, Gary
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
O'Rourke
Palazzo
Pascrell
Payne
Pelosi
Perlmutter
Petri
Pitts
Pocan
Pompeo
Posey
Price (NC)
Quigley
Rangel
Rice (SC)
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schneider
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Sinema
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stewart
Stockman
Stutzman
Swalwell (CA)
Takano
Thornberry
Titus
Tonko
Tsongas
Upton
Van Hollen
Vargas
Vela
Wagner
Walden
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoho
Young (AK)
Young (IN)

NAYS—118

Amash
Andrews
Benishek
Bishop (NY)
Brady (PA)
Broun (GA)
Burgess
Capuano
Castor (FL)
Chaffetz
Chu
Coffman
Cohen
Collins (GA)
Costa
Cotton
Courtney
Crowley
Davis, Rodney
DeFazio
Denham
DeSantis
Doyle
Duckworth
Duffy
Fincher
Fitzpatrick
Flores
Foxx
Garcia
Gardner
Garrett
Gerlach
Gibson
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Hanna
Hartzler
Hastings (FL)
Heck (NV)
Herrera Beutler
Holding
Honda
Hoyer
Hudson
Huelskamp
Huizenga (MI)
Israel
Jenkins
Johnson (OH)
Jones
Jordan
Joyce
Keating
Kilmer
Kind
Kinzinger (IL)
Lance
Larson (CT)
Latham
Lee (CA)
Lewis
LoBiondo
Maffei
Marchant
Matheson
McDermott
McGovern
Meng
Miller (FL)
Moore
Neal
Negrete McLeod
Nolan
Pallone
Pastor (AZ)
Paulsen
Pearce
Perry
Peters (CA)
Peters (MI)
Peterson
Pittenger
Poe (TX)
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuster
Slaughter
Southerland
Stivers
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Turner
Valadao
Veasey
Velázquez
Visclosky
Walberg
Woodall

ANSWERED ''PRESENT''—1

Owens

NOT VOTING—28

Clarke
Cramer
Delaney
Engel
Gohmert
Grijalva
Gutierrez
Hinojosa
Kirkpatrick
Lummis
Lynch
Markey
McCollum
Miller, George
Olson
Pingree (ME)
Polis
Richmond
Rohrabacher
Rush
Schock
Simpson
Sires
Smith (NE)
Tierney
Tipton
Yoder
Young (FL)

□ 1916

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1588

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. ENGEL) be removed as a cosponsor from H.R. 1588, the Medicare Drug Savings Act.

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

There was no objection.

HONORING THE WOMEN'S FUND OF MIAMI-DADE AND NATIONAL MISSING CHILDREN'S DAY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the tireless efforts of the Women's Fund of Miami-Dade, a nonprofit organization based in the district I so proudly represent.

Over the last 20 years, this inspiring organization has been committed to creating programs and initiatives through which all girls and women can prosper and become leaders in our community and, indeed, our Nation.

Additionally, the Women's Fund of Miami-Dade is devoted to fostering awareness about sexually exploited children through its grantee partner, the Kristi House, an organization dedicated to helping children and families recover from abuse and to bring to justice those who violate them.

Each year we set aside May 25 as a day when we reflect on sexually exploited and missing children and renew our efforts to make child protection a national priority.

I thank the Women's Fund of Miami-Dade for its work to eradicate the sexual exploitation of children and to break the cycle of abuse through direct prevention and therapy and by spreading awareness of the damage inflicted upon innocent children.

It is through the actions of compassionate members of our community, like the Women's Fund and Kristi House, that will stop these injustices against the most vulnerable of our society, our children.

SAFE CLIMATE CAUCUS

(Mr. BEN RAY LUJÁN of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, at a time when our communities are dealing with the impact of climate change, cuts from the sequester will negatively impact our

long-term efforts to combat this challenge.

Energy conservation is a vital component of reducing carbon emissions. Weatherization programs and the Energy Star program have been instrumental in reducing consumption. In 2011, Energy Star helped Americans reduce emissions by the equivalent of 41 million vehicles; and, during these tough times, it cut utility bills by $23 billion.

As a result of the sequester, further progress on these programs is at risk. Research and development in clean-energy technologies are essential to reducing our dependence on oil and cutting emissions.

Sequestration's funding reductions threaten to slow developments in solar and advanced battery technology. Sadly, my Republican colleagues have been reluctant to even debate further action to address climate change.

That is one more reason why we cannot afford to sit by and do nothing while sequestration reduces the effectiveness of the programs we already have in place that are part of the climate change solution.

□ 1920

HELPING SICK AMERICANS NOW ACT

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, despite blocked attempts to fully repeal the so-called Affordable Care Act, this law is doomed to collapse under the weight of its own flawed design. Just last week, Democratic Senator MAX BAUCUS of Montana, a key architect of the Affordable Care Act, referred to the administration's signature health care law as a looming ''train wreck.'' Another promise that was used to force passage of the President's health law was broken in February, when the administration's Centers for Medicare & Medicaid Services announced that it would stop enrolling people with preexisting conditions due to funding constraints.

This week, the House will vote on the Helping Sick Americans Now Act, which would extend access to those with preexisting conditions. The coverage would be funded by eliminating the Prevention and Public Health Fund, a program under ObamaCare identified as rife with mismanagement and taxpayer abuse.

While full repeal would have been less costly and painful, the gradual failure of the Affordable Care Act is inflicting significant pain on families, businesses, and our economy. Don't take my word. Just listen to the Senator from Montana. His recent remarks aren't far off the mark.

HOMELAND SECURITY ISSUES

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

Ms. JACKSON LEE. Reflecting on the events of last week, I want to speak about some very important homeland security issues.

I want to publicly thank the outstanding law enforcement, FBI, and others who worked on the tragedy of 9/11, as we proceed as Members of Congress to further investigate how not to allow an incident like that to happen again.

But the one point I want to make very clearly and that has been said over and over by Members and certainly by leaders of the administration: this does not and should not stop comprehensive immigration reform. We should proceed with regular order because you need to know who's in this country.

Also, I offer my deepest sympathy to those in West, Texas, but make the point that we have to have a nexus between chemical plants and those who hold those kinds of hazardous materials. As well, we need a mechanism of reporting to the U.S. Department of Homeland Security a security plan and a process to avoid events such as the horrific tragedy that occurred. I will soon be introducing such legislation, and I certainly believe that it is our role to intervene and to secure the homeland.

RECOGNIZING NATIONAL AUTISM AWARENESS MONTH

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

Mr. PAULSEN. Mr. Speaker, April is National Autism Awareness Month. Autism affects the lives of 2 million Americans. It's the fastest-growing developmental disability, in terms of new cases.

In my home State of Minnesota, 1 in every 67 children is diagnosed with autism. Minnesota is also home to some great institutions like the Holland Center and the Minnesota Autism Center, which serve Minnesota families with educational and rehabilitation services for children with autism. Minnesota health care professionals are also on the front lines in the search to discover the cause of the high rate of autism among Minnesota's Somali population.

While there's currently no medical detection or cure for autism, this disorder is treatable. Studies show that the early diagnosis and intervention can lead to significantly improved outcomes.

Mr. Speaker, I was a cosponsor of the Combating Autism Reauthorization Act last Congress, and we must continue the fight and the effort to ensure those with autism get the attention and care they need.

ARMENIAN GENOCIDE

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

Mr. SARBANES. Mr. Speaker, today I rise to honor the memory of the innocent men, women, and children who perished in 1915 during the Armenian genocide.

Each year, the United States Congress has the opportunity to stand on the side of justice and recognize the Armenian genocide. Such action would fortify America's moral standing in the family of nations and send a strong message to our NATO ally, Turkey, that it must examine the dark chapters of its past and the discriminatory impulses of its present.

Turkey has repeatedly thwarted efforts by Congress and successive administrations to recognize the Armenian genocide by threatening all manner of retaliation should recognition be accorded. I submit that we do no favors to Turkey by acquiescing in its cynical campaign.

As we approach the 100th anniversary of the Armenian genocide in 2015, it is time for the United States to formally recognize this tragic chapter in world history and to bring some measure of peace and healing to those of Armenian descent.

CITY OF FREMONT RECOGNIZED FOR NATIONAL MAKE A DIFFERENCE DAY COMPETITION

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

Mr. SWALWELL of California. This Thursday, the city of Fremont will be one of three cities nationwide to be recognized with the City Award as part of the Make a Difference Day competition.

The Make a Difference Day competition is a national day of volunteering held each year on the third Saturday of October. Fremont has participated in this competition for the past 10 years. Last year alone, 1,300 residents in Fremont participated in 76 projects across the city to clean up and improve our streets and make our community much, much better.

On Thursday, Fremont residents Suzanne Shenfil, Debra Watanuki, and Christine Beitsch will be presented with the award on behalf of the city of Fremont. Fremont will also be awarded $10,000 to benefit the Fremont Family Resource Center, which offers many services such as child care information, adult information and employment services, and educational programs.

I am proud of Fremont and all of the participants in Make a Difference Day for their inspirational work to improve our neighborhoods. Together, each individual contribution builds a stronger and more sustainable community for everyone's future.

LARGER TRUCKS

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

Mr. CARTWRIGHT. I rise today in favor of protecting our infrastructure, keeping our roads safe, and reducing emissions. There are serious safety, infrastructure, and environmental concerns involved with allowing even bigger and heavier tractor-trailers on our roadways than are currently allowed. Trucking accidents cause too many deaths, and the 3,373 victims in 2011 alone were disproportionately people who were driving in cars caught in these heavy truck crashes.

These oversized trucks also inflict disproportionate damage on our roads, and especially on our national bridge system. They impose a significant cost on the rest of us to pay for these repairs. Plus, allowing larger and heavier trucks would divert freight away from our rails and onto our highways, increasing congestion and emissions at a time when we are working hard to reduce both.

RECOGNIZING CATHEDRAL HIGH SCHOOL

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

Mr. O'ROURKE. Mr. Speaker, I rise today to recognize the extraordinary students, parents, and faculty of Cathedral High School in El Paso, Texas.

Yesterday, I had the privilege of meeting with many of Cathedral's best and brightest, along with their principal, Brother Nick Gonzalez, and Chief Justice Richard Barajas, who leads the Center for Advanced Studies. What Cathedral's students have achieved under their watch is truly incredible.

This year, a record six graduating seniors have been designated as Gates Millennium Scholars and five others were finalists for this prestigious award that provides scholarships to outstanding minority students. Two others will be attending service academies.

Overall, 98 percent of the graduating class of 115 has been accepted to college, and 32 seniors will be graduating with a degree from El Paso Community College in addition to their Cathedral diploma.

Cathedral is representative of our vibrant binational community in El Paso. Over 85 percent of the student body is of Hispanic origin, with students from El Paso, Ciudad Juarez, and southern New Mexico. The school's rigorous curriculum emphasizes social justice and community service, so graduates are not just model students, they are also preparing to become model citizens.

I am proud to represent Cathedral High School and expect great things from all the students I had the privilege of meeting yesterday.

□ 1930

MAKE IT IN AMERICA: MANUFACTURING MATTERS

The SPEAKER pro tempore (Mr. WILLIAMS). Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, it's good to be back here for another week of work. We certainly have work to do. Out across this Nation there are a lot of people that are still unemployed, and it's time for Congress to take this extremely important task and to get it done.

We've been talking here on the floor for a long time about how we can create jobs in America. The Make It in America agenda that my Democratic colleagues and I have put forth over the last 2½ years is an extensive number of bills designed to bring jobs back to the United States. And we need them.

An article that appeared in the newspapers this last day or so talked about this. This is Paul Krugman talking about the long-term unemployment that we now have here in the United States. He cites that for the last 5 years we've been in a crisis. Unemployment remains elevated, with almost 12 million Americans out of work. But the real striking and huge number is in another category, and that's the long-term unemployment: 4.6 million Americans have been unemployed for more than 6 months, and more than 3 million have been jobless for more than a year. The programs that my Democratic colleagues and I have offered over the last 2½ years would have gone directly to that problem.

He argues that when you have this long-term unemployment, you create a problem that these men and women are not likely to ever get back into the workforce, citing several statistics that are found around the Nation. But we can do something about that, and the Make It in America agenda is exactly what we ought to be working on.

Before I go into the specifics of that agenda, I'd like to cover one other issue. This is seen in a report from the International Monetary Fund that they just came out with in the last couple of days warning the United States to be very careful about continued reductions in our budget. They argue that the austerity program that the United States has actually been on for the last 2 years—now, remember, immediately after President Obama became President the United States took on a stimulus program, an enormous stimulus program of a little over $700 billion. That actually created the start of the rebirth of the American economy, but it only lasted for a year, a year and a half.

Then we undertook, at the behest of my Republican colleagues, an austerity program, one that involved seriously reducing the Federal budget. Over the decades, beginning in 2011, we will see a nearly $2 trillion reduction in Federal expenditures in the 10-year period. That is what austerity is all about.

Today, if you were trying to get on an airplane somewhere in the United States, you were beginning to see yet one more effect of austerity, and that is the air traffic controllers going on furlough, so that 1 day out of 10 air traffic controllers will not be working, meaning that there will be a shortage. Some say, well, they should have moved the money around and they could have done it some other way, but that's not the way the austerity program is in the United States, and that's not the way the sequestration law is written.

Sequestration is across-the-board cuts, expenditure item by expenditure item, with no—or very little—authority to shift money from one lower priority to a higher priority. Therefore, today, the air traffic controllers, some were not working. There was a general slowdown of air traffic across the United States resulting in some of my colleagues not getting to work today to vote on the three bills that we had up here on the floor just a few moments ago.

In any case, the IMF warns: U.S. austerity will slow growth. This was a warning that was issued to the United States. It was also issued earlier to the United Kingdom, who have been on a very serious austerity budget for the last 3 years. The result is that the United Kingdom has actually seen a shrinking in their economy, as has most of Europe. Austerity did not work in Europe as an effort to deal with the downturn of the economy and the Great Recession, and it certainly is not working here.

We need to create jobs in the United States. A rational economic strategy would say that when you have a general decline in the economy caused by a lack of consumer spending, then it is time for the government to step in and to provide support for the economy. We can do that in a way that actually is an investment strategy. This is where I would like to take this conversation.

Instead of talking about austerity and cut, cut, cut at the Federal level to deal with the deficit—an issue that, indeed, we must deal with, but that's a long-term issue that we have to get about—but we have a short-term crisis right now with employment and the lack of demand here in the United States.

So, what do we do about it? Well, first of all, we end sequestration; give a rational way for the government agencies to address the $85 billion of cuts that are taking place in the next 6 months—better yet, to put that off into the future. Let those cuts occur in the years 4, 5, 6, 7, out in the future rather than right now, when what we ought to be doing is increasing the government expenditure on key investments, like keeping the airplanes in the sky, like

keeping the men and women who are at my Air Force base in Travis, continuing to provide the support that the Air Force needs in moving men and equipment out of Afghanistan, and shifting those budget cuts off to the future. I hope that happens. I have asked my colleagues, and certainly the President has asked for this to happen. We'll see if my colleagues here are ready to do that.

So, what do we do in the meantime? It's about investments, those kind of Federal Government expenditures that actually will create immediate jobs as well as long-term economic growth. There are several, and I'll go through them very, very quickly.

First, education. The most important investment that any economy will make, any society will make is the investment in education. And it's not just K–12; it's the higher education system, a doctorate education, as well as the retraining of those long-term unemployed who need to be prepared for the jobs of today and tomorrow, not the jobs of yesterday. So that's the education.

The second piece of it is research. It's the foundation of future economic growth. You need to have a robust research program if you intend for your economy to stay ahead. Fortunately, America has had such an agenda for a long time. However, the sequestration cuts—for example, $45 million out of research at the University of California-Davis in just the next 6 months—that means layoffs, layoffs of technicians and others who are involved in those research programs. And it means that those research efforts will not come to fruition in the near future. They will be delayed, and the benefit of them will not be seen for some time.

Some of this is real jobs right away. For example, some of that research has to do with bioherbicides and biopesticides. These are naturally occurring organisms that occur somewhere in the environment. They are discovered, they are brought back to the laboratory and grown and become a bioherbicide or a biopesticide. Research in that area is clearly going to be delayed as a result of sequestration. So let's delay the sequestration, put it off in the future years so that we can grow the economy today.

The third element of economic growth is in the area of infrastructure. You have to have infrastructure. This is about moving Americans across our landscape. This is about our ports, our highways, our airports, and other critical elements in the transportation infrastructure.

□ 1940

We know that we are woefully behind on meeting the infrastructure needs. Probably eight out of 10 bridges in the United States are deficient. We know that our highways are filled with potholes and don't measure up to the standards that we would want, simply for the protection of our automobiles' suspension systems. We know that there is far more to infrastructure than just highways and ports and airports.

For example, the Mississippi River is flooding. So what is the status of levees in the United States? Well, the status of levees in the United States is not good. In my district, I have more than 1,200 miles of levees, and many of them are insufficient to protect the people who live on the land side of the levees, the farms and the cities.

One of the most dangerous cities in the United States is Sacramento, California. It ranks number two after New Orleans. We need to have that levee repaired, yet the Army Corps of Engineers is taking a $250 million cut in its levee budget and in the projects that it does in deepening the ports and maintaining the ports. It makes no sense that at a time when we know there is severe flooding, even to this day along the Mississippi, that we would take $250 million out of the Army Corps of Engineers budget. But that's precisely what is happening with sequestration.

Infrastructure goes beyond that. I'm going to come back to infrastructure in a few moments, but I see I'm joined by one of my colleagues.

I'll just rapidly finish with the other two elements in a program for building the American economy.

The final two elements are manufacturing. You have to make things. I'll come back and talk about that in a few moments. And the final element is you must change. The economy is changing, people have to change with the economy, our education system, our infrastructure. All of these require that we are willing to change.

Now, my colleague from the great State of Ohio, please, share with us your thoughts on sequestration, jobs and what we can do here in the United States to put people back to work.

Mr. RYAN of Ohio. I thank the gentleman.

In line with what you were talking about on the infrastructure piece, I think it's important that we take a look at what investments need to be made in the country. We're living, unfortunately, in a narrative in the country where everything that the government invests in is a waste of money, according to some people here in the United States Capitol. No investment that the government could make could possibly be a good one. So we are forced into a discussion of either you're a socialist and the bureaucrats should be CEO of the company or nothing.

What the Democrats are trying to articulate is for us to reestablish the formula that led to the great economic expansion here in the United States. We had figured it out. We figured it out. In just a few hundred years throughout the industrial revolution this new country figured out how to make investments, how to protect intellectual property, how to protect private property, and how to make investments in certain things that were going to yield dividends down the line, that were going to help business and workers alike all at the same time.

And that formula was invest in infrastructure—invest in roads, invest in bridges, invest in ports, invest in the airports, invest in the research, invest in the space program, invest in military research that eventually would spin out into the world. We had the formula. Invest in our workforce, public schools, universities, GI bill. A pretty simple formula. This is not brain surgery we're talking about here, but it worked. And this little country that was fairly small and really insignificant at one point became the industrial powerhouse of the entire world because of that genius of public-private investments.

And, of course, the private sector came in and made big investments. Of course, they did. That's what they do. But our job here, in some instances, is to get out of the way. And we're all in agreement there that, of course, the government can get too much in the way, and we've got to streamline government. The Tax Code is too complicated. It needs to be simplified.

We can do all that without having to disinvest or eat the seed corn that is the future economy of the United States of America. And why I love to join my friend here from California is because every time he comes to the floor, he's talking about how do we make investments today that are going to pay us dividends down the line.

And when you talk about infrastructure, you're talking about making investments that are going to put, for the most part, building-trades workers to work, who make a decent salary, a good salary, good benefits, good health care. And then they go out. You have a road built or a bridge built, and the painters and the ironworkers and all these projects, sheet metal workers, they all come and they build and they all got some money in their pocket. Then they go down the street and they go to Home Depot and they spend some money there. They buy a house or add a room or put a pool in or they invest. They send their kids to college, and the whole thing keeps going. That's what we're talking about here.

Mr. GARAMENDI. Mr. RYAN, your lesson on American history is right on. We often hear some of our colleagues talk about the Founding Fathers—the Founding Fathers wouldn't do it this way, they wouldn't do it that way, or they would.

It's very interesting that George Washington on becoming President, the first President, went to Alexander Hamilton, his Treasury Secretary, and asked Mr. Hamilton to develop a strategy to grow the American economy. Alexander Hamilton came back with a report 3 or 4 months later, laid out about a dozen different elements, and in that report that Alexander Hamilton brought to President Washington was the genius of what you just described. He said, the Federal Government

should provide for infrastructure investment. He didn't call it infrastructure. The Federal Government should build canals, ports, and roads. He also said, the Federal Government should buy American-made products to encourage manufacturing in America. So this is not new.

Your recitation of American history down through the line actually began with our very first President, laying out the partnership, the public-private partnership, the Federal Government playing a key role in those investments that create economic growth.

Mr. RYAN of Ohio. Right. And if you look, comparatively speaking, now to what China is doing, what India is doing—granted they're developing countries—but they're spending 7 or 8 percent of their GDP on infrastructure projects. Here in the United States we're spending maybe 2.

I know we are not a developing country; but we do have major investments to make in our cities, in our rural areas, whether you're talking about combined sewer systems, whether you're talking about waterlines, whether you're talking about dealing with the septic systems in rural areas, whether you're talking about bridges. I think in Trumbull County, where I live, I think we have 60-some bridges that are deemed not adequate.

Mr. GARAMENDI. Unsafe.

Mr. RYAN of Ohio. Unsafe. In one county in Ohio, and there's 88 counties.

And we have high unemployment, much higher than any of us would want. And, yes, we have problems; but the Federal Government is getting money at 1 percent. And I know my friends—and I'm on the Budget Committee and we talk a lot about deficits and everything else—I know a lot of people would say we can't borrow our way out of this. And what I'm saying—my argument that I'm making—and I don't want to attribute anybody else to this—is that we've got major billion-dollar, hundreds of billion dollars—probably the Society of Engineers says a couple trillion dollars' worth of infrastructure needs over the next decade or so—why wouldn't we invest in these projects? And they say, well, you've got to borrow the money. We're going to borrow the money at 1 percent, maybe a little higher, depending on the day of the week.

□ 1950

That project that we can do today is going to be a certain price. It's going to be $100, say. What's that project going to be like in 5 or 10 years? It's going to be that much more expensive. Labor is going to be more expensive. Energy costs are going to be more expensive. The raw materials are going to be more expensive. Cement is going to be more expensive. Steel and brick are going to be more expensive. Go right down the line. Everything is going to be more expensive. And part of the problem with the Treasury is we don't have enough people working, paying taxes into the Treasury.

So, to me, you get a twofer, and it's not like the project doesn't need to get done. This is not ''make work.'' This is something that needs to get done.

Mr. GARAMENDI. Let me give you an example.

The American Public Works Association—these are people with the sanitation systems, the water systems and the like—estimate that 25 percent of all of the fresh-treated water in our municipal water systems is lost to leakage, and they estimate, together with the EPA, that we need to spend over $300 billion immediately to deal with sanitation systems in the United States that are inadequate and $335 billion in drinking water so that we have clean, available drinking water.

One more point here: for every billion dollars we spend, you put 28,000 people to work immediately. Those are the engineers, the draftsmen, the architects, the men and women who are operating the equipment, who are back-filling the ditches, laying the pipe. And if we use another strategy that we've developed on the Democratic side called Make It in America—if you use our taxpayer money to buy American-made equipment—then in your district, the steel mills begin once again to produce American-made steel, and all of the pipe and other equipment that's needed can be produced in America, using our money.

I love your example of the 1 percent. There have been Democratic proposals—and in fact, the President talked about it here in his state of the Union—about creating an infrastructure bank. If you take that 10-year or 15-year money that the government can borrow at a percent to, maybe, a percent and a half and put it in an infrastructure bank and then loan it to those cities and municipalities and counties and others that need to build these systems—well, let's say we borrowed a percent and a half and that you loaned it out at 1.6 percent—that's enough to pay that back. We circulate that money in our economy, we use that money to buy American-made products, and we get this economy moving.

It's there for us. We can do this if only we'd put our minds to it. Set aside for a moment the deficit issue. I said for a moment, not forever. We know we have to deal with the deficit, but you cannot solve that deficit unless you have Americans working, and we can put Americans back to work.

Mr. RYAN of Ohio. And, I believe, unleash a new economy. I mean, we are strangling the economy right now because we're not making those kinds of investments.

Again, when you look at our competitors—because I'm from northeast Ohio. We play a lot of football, and there's a scoreboard. America is not going to win every game, but we'd better be in a position in which, in the global economic competition, we are competitive, and we know what makes us competitive.

I'm not saying it's all about making money. A lot of this stuff that we're talking about is quality of life. We won't get into health care and preventative maintenance or anything like that, but we have human beings in Virginia and in major towns who are stuck in traffic for 2 hours in a commute in and out of a city. We're not investing in the high-speed rail, which would be another job creator and good for the environment and a new industry, and it would help develop and spread new technologies.

So we are not leading right now. We have status quo. I hate to say this, but we have a lot of people who want it to be that way. They want the Congress to be dysfunctional because they don't necessarily like government. You don't have to be enamored with government, but you do have to recognize that there is a role to be played here.

If you play sports and if you read the newspaper and watch the football team, you think it's the quarterback, it's the wide receiver, it's the running backs—it's the skill position people—who get all the press, but none of that works. Let's say that those people are the private sector, that they're the CEOs that we worship. Well, within that team there are linemen, and there are blockers and tacklers and linebackers, people who are in the guts of the game, on the front lines, making it happen so that this other stuff can happen.

The infrastructure is the blocking and tackling. It doesn't make the headlines, but it does what needs to be done in order for all of the other stuff to work.

Mr. GARAMENDI. You reminded me of my college football career at the University of California, Berkeley, where I was an offensive guard and a defensive tackle, blocking and tackling.

Mr. RYAN of Ohio. So this resonates with you, yes.

Mr. GARAMENDI. Oh, it resonated with me just fine—along with a lot of bumps and bruises and cuts and the like.

But this is the public-private partnership. This is the role of our government to make these critical investments in education, in research. In fact, one of the Make It in America agenda items is the extension of the research tax credit—a permanent or at least a long extension of it.

Representative CARNEY has introduced House Resolution 905, which would extend that. We have been extending it 1 year at a time, but that doesn't give the businesses the opportunity to plan on a long extension or on a long period of time for research. For example, I was at Genentech in my district. They have a major biopharmaceutical program there—the biggest biopharmaceutical plant in the world. They conduct a lot of research, but the start-stop of the research and the development tax credit makes it difficult for them to plan long into the future.

So this piece of legislation, part of the Make It in America agenda, does that extension and gives this certainty to businesses.

We also have the infrastructure bank being reintroduced by our colleagues here on the Democratic side. This is one of about two-dozen bills that the Democrats have introduced for the purposes of moving the economy by bringing the manufacturing back home. We also have the Patriot Corporations of America Act, by Representative SCHAKOWSKY from Chicago, that rewards companies when they bring the jobs back home. Previously and even today, American corporations can take a tax break for shipping jobs offshore. They don't get a tax break when they bring those jobs back home. We want to reverse that.

There is a series of bills. I call the attention of Congress to these bills, the Make It in America agenda, so that we can once again Make It in America, not only make things in America, but Americans can make it—infrastructure, a critical element of this.

Mr. RYAN of Ohio. When you look at manufacturing, which the R&D component leads to partnerships with, you have two problems. One is it's year to year, so you can't plan your long term, as you said. But at the same time, the budgets for the National Science Foundation and the National Institutes of Health have been inconsistent as well. Those are things that we need to ramp up. Those aren't huge money items, but those yield a lot of value.

So extend the R&D tax credit; beef up the National Science Foundation; beef up the National Institutes of Health; beef up the research in the Department of Energy. Public-private partnerships. Lay that groundwork for the private sector. Help the private sector.

We had a group of CEOs in last week who were in the semiconductor industry. They talked about the same thing, and they talked about the public-private partnerships and how that's needed for us to maintain our competitiveness here. These are good-paying jobs in upstate New York and other places, and these are the kinds of investments that we need to make. Again, we've got to get out of this mentality that every single thing that the government does is bad. There are some things, and it's the public-private partnerships that are going to ultimately lead the way for us.

Mr. GARAMENDI. Alexander Hamilton and George Washington had it correct: the American Government working with the private sector can make the difference.

When we talk about infrastructure, we have an opportunity this year, Congress and the President, to make a huge impact on American jobs. We are going to rewrite, in this session, the Surface Transportation Act for America.

□ 2000

Mr. RAHALL and I have authored a bill that we hope becomes part of that Surface Transportation Act, that simply says: as we spend the taxpayers' money—this is money that is collected from the gasoline and the diesel excise tax—that that money be spent on American-made steel, concrete, bridges, buses, trains, whatever.

It can work.

One quick example. In the stimulus bill, there was an opportunity for Amtrak to buy new locomotives, about half a billion dollars to be spent on these new locomotives. In that section of the law, one sentence was added that said, These must be 100 percent American-made. Nobody was making locomotives in America before that, but Siemens, a German corporation, one of the biggest manufacturers in the world, said, Oh, half a billion dollars? We can make locomotives. In America? Sure.

In Sacramento, California, they opened a manufacturing plant. There are probably somewhere between 200 and 300 people working there today manufacturing 100 percent American-made locomotives. And on May 13, 3 years after they began this process, the first 100 percent American-made locomotive in probably more than a century rolls onto the tracks of America.

We can do this.

Mr. RAHALL's bill, H.R. 949, will provide that opportunity, American-made, using American taxpayer money. I also have another bill that does the same for solar and wind projects.

We can do these things; we just need to put our mind to it and get past this business of austerity. We cannot solve this problem of American jobs with an austerity budget. We've seen it fail in Europe, and we see it failing here in the United States as the long-term unemployment continues to harm 4.5 million Americans that have been out of work for more than 6 months and another 3 million that have been out of work for more than a year. We need an investment strategy, a Make It in America strategy, an investment strategy in those things that create long-term economic growth.

Mr. RYAN, I thank you very much for joining us this evening. If you'd like to wrap, and then I'll wrap, and then we'll call it a night.

Mr. RYAN of Ohio. I'd just add, lastly, that to me it's about exciting the country and getting the country excited about what the future of America is all about. Tax cuts for the top 1 percent of the people and austerity for the rest is not a vision for an exciting America that young people want to come into.

The private sector is going to be a huge part of this, but there are things that we need to start doing here. Whatever the percentage is that the government's role is in investments, I don't know what that number is, but we're not doing it, and there's no aspirational vision to excite young people to say, Man, we're going to the Moon, or we're going to go energy independent, or we're going to have high-speed rail that's going to connect the entire country.

I think the President has desperately tried to provide that vision, only to be pulled down to the depths by some of the folks here who I think have a completely different agenda, and that agenda doesn't align with the America that was built over the past century or so.

Mr. GARAMENDI. Mr. RYAN, I thank you so very much for joining us this evening.

We're still the strongest, best country in the world. There's no other place like America. And if we begin acting like we can and are a strong, robust, building, growing, dynamic country instead of being weak and pulling ourselves back and saying, Oh, we can't do it; we can't do it—no, we can do it. We can build. We can invest.

Every time we invest a dollar in infrastructure, we put Americans back to work and we give them an opportunity to take care of their family, to stay in their home, to provide for their children's education. When we do that, we create the foundation for future economic growth, whether it's education or research or building the infrastructure and making it in America. As we do these things, this agenda is the American agenda, the one that created this country.

As you so well said when you opened here: It's the American history. It's there before us. We can do it. We must do it. We owe it to the American people.

Mr. RYAN, thank you.

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

MAKING LIFE WORK FOR AMERICAN FAMILIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentlewoman from Alabama (Mrs. ROBY) is recognized for 60 minutes as the designee of the majority leader.

Mrs. ROBY. Mr. Speaker, it is a privilege to be on the floor tonight for the next few minutes, and I hopefully will have some other colleagues joining me here in a few minutes. Tonight is about making life work for American families.

What are we doing on behalf of the American people here in the House of Representatives to make life a little bit easier for working families, working moms and dads? And let me just say that there are things across the board, whether it's health care issues, energy, reducing the deficit and the debt for Margaret and George, my two kids, and future generations, all of those things add up and matter.

I want to talk for just a few minutes about one proposal that I have in front of the House of Representatives that's going to come up for a vote here after we return from our district workweek. But before I do that, I want to tell you, Mr. Speaker, tonight, that we're going to do something a little bit different in

an effort to engage individuals in their interest about making life work for American families.

I just want to say, Mr. Speaker, that if someone wants to know more about what we're talking about tonight, the hash tag on Twitter is ''makinglifework.'' We want to hear from the people that we represent, Mr. Speaker, throughout our time on the floor tonight. So I would just say to you again, Mr. Speaker, that any individual that would like to know more about what we're talking about or would like to engage in a conversation, it's ''#makinglifework.''

Before I introduce my colleagues or get engaged in this conversation, I want to very briefly talk about the Working Families Flexibility Act of 2013, which is a bill designed to do just what we're talking about tonight, and that's make life work, make life a little bit easier for working moms and dads.

I'm a working mom, and my husband and I, every week, sit down and figure out what the plan is. We have an almost 8-year-old and a 4-year-old, and we certainly understand the pulls on the American family in balancing the workweek and our home life and supporting our children.

Mr. Speaker, there are a lot of families out there right now that would like choice in the workplace, hourly-wage employees that would like the choice in the private sector to exercise compensatory time—that's paid time off in lieu of cash wages. Right now, under current law, under the Fair Labor Standards Act, public employers can offer to their employees that option. In 1985, the Fair Labor Standards Act was amended to allow that. Private sector employees can't.

So, again, as a working mom who understands the pulls on family—maybe that T-ball game at 4 o'clock on a Thursday afternoon or the PTA meeting that's at 9 o'clock in the morning when my daughter's class is the one leading the charge on the entertainment for the PTA meeting—if I'm an hourly-wage employee and I want to exchange paid overtime for paid time off, I cannot legally, under the law, do that with my employer.

□ 2010

This amendment to the Fair Labor Standards Act allows for the private sector to do what the public sector is already doing. Now, some of the opponents of this bill say that the big bad employer would use this to coerce employees into taking comp time rather than overtime pay. That is unlawful. The same protections that are in place currently under the Fair Labor Standards Act are the same protections that exist under our amendment preventing intimidation, coercion, and discrimination by the employer on the employee. And the most important thing about this bill is that it is voluntary. The employee is the only person who can opt to exercise this option if the employer chooses to offer it.

We know that this is not necessarily an option in every line of work. For example, if there's a manufacturer with 10 employees who actually make a product, if you pull one person off the line, they can't make the product, so it may not be a fit. But for those that want to, this amendment allows for that individual to say to their employer: I would like to enter into a voluntary written agreement with you to use compensatory time, to bank up to 160 hours within a 12-month period of compensatory time because time is more valuable than money to me.

And the greatest protection in this bill is if, in fact, that employee determines at any time that this isn't working, I'm not using my compensatory time or I can't find a time that works with my employer that fits, the time that I want to take off, that employee, Mr. Speaker, that employee can say: I want to cash out my compensatory bank time. So let's say they have 60 hours. They can cash out, and within 30 days their employer has to pay them time-and-a-half overtime for that banked accrual of comp time.

This bill makes sense. This bill is about helping working families. This bill is about allowing that mom and dad that are balancing T-ball games and PTA meetings as well as caring for their elderly parents. This bill is about getting military families ready to have one spouse deploy, to have the flexibility to do what they need to do. This is one example about how we are making life work for American families.

This bill doesn't solve our debt or deficit problem. I'm the first to admit that. But what this bill does is it eases some of the hardships on our moms and dads in the workforce, and I'm really thrilled to be the current author of this bill. It has a long history. I'm excited about taking it to the floor in 2 weeks.

Again, Mr. Speaker, for those who want to know more about tonight's discussion, the hash tag is #makinglifework. We want to hear from all Americans that are affected by any of these issues and look forward to addressing those throughout tonight's hour.

I want to let you know, joining me today I have the gentlelady from Washington, JAIME HERRERA BEUTLER, as well as the gentleman from Colorado, CORY GARDNER, and at this point, to my colleagues, I'd like to open this up.

CORY, I know that you currently serve on the Energy and Commerce Committee, and I know you have a couple of topics that you want to talk about, but let's talk about making life work for American families when it comes to energy.

Mr. GARDNER. I thank you for your leadership on this issue tonight, and I thank you for appealing to the American people so we can hear from them so that we can have conversations with people who are struggling to make ends meet, people who are finding innovations to make our economy work, to find those things that are going to lead our country forward. It is a great opportunity and privilege to be here with you talking about ideas from the Working Families Flexibility Act that you mentioned that you're working so hard on—I am a proud cosponsor of that bill—but also ways that we are going to find solutions for people across this country who are raising families, trying to pay for college, trying to pay the energy bill for the month, and I think we in Congress have an incredible opportunity to get government out of the way and let America work, to unleash the innovators and the entrepreneurs around this great Nation.

Over the past couple of years, we've held dozens of town meetings, whether they're in southeastern Colorado, northeastern Colorado, the Denver metro area, the new parts of my district, talking to families who are struggling to make ends meet, people who have had to pick up a second job just to try to pay the bills.

As we talk about making life work—and I believe you said the hash tag was #makinglifework—I would love to hear from you, Mr. Speaker, and people around the country on what really does make life work for them and how we can help be a part of these solutions.

So, as a member of the Energy and Commerce Committee from a district in eastern Colorado, I have been working on policies like energy to make sure that energy continues to be an affordable option for families, an affordable commodity, whether it's manufacturing, whether it's simply going home after work to turn the heat on during a cold winter.

I drove this morning from Yuma, Colorado, all of the way to Denver. It usually takes about 2 hours. This morning it took about 4 hours thanks to another big snowstorm. Here we are late April, and the heat is on, and what we're doing to make energy affordable so families can afford that, so that families in the middle of summer can afford to run their air conditioner and drive to the family baseball game. It is about creating opportunities for families.

We have an incredible energy renaissance in this country, a revolution, really, when you're talking about energy.

In eastern Colorado, we have seen new technologies that can produce American resources that must and have to be a part of an all-American energy plan, an all-American energy plan that will rely not on somebody thousands of miles away from us, not on somebody overseas, but right in our own backyard—our neighbors, maybe other family members, people in our communities who can produce the energy that we use each and every moment of our lives to better the lives of our families, to create the next product that will ignite an entire economy. But we can't do that unless we have an affordable energy policy. That's why an all-American energy plan is so important, and that's why it's an absolute

and fundamental key to making life work for so many people across this country—what we can do with natural gas, a clean burning fuel developed and extracted right in Colorado, what we can do to use the oil, the wind power, the solar power that we are utilizing in Colorado to make life work for families.

And how does life work? I think we're all facing that each and every day. I have two kids, struggling to get from place to place, trying to make sure, whether it's our daughter's schoolwork, whether it's our son, trying to teach him how to ride the tricycle. He's young enough, we're trying to teach him that. But we all struggle each and every day, how we are, indeed, going to make life work. And part of it is energy, what we can do to create a policy in this country that will develop a cheap, abundant, affordable policy that allows businesses to grow. It's an exciting future that we face, knowing that we can do that right here in our own backyards.

Mrs. ROBY. Right. I can tell you as the mom of two kids as well, every week when I get on a plane to come back to Washington, there is a lot of planning that goes into it. I put the gas in my car; I go to the grocery store; and when it comes to energy, I can watch energy prices affect the cost of food.

One of the things that I do every week just to ease some of the juggle in our lives is I try on the weekends to cook a few things. I love to cook, and I try to make life a little bit easier by having a few things in the refrigerator already made that I do over the weekend. So usually my grocery store visit is on Saturday and Sunday. I tell folks that sometimes it can amount to a town hall. You get in the produce section and you have great conversations with your constituents.

But I can see what the gentleman from Colorado is saying as the price of milk goes up. If gas prices are increasing, then the cost of food is affected.

□ 2020

I can tell you, and your wife would say the same, thanks for helping us in your role on Energy and Commerce.

Ms. HERRERA BEUTLER. I'm glad you mentioned that because I too believe that we need to be about the business of the American people and helping them make life work, which means helping them in their day-to-day activities, not making it harder for folks to survive.

I'm from southwest Washington; and in our neck of the woods, we have a lot of working-class families who, like CORY mentioned, are struggling to make ends meet. We all know people who have been or are unemployed, where both parents, one or both parents are out of work, or one or both parents are trying to work.

People are working two jobs; and still they're working longer and harder, but not getting paid more for it. So folks are draining their 401(k)s to make their mortgage payments. This is the climate in which we find ourselves, and that's why it is so, so, so important, like the gentleman from Colorado said, that we employ an all-American energy strategy.

And the irony is we can do it here and now. There's no reason to wait, which is why I also have joined the gentleman. We are on the House Energy Action Team, or the HEAT Team, which is a group of like-minded Members who believe we need that all-American energy approach, and we need it now.

You spoke to some natural gas issues. I'll tell you, in my neck of the woods, in the great Northwest, we get a majority of our energy from clean, renewable hydropower. And the best thing about this clean, renewable hydropower is it's inexpensive compared with most other forms of energy, especially renewable energy. So not only is it carbonless and it's clean, but it's inexpensive, and it is constantly renewed in our backyard.

I wanted to point some of these things out because I don't believe hydropower always gets its due, especially among the renewables, but just as a base load energy source in the Nation.

Hydropower is America's largest source of renewable energy. It's American energy. It's produced in America. The jobs that go into producing it are American jobs, and it's utilized here in America. It makes up 65.9 percent of all renewable energy in the United States, and it provides more than 30 million homes in the U.S. with inexpensive power.

Hydro is clean. It avoids nearly 2 million metric tons of carbon emissions every year. This is a tremendous opportunity for us.

It's not only important for families. It does keep our energy bills low and affordable. But it's important for manufacturing. We have, in southwest Washington, in my area, in Camas, and in Vancouver, a growing tech sector. We've traditionally been known for our forests and our beautiful Doug fir stands, but we are also now becoming known for our silicon forest. We're manufacturing chips.

One of the reasons some of the large chip manufacturers have come to southwest Washington, as opposed to India or China, is because of the inexpensive energy, because of the hydropower. We need to not only protect it, but promote it as part of the all-of-the-above energy approach which, again, is all-American energy.

Another area when we're talking about—I mentioned clean types of renewables, biomass. Woody biomass is a by-product of the timber that we have in the Great Northwest. It's another area where we can produce carbonless or low-form energy. And it's in our backyard. We have an abundant source. It's an American energy source.

Another by-product of timber manufacturing is black liquor. And it's not liquor that you drink; it's liquor that can go into helping produce energy.

These are the types of ideas and solutions that are going to make energy affordable for the average American family. These are the types of solutions that cause us, rather than to put onerous rules and regulations on—oh, I could name a few that cause our energy to spike up and cause Americans to pay more—these are the types of solutions that actually meet the environmental standards, but also reduce the cost of the average power bill.

I don't know about you—you could probably speak to this, MARTHA—but, man, our energy bills have gone through the roof, and there's no reason when we've got American energy right here in our backyard.

Mrs. ROBY. Sure. And I can reiterate all of the points that the gentlelady from Washington makes. And you're right. These are all things that contribute to making life work for American families.

I just want to say, Mr. Speaker, as we're having this conversation, I'm getting information from folks that want to make life work. And, Mr. Speaker, I want to remind all of us in this room that we remain committed to cutting spending and reducing the deficit and getting our debt under control. This conversation really all encompasses just that.

Margaret and George and all of the families represented in this room tonight, they're the ones that we want to get this under control for because, Mr. Speaker, we want this country to be great for them as it has been for all of us.

But, at the same time, there are things that fall under Federal jurisdiction that we can be doing to ease the burden on American working moms and dads; and that's the things that we're talking about tonight, the Working Family and Flexibility Act of 2013, energy solutions that are out there.

We're going to talk about health care and tax reform. We're joined by Mr. YOUNG from Indiana. Thank you for coming. Please join the conversation.

Mr. YOUNG of Indiana. It's great to be with the gentlelady, and thank you so much for having me.

Does the gentlelady yield here? I know we've got less formal procedures under way.

Mrs. ROBY. We don't have to yield. You can just talk.

Mr. YOUNG of Indiana. Okay. Well, great. This is the great American family room, if you will, where we're sitting around and having a family conversation, the people's conversation, about making life work.

And I would absolutely agree, there are a lot of dimensions to this topic. We've got to get our spending under control. Republicans have put forward a bold budget to make that happen, bring our budget into balance within just 10 years.

We need to stop imposing overly costly, overly burdensome regulations

on American families, American businesses and so on.

We, of course, need to take a look at our energy policy and open up this bounty of resources here in this country; and there's a whole variety of different ones. My colleague from Washington, the gentlelady, just spoke to some in her region.

Of course, in my region, coal remains a viable and important resource; but we're finding increasingly that my constituents in Indiana's Ninth District are enjoying the benefits of natural gas, and very affordable natural gas.

We happen to have oil and gas resources in this country, by some reckoning, that are larger than Iran, Iraq, and Saudi Arabia combined. This will make the United States of America a net energy exporter within just 10 years. So that is a blessing that, once again, Republicans are leading with respect to harnessing these resources we have.

Of course, our human resources are another thing that we could touch on. But, really, my point of emphasis, since I'm on the Ways and Means Committee, this evening is going to be tax reform.

We just finished getting through yet another tax day, and I'm sure my colleagues heard from their constituents just how convoluted and complicated and frustrating and unfair this Tax Code can be to working families.

I was struck by—there's this notion of tax freedom day that some of our colleagues and certainly our constituents are aware of. This is when we, as hardworking taxpayers, stop paying the Federal Government and can start working for ourselves. And it fell on April 18 this year; 3½ months into the year is when our taxpayers stop paying the Federal Government and can start working for themselves and their families. That suggests to me that we need to work on all fronts to grow this economy more and also to lighten the burden of taxation wherever possible.

Tax simplification is something I'll get into in a little bit, and that's part of our overall tax reform effort.

But with that, I'll yield to my good friend from Colorado. Perhaps you have other thoughts on taxation or other things that are related to our making-life-work theme tonight.

Mr. GARDNER. I thank the gentleman from Indiana for coming and joining us on the floor tonight.

Mr. Speaker, as we said, there are people across the country who are joining the conversation about making life work. They're sending tweets with #makinglifework. In fact, we're hearing from people who are indeed talking about tax reform on this very issue, talking about what it means to work under a Tax Code that can be pro-job creation, that can actually lift the burden on American families by creating a fairer, flatter system.

And so whether you're a small business who's just getting started, or you're a small business that's been around for a while, the fact is the more the burden that you pay from the government, whether it's a higher income tax, or you're a subchapter S, and you're paying at the individual level, that's less money that you get to spend investing into job creation, into expanding your employees, the number of people you have working for you, the salaries that you can provide for them, the insurance, the benefits that you can provide.

□ 2030

And so, really, tonight's discussion about making life work is what we're doing to create a fair system that looks out for everyone and that looks out for people who are making minimum wage so that they won't be making minimum wage for long. They'll actually be getting a pay increase because their business is growing, because their salaries are able to go higher, because they're more successful in developing a product and manufacturing. And so a Tax Code that is pro-growth. Pro-growth economics can lead to that. And I know you're in a great position to lead that discussion.

Mrs. ROBY. I want to say to both gentlemen, what we're talking about tonight is kitchen table stuff. Americans all across this country sit down across the table from their loved one and they balance their budgets. Why do we hold the Federal Government to any standard other than that?

We're addicted to spending. We are on an unsustainable path for the next generation. Tax reform, energy, and removing burdens on the working families are all such important concepts to making life work for American families.

We're joined by another colleague. I just want to introduce our newly elected Member of the House of Representatives joining us in the 113th Congress, Mrs. ANN WAGNER, the gentlelady from Missouri. Please join us in this conversation and offer your perspective.

Mrs. WAGNER. I'd be pleased to. Thanks so much for sponsoring this Special Order and talking about making life better and for working Americans across this country.

I'm a proud freshman Member of the 113th Congress, and we were elected to tackle the big problems. There is no bigger problem facing our country right now than getting hardworking Americans back to work with the skills they need during this tough economy.

Today, the Federal Government currently operates more than 50 different job training programs, many of which are duplicative, at a cost of some $18 billion annually to taxpayers. With nearly 20 million Americans unemployed or underemployed, it's time to cut through the red tape and start training individuals with the skills they need to find high-paying middle class jobs. That's why this House in the 113th Congress passed the SKILLS Act. It streamlines 35 overlapping job training programs, including many that were identified by the nonpartisan Government Accountability Office, and eliminates unnecessary red tape so that State and local resources go directly to help those that are actually seeking jobs.

According to a report released by my home community, St. Louis, by the community colleges there, 76 percent of employers found that workers lacked the proper training to contribute right away. And the most in-demand certificates for job openings, believe it or not, were for registered nurses. I think it's time that we start investing in nurses, medical assistants, manufacturing technicians, and computer support specialist jobs, and stop wasting billions and billions of dollars every year on ineffective government programs that do little to train individuals with the skills they need to succeed.

I believe it is past time for the Senate to take up this SKILLS Act, to do its job and pass commonsense legislation that puts America back to work, #makinglifework.

Mrs. ROBY. That's great. I serve on the Education and Workforce Committee. Of course, that bill was reported out, as well as the Working Families Flexibility Act. Again, kitchen table stuff. We've got to balance our budget. Everybody here tonight voted in favor of a budget that would balance in 10 years. We understand that that's the key.

We're about to enter into a district work week, and I'd love for the gentlelady from Washington to speak on this because you always have great examples of this, too, but we're all about to get on the plane or get in our cars and go home for the week. And we're going to be with our small business owners and with our employees. Quite frankly, the employers, yes, they provide the jobs. The employees, we need to spend a little bit more time talking about those moms and dads sitting at the table, making it work. And they are the ones who are suffering at the hand of these duplicative programs that are sucking up precious taxpayer dollars that—at the end of the day we can be doing a much more efficient job of helping American families and making life work.

Ms. HERRERA BEUTLER. Absolutely. Here's the thing that's frustrating to me and frustrating to every American. They look at Congress and they think okay, we're sending, as we all were reminded recently, hundreds of thousands of dollars from each community, millions of dollars from each community, here to Washington, D.C., and they expect us to do something effective with that money or—here's a novel concept—send it back.

The gentlelady from Alabama mentioned the fact that for the first time this House Republican Congress voted on a budget that balances within a decade. It shouldn't be novel, but it is. Every family that's watching us right now is saying, You guys are patting

yourselves on the back for that? We do that ever year. Every State legislature does it every year. But it was novel to do it here.

And here's the interesting thing. When members of our caucus got to sit down with the President a month or so ago and ask him about his budget that he released to the American people, his budget doesn't balance. Ever. And we know why this is important. It's because balancing the budget will help us grow jobs. Balancing the budget will help American families grow and thrive and prosper. It's going to help businesses in southwest Washington and throughout this country grow and hire more people.

We know that a bloated government that then keeps coming back to everybody's back pocket and says, I want a little bit more of this, you're my piggy bank—we know that that kills jobs, which is why it's pretty simple. We need to do what every family is doing, every kitchen table conversation: balance our budgets so more jobs can grow and America can thrive.

Mr. GARDNER. I think making life work boils down to what you're talking about, which is the issue of fairness. What's happening to our families, our businesses, our neighbors as the debt grows, as taxes grow. The fact is it is absolutely unfair to pass on so many unanswered problems to the next generation, to pass on $52,000 worth of debt to our kids and our 18-month-old son or a 9-year-old daughter. It's unfair to them and to future generations.

Ms. HERRERA BEUTLER. Unfair. As Republicans, we do often look at posterity. We're talking about the next generation. And we should. But I will argue that it's actually unfair to today's generation, to the 67-year-old who just retired with the private-sector job and has a 401(k). The inflation that's coming from this debt is going to hit him and his wife, who were savers. It's unfair to the teacher in a public school classroom when the Federal Government makes promises it cannot keep. It overspends, overspends, and then it's going to cut her hours, add to her class sizes.

All we have to do is look at Greece or Cyprus. It can happen—and it will happen—if we don't get this under control now.

Mrs. ROBY. Let's talk about one other thing, and I'm sorry to open another door, but I think it's important because of what you heard on airplanes today, about the sequester and what's going on in defense spending. Can we talk just a minute about our military families?

You're talking about making life work. The people that we have a direct charge to make life work for are those who sacrifice on behalf of all of our freedoms and their families—our military men and women.

I'm going to circle back to the bill, the Working Families Flexibility Act of 2013. Think about that military mom or dad that's getting ready to deploy and they're an hourly wage employee, and they don't have, under the current law, the option to exercise compensatory time. Yet their spouse is about to leave for a 1-year deployment to Afghanistan, and they've got to get their house in order. They've got to have flexibility to handle life outside of their job, whether it's their children or their aging parents, while their spouse is deployed.

Let's talk about making sure that those men and women, as they're deployed, have everything that they need to accomplish the mission that we've given them. And yet through the sequester we know that we are going to have a smaller force. And our commanders say not less capable but we're going to have to make some really tough decisions about where we are in the world and what we can do with our capabilities.

And I'll just tell you, all you have to do is go to the military installation closest to your home and look into the eyes of that spouse whose family member is currently deployed in harm's way, and it will change our outlook, as it should.

□ 2040

Making life work for military families, making life work for Margaret and George, my kids, and yours, that's what we're talking about tonight.

Mr. Speaker, I want to just remind that we are, throughout this discussion, looking on Twitter, #makinglifework, taking input, Mr. Speaker, from our constituents as we have this conversation.

I yield to the gentleman from Indiana.

Mr. YOUNG of Indiana. Well, you said so many things that really strike a chord with me. And I know, based on my consultations and visits with my constituents, they certainly do. One is the importance of funding the essential functions of government. I mean, we are the party of smart government. We've put forward specific proposals in order to rationalize different departments, make things run more efficiently, ensure we get more bang for our buck in every department of government, and avoid the duplication and wastefulness that so alienates so many of our constituents.

There's nothing we can do that would more undermine the credibility of government as an institution—and the Federal Government in particular—than to waste money and to spend it in areas where our constituents don't want us to spend it. So our national defense is essential. That benefits working families on a daily basis. It certainly benefits our military families, but really benefits all of us. That's something we have to be very careful with as we approach these different fiscal challenges. So I applaud my colleague for her leadership in this area.

Mrs. ROBY. All you have to do is pull out your copy of the Constitution, and what does it say? Our charge as Members of Congress is to provide for a strong national defense. If we're not taking care of those men and women in uniform who have fought and died for the very freedoms that allow for us to stand in this room today and talk about making life work, if we don't have enough respect for that, to do our job in Congress and set priorities when it comes to wasteful spending on behalf of them, then we all need to take a long, hard look at ourselves in the mirror.

Mr. YOUNG of Indiana. You know, my constituents, and yours too, they don't mind paying taxes if they get the sense that we're spending those taxes on the essential functions of government and we're spending absolutely no more than required. They also wouldn't mind paying their fair share of taxes if in fact complying with the Tax Code were a simple exercise and one that seemed by most Americans to be a fair exercise.

Having just passed tax day here, I'll share a couple of semi-humorous comments about what the American family could do instead of filing taxes, if they had taken all those 13 hours on average per American family and instead been able to use that for themselves.

An average American family, instead of filling out their Tax Code, could have watched the entire ''Harry Potter'' movie series twice, and they'd still have time for two ''Hunger Games'' movies. Or they could have watched all six ''Star Wars'' movies three times. Or they could have lost weight if that's where they want to spend their time. If the time was spent in a spinning class, the average American, we're told, could lose 14 pounds per man and 11.8 pounds per woman, respectively. They could fly between Hong Kong and New York three times. This just illustrates how darn painful complying with this convoluted, complicated, and unfair Tax Code can be.

I like to say that our Tax Code in a way makes those who sit down at the kitchen table and actually do their own taxes—most people actually have to hire a tax preparer or buy tax software these days—but it makes the average American feel like either a crook on one hand or a sucker on the other.

So consider the case of John and Jane. John and Jane are neighbors; they make the exact same amount in personal income. But John decides he's going to itemize his deductions and he takes several credits—he's sort of aggressive when he's filing his taxes. Jane, on the other hand, she takes a standard deduction and fairly limited credits. Now, John is left feeling like a crook. He might feel like he's run afoul of the law. He did his best to follow it, but he might be left to feel like a crook as a result of the whole tax exercise. Jane, on the other hand, knows that John ends up paying far less in taxes even though he makes the same amount, so Jane feels kind of like a sucker. What sort of code makes you feel like either a crook or a sucker?

We have to stop this nonsense, simplify the Code, and reduce the rates in the process to make us more competitive vis a vis our international competitors. That's what we're doing in the Ways and Means Committee, and I invite our Democrat colleagues to help. I actually see a lot of room for common ground here, and I hope that they will join us in this exercise.

Mrs. ROBY. To the gentleman from Indiana, we appreciate the hard work that you're doing on the Ways and Means Committee. All of us here look forward to helping making life work for American families through a simpler, flatter, fairer Tax Code that does just that.

Ms. HERRERA BEUTLER. And not making them feel like crooks and suckers, right? I mean, that's part of what we're here to talk about tonight. I think the gentlelady may have some comments on that.

Mrs. WAGNER. Absolutely. We're all reminded, with tax day having just passed, that we do need a Tax Code that is fairer, that is simpler, that we don't have to hire accountants and lawyers and go through thousands of pages of code in order to comply with the law.

We must remain competitive in society. We must cut through the red tape. Whether it's lowering tax rates for hardworking Americans and businesses and job creators or whether it has to do with cutting through overregulation—which is running rampant through our government—we've got to do things that cut waste and not workers. That's why making life work for Americans is so very important.

Balancing our budget, living within our means, I will tell you every family, every hardworking middle class family in the Second District is working hard to figure out how to make those tennis shoes last another 6 months. The dishwasher may be broken; but you know what, they'll wash them in the sink until they've got the money to pay for it.

There are private sector job creators, there are working families everywhere, there are State governments that are living within their budget, living within their means. It's time that the Federal Government balances their budget and lives within their means. Only the House budget balances within a 10-year period of time and cuts the kind of waste that needs to be cut instead of cutting workers and making sure that the American Dream is available for all Americans.

Ms. HERRERA BEUTLER. I think this is one of the challenges we're facing is all Americans are looking at Congress saying why is it that we're sending all this money to Washington, D.C. Why are we having to live within our means and the Federal Government doesn't. In fact, what they see is the Federal Government cutting direct services, whether it's to military families, whether it's services in airports, whether it's security at parks. They're not cutting fat.

See, this is what's frustrating to me; the IRS operates a 24/7 satellite TV studio in their building. Across the street from the IRS, the EPA operates its own 24/7 satellite studio to the tune of $4 million a year. Rather than maybe combine those two or share that one studio and save the taxpayer dollars, it seems like the administration is cutting those services that Americans expect and have already paid for. It's really time that the Federal Government learn to live within its means because it's going to help us grow jobs.

Mrs. ROBY. I just want to remind you, Mr. Speaker, that tonight we are grateful to be on the floor talking about making life work. Mr. Speaker, one of the ways that we're doing that tonight is engaging our constituents through #makinglifework. We want to hear, as we continue through this discussion, from the people from Missouri's Second District or Alabama's Second District or the other districts represented in this room, Mr. Speaker. We want to hear from those folks as we continue this conversation tonight about how to make life work on behalf of Americans.

As I've talked about on several occasions tonight, the Working Families Flexibility Act, which will be on the floor for a vote in 2 weeks, is about a voluntary agreement between an employer and an employee, only at the option of the employee, in the private sector—which is currently not legal, and the private sector removing this regulation so that employee has the opportunity to say, you know what, time is more precious than money. As a working mother with two small kids, I get that. I get that and I can relate to that.

This bill is about allowing in the private sector that employer and that employee to come to an agreement and that employee exercising their right to say I'd rather have comp time, paid time off, than overtime payments and cash payments.

□ 2050

So we're talking about not just through tax reform or energy or health care—all of these things that have been discussed tonight—we're talking about how do we make life just a little bit easier for hardworking tax-paying Americans? They sit around their kitchen tables, balance their budgets, live within their means, and the Federal Government, quite frankly, doesn't do that, and we should be held to that same standard.

Mr. GARDNER. One of the things that I hear constantly from people around my district and around the country about Making Life Work is, what we are doing to get credit to businesses who are hoping to expand and the challenges that they may face. I just, in fact, heard this through some comments on #makinglifework, people responding to the conversation that we were having, worried about credit issues, worried about what's happened to their small businesses.

I've introduced legislation that would create a small business savings account to make sure that we can incentivize people to save money and to put it directly into job creation so that they will be able to save and have some benefit for that savings by actually not paying a tax on the gain when they invest it into a savings account or some other kind of savings or investment vehicle. But it's a way to save money and put it directly into job creation.

Other people have contacted us about regulations. You mentioned regulations. And I think it goes back again to that very issue of fairness, of what we are doing to look out for people who don't have a voice and to look out—

Mr. YOUNG of Indiana. Sorry for interrupting there, but you struck a chord when you said ''regulations.''

We know what the American people want. They want fewer hassles, fewer burdens, fewer mandates from on high. They want more flexibility, more walking around cash, they want more choices, they want more hope for themselves and their children and grandchildren.

With respect to regulatory reform, this impacts daily lives in a very big way. We typically hear about it in the context of how it's going to hurt your corporations or sometimes your small businesses. I happen to represent a district with a lot of rural areas in it. Not a week goes by that I don't hear a farmer complaining about some of the regulations in the pipe.

We've had recent attempts by our Federal Government to try and regulate milk spills like oil spills, and to regulate the dust that comes across fields in rural areas.

Mrs. ROBY. My farmers in Alabama are very, very familiar with all those regulations. We've worked hard through the Committee on Agriculture to do all that we can to remove that heavy hand of the Federal Government. Our farmers just want to farm.

Let me tell you, when we talk about national security, the day that our farmers in the United States of America can't feed, not just the world, but can't feed America, do you want to talk about a national security interest? Those are great examples of how we can remove those regulatory burdens.

Mr. YOUNG of Indiana. And how we can make life work for our regular American families, our American workers, and even our companies, because, after all, this is where most of my constituents are employed—sometimes large companies, sometimes small companies.

With respect to regulations, we have tried a Whack-A-Mole approach going back a number of years here, where we do our best with respect to oversight. Sometimes we do better than others. And we try to prevent certain executive departments from actually implementing a given regulation, or we change the law so that the regulation can't move forward. That's hard to do.

But I think we need to be thinking ambitiously here about changing the entire regulatory system. I introduced earlier this year a bill that was originally authored by Geoff Davis, a Republican from Kentucky, called the REINS Act. What the REINS Act does is it establishes a $100 million threshold. So every time, say, the EPA or OSHA puts forward a rule or regulation that is determined will have $100 million or more in economic impact on our multitrillion-dollar economy, that rule or regulation has to go before Congress for an up-or-down vote.

Now, what effect would this have? Of course, this would slow down the regulatory process, which is good. Washington needs to deliberate before it acts, right? We can still regulate. There's a role for smart regulation, but we need to deliberate before we act.

But, perhaps, most importantly, in the end, if we pass the REINS Act, this would allow our constituents to blame us for these painful and costly regulations, rather than unelected, unaccountable bureaucrats. We want to be accountable.

Mrs. WAGNER. Absolutely. And I will tell you, it puts the job back in the people's House—we, the people. This is not governance by fiat. We were sent here by our districts across the country to pass commonsense legislation and to get the government off the backs and out of the way of hardworking Americans across this country. And, truthfully, the overregulation, the overburden, on business and industry is passed along to everyone across America. Every worker, every family is paying the cost of this overregulatory burden. Whether it's the debt and deficit, whether it's tax reform, whether it's flexibility for families, whether it's living within our means, I'm finished with mortgaging our children's future.

And I agree with the gentlewoman from Washington. I'm tired of mortgaging today. It's not just about the future, it's about mortgaging what's happening right now.

Mr. GARDNER. I'm hearing from people who just want more independence, they want more say over their own lives. This isn't a top-down government approach, this is a bottom-up people approach, what we can do with technology to make sure that we're allowing innovation to occur and economies to grow.

Mrs. ROBY. We've sat on this floor for the past couple of years, and glad to have our new colleague join us tonight, but we've all given examples, and one of my favorite examples, although it's not funny, it's real, is the owner of a construction company that came to one of my NFIB roundtable discussions back in my district during a district workweek. Let me just give you this as an example. He said, The regulator drives by my job site and there was a ladder propped up against the eave. Let's say the guy stood to make an $800 profit off of this construction job. His workers have been going up and down the ladder all day safely. And the regulator on his way home from his job slows down, because it happened to be on his street, and he says, That ladder does not meet regulation. This guy gets slapped with like an $8,000 fine on a job that he only stood to make an $800 profit on. That is not making life work.

This administration and our colleagues in the Senate have got to wake up to what we're doing strangling small businesses. But, again, it's not just about the employer. I think we've got to remember and remind ourselves that it's not just about the employer that creates the jobs. We get that and we applaud that. We want to make it as easy for people to create jobs as we can in this country because that's innovation and that's what this country is about, but it's also about that hardworking employee. And we've got to remember that clearing this regulatory environment, it helps that American family, it helps that American family when they're sitting around their dinner table and they're trying to make life work.

Again, real quick, we've got a few more minutes, I just want to remind, Mr. Speaker, tonight, we are hoping to receive input from our constituents at #makinglifework. Throughout our conversation tonight we've been hearing from folks that have been reminding us of issues that are important to them. And I think this is, Mr. Speaker, a very unique opportunity to have this conversation.

Mrs. WAGNER. We thank the gentlelady from Alabama for putting the Special Order together, for really caring about all Americans and about what's important to them, as you said, sitting around the kitchen table. It's about making life work. And at the end of the day, that's what government ought to be doing—getting out of the way, off their backs, working for the people, not against them.

Mr. GARDNER. And I hope that tonight's conversation will continue; that it's not just an hour before the House of Representatives. But this is a conversation that people will be able to talk about and continue. And that the feedback that they provide through #makinglifework will continue to come to us to talk about ways and ideas that we can truly move this country forward.

And so, Mr. Speaker, thank you for the opportunity to do this as we talk about these ideas. We've mentioned several of them here as feedback has rolled in from around the country.

Mrs. ROBY. One of the things we haven't really spent time on—and the gentlelady from Washington wants to talk about—is health care and things that we are doing to make sure that American families have the access. I think we can all agree that we want health care to be more affordable and more accessible by all Americans, but as we move closer and closer to the full implementation of ObamaCare in 2014, we're finding that that doesn't work.

□ 2100

Ms. HERRERA BEUTLER. We're starting to hear from some of the folks we serve in our districts and in our States that folks with serious preexisting conditions are being turned away from a high-risk pool that was promised.

Mrs. ROBY. Didn't the President, himself, promise that those individuals would receive that care?

Ms. HERRERA BEUTLER. It was the promise. I mean, that was part of the big promotion of the health care bill that the President passed: that, if we do this, no one will ever be turned away with a preexisting condition. Yet today, right now, people with serious preexisting conditions are being told, basically, by the Obama administration, sorry, we didn't plan for you.

Mr. YOUNG of Indiana. I understand that the money that Republicans would propose to spend to address this issue within the Obama structure is money the administration would instead like to spend for advertising—advertising the exchanges, advertising how the Affordable Care Act is actually going to work.

Mrs. WAGNER. And this is key. This is about the Helping Sick Americans Now Act.

Mr. YOUNG of Indiana. That's right.

Mrs. WAGNER. There are tens of thousands of Americans who have been turned away who are suffering and sick and ill with preexisting conditions, and I hope we're going to address this tomorrow.

Do you know what we're going to do?

We are going to defund this preventative care act—this slush fund in the Affordable Care Act—that has been going for everything from paths and bike paths and advertising campaigns and spaying and neutering dogs. Instead, we're going to defund it. We're going to pay down about $8 billion on the deficit, and we're going to move money into these high-risk pools, which are run by the States, that are going to actually take care of sick Americans.

Mrs. ROBY. We look forward to that debate in the next 2 days.

We are closing in on the end of our hour, but we have just been joined by the gentleman from Arkansas (Mr. GRIFFIN). As you know, tonight, we are talking about this #makinglifework for American families.

So I want you to jump in, but we do have, just as a reminder, about 2 minutes tops.

Mr. YOUNG of Indiana. This looks like a welcome addition. Before he steps to the microphone there, he's going to tell us where all the money is going, how bad our debt is, and maybe how that's crowding out future investment in our children and grandchildren.

Is that right, TIM?

Mr. GRIFFIN of Arkansas. I appreciate that transition. Thank you very much.

What I'm concerned about is because we haven't gotten our fiscal house in order, we are not able to invest in a lot of things, like medical research and roads and education, the way we need to in order to be prepared for the future. I've got a 3-year-old and a 5-year-old, and I want their America to be as good as the one that I grew up in. To do that, we have to invest in these things.

So I call this the ''PAC-MAN problem'' because nearly two-thirds of our Federal budget is on autopilot. It's mandatory spending. Medicare, Medicaid, Social Security, and interest make up that mandatory spending; and this is money that's basically spent without congressional approval because it's written into the law. Unless we save and strengthen those programs represented by the yellow here, then they're going to go bankrupt; and they're going to crowd out the investments that we need to make that will help families and help grow our economy. Basically, PAC-MAN eventually will swallow all the investments up; and when it does, all the spending for medical research, scientific development, and all of these other things will go away. So we've got to get that under control for our families.

Mrs. ROBY. We do. I thank the gentleman from Arkansas. I know you ran over here to join us tonight. I thank all of those States and districts that are represented here tonight.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1549, HELPING SICK AMERICANS NOW ACT

Mr. BURGESS (during the Special Order of Mrs. ROBY), from the Committee on Rules, submitted a privileged report (Rept. No. 113–46) on the resolution (H. Res. 175) providing for consideration of the bill (H.R. 1549) to amend Public Law 111–148 to transfer fiscal year 2013 through fiscal year 2016 funds from the Prevention and Public Health Fund to carry out the temporary high risk health insurance pool program for individuals with preexisting conditions, and to extend access to such program to such individuals who have had creditable coverage during the 6 months prior to application for coverage through such program, which was referred to the House Calendar and ordered to be printed.

RADICAL ISLAM AND THE ''T'' WORD

The SPEAKER pro tempore (Mr. YOHO). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

I must say how proud I am of the Members of Congress from the class that came in 2 years ago and of those who are coming in now. It's an honor to serve with folks who care so much about the country and where we're going; but to know where we're going, it's important to know where we've been.

Of course, over the last week or so, we have endured terrible heartache because it wasn't just Boston that was attacked, and it wasn't just the little town of West, Texas, that lost so many people. E pluribus unum—''out of many, one.'' When tragedy strikes, we come together as one people to mourn. That has been true in the past. That's why it's so heartbreaking when Americans note that some gloat when other Americans are killed. Thank goodness it's such a rare thing. But with the tragedies in Boston and with the horror of the explosion and fire down in West, down in BILL FLORES' district, we will continue to pray for those who are enduring such suffering, for those who have lost loved ones. There is no easy way to lose a loved one. Everyone in America has either lost a loved one or will; and when it happens, it allows you to empathize and sympathize so much more easily with those who have lost loved ones. So we grieve; we mourn.

An important after-tragedy aspect for those who are in government is to make sure that we figure out exactly what went wrong so that Americans are spared this tragedy in the future. A former Secretary of State once asked in the aftermath of a tragedy, which she was overseeing in the department, what difference does it make? Having had Embassies attacked before—and yet this consulate in Benghazi was not adequately protected—it raises very serious issues, and the answer should be very clear when the question is: What difference does it make?

It makes a difference in not having to console those who have lost and mourned with those who have lost and consoled and help those who are trying to heal. It means all of that suffering doesn't happen if we find the mistakes and make sure they are not replicated in the future.

It was difficult—and it continues to be difficult—to get information out of the State Department, out of Homeland Security in having questioned the Secretary of Homeland Security myself and finding that she couldn't even answer how many members of the Muslim Brotherhood were part of her closest advisory council, the Homeland Security Advisory Council, or what backgrounds people had that would indicate ties to the Muslim Brotherhood within her Countering Violent Extremism Working Group. It's called the Countering Violent Extremism Working Group because, heaven forbid, we should offend anyone who is trying to kill us and wants to destroy our way of life.

It's also interesting as we dig into the situation—I mean, I've been hammered in the last week and accused of being an intolerant racist simply because people did not know the facts when they leveled such allegations, but I don't expect any apologies as they find out the truth that, yes, there have been radical Islamists who have been known to have changed their Islamic surnames to Hispanic-sounding names and to have falsified their identification documents so they would appear to be Hispanic and then make their way across our southern border.

□ 2110

There is nothing racist in that. In fact, it actually can be construed as a compliment because these people knew that radical Islamists were not wanted in this country and that in this country most of us are greatly appreciative of the heritage that Hispanics bring.

As I've said many times, I think something that has been a foundational part of making America great has been, generally speaking—with a hat tipped to atheists and all the other religions in America—traditionally there was a faith in God, there was a devotion to family and there was a hard work ethic. And generally speaking, that's what I see more than any other things in the Hispanic culture. I'm hoping that culture will help revive those aspects in our American culture. So it's certainly not intended as a snub, and, in fact, it is just stating a fact. This is something that's occurred. But it's always apparently a fun game for liberals to preach about tolerance and then be the most intolerant people in the country when it comes to conservatives or conservative Christians.

Jesus told us 2,000 years ago, You'll suffer for my sake. I didn't suffer as a Christian growing up, but some are all too willing to oblige nowadays to make sure that Christians do suffer, that they are persecuted, that they are condemned for their religious beliefs; and they go after Christians in a way that they would never seek to condemn even radical Islamists.

But I hope that out of the disaster and the heartbreak and the harm and damage that came not just to Boston, Massachusetts, but to a central heartbeat of America and Boston, which is such an important and integral part of America—we all got hit on 9/11. We got hit as Americans when our consulate was hit and four Americans were killed in Libya. We got hit when rebels took the weapons that this administration helped provide and killed Americans in Algeria.

We all take a hit when there are mistakes in judgment, mistakes in judgment like helping bomb Qadhafi, even though this administration had agreements with him. He was providing intel on radical Islamic terrorists. Well, that source is gone now. And this administration, despite being warned by many of us that, Look, we know there are al Qaeda that are actually embedded in the revolutionaries; don't help until we know who we're helping, but this administration made clear it didn't need congressional approval and it did not

need congressional authority. It had been asked to help by the Organization of Islamic Council and by NATO. So forget what all the elected Representatives of Texas and all 49 other States and all of the territories think, I'll just do what I want.

I am proud to count Michael Mukasey as a friend. I had tremendous respect for him as a judge back when he presided over many trials, but particularly the trial of the Blind Sheik after the attempted bombing of the World Trade Center in 1993. He did a great job, and the prosecutors did great jobs. Andrew McCarthy should ever have the thanks and the acclaim he deserves instead of the condemnation he often gets. When you're around Andrew McCarthy and Michael Mukasey, no matter what your IQ is, the average is quite high.

As a former attorney general, former Federal judge, Michael Mukasey said in his article that was printed April 21 by The Wall Street Journal—there are so many fantastic points that need to be brought out. These are Michael Mukasey's words. He said:

If your concern about the threat posed by the Tsarnaev brothers is limited to assuring that they will never be in a position to repeat their grisly acts, rest easy.

The elder, Tamerlan—apparently named for the 14th-century Muslim conqueror famous for building pyramids of his victims' skulls to commemorate his triumphs over infidels—is dead. The younger, Dzhokhar, will stand trial when his wounds heal, in a proceeding where the most likely uncertainty will be the penalty. No doubt there will be some legal swordplay over his interrogation by the FBI's High-Value Interrogation Group without receiving Miranda warnings. But the only downside for the government in that duel is that his statements may not be used against him at trial. This is not much of a risk when you consider the other available evidence, including photo images of him at the scene of the bombings and his own reported confession to the victim whose car he helped hijack during last week's terror in Boston.

But if your concern is over the larger threat that inheres in who the Tsarnaev brothers were and are, what they did, and what they represent, then worry—a lot.

For starters, you can worry about how the High-Value Interrogation Group, or HIG, will do its work. That unit was finally put in place by the FBI after so-called ''underwear bomber'' named Umar Farouk Abdulmutallab tried to blow up the airplane in which he was traveling as it flew over Detroit on Christmas Day in 2009 and was advised of his Miranda rights. The CIA interrogation program that might have handled the interview had by then been dismantled by President Obama.

At the behest of such Muslim Brotherhood-affiliated groups as the Council on American Islamic Relations and the Islamic Society of North America and other self-proclaimed spokesmen for American Muslims, the FBI has bowdlerized its training materials to exclude references to militant Islamism. Does this delicacy infect the FBI's interrogation group as well?

Will we see another performance like the Army's after-action report following Major Nidal Hasan's rampage at Fort Hood in November 2009, preceded by his shout ''allahu akhbar''—a report that spoke nothing of militant Islam but referred to the incident as ''workplace violence''? If tone is set at the top, recall that the Army chief of staff at the time said the most tragic result of Fort Hood would be if it interfered with the Army's diversity program.

Presumably, the investigation into the Boston terror attack will include inquiry into not only the immediate circumstances of the crimes but also who funded Tamerlan Tsarnaev's months-long sojourn abroad in 2012 and his comfortable lifestyle. Did he have a support network? What training did he, and perhaps his younger brother, receive in the use of weapons? Where did the elder of the two learn to make the suicide vest he reportedly wore? The investigation should include, as well, a deep dive into Tamerlan's radicalization, the Islamist references in the brothers' social media communications, and the jihadist Web sites they visited.

Will the investigation probe as well the FBI's own questioning of Tamerlan 2 years ago at the behest of an unspecified foreign government, presumably Russia, over his involvement with jihadist Web sites and other activities? Tamerlan Tsarnaev is the fifth person since 9/11 who has participated in terror attacks after questioning by the FBI. He was preceded by Nidal Hasan; drone casualty Anwar al-Awlaki; Abdulhakim Mujahid Muhammad—born Carlos Leon Bledsoe—who murdered an Army recruit in Little Rock in June 2009; and David Coleman Headley, who provided intelligence to the perpetrators of the Mumbai massacre in 2008. That doesn't count Abdulmutallab, who was the subject of warnings to the CIA that he was a potential terrorist.

□ 2120

If the intelligence yielded by the FBI's investigation is of value, will that value be compromised when this trial is held, as it most certainly will be, in a civilian court? Dzhokhar Tsarnaev's lawyers, as they have every right to do, will seek to discover the intelligence and use it to fashion a case in mitigation if nothing else, to show that his late brother was the dominant conspirator who had access to resources and people.

There is also cause for concern that this was obviously a suicide operation—not in the direct way of a bomber who kills all of his victims and himself at the same time by blowing himself up, but in the way of someone who conducts a spree, holding the stage for as long as possible, before he is cut down in a blaze of what he believes is glory. Here, think Mumbai.

Until now, it has been widely accepted in law enforcement circles that such an attack in the U.S. was less likely because of the difficulty organizers would have in marshaling the spiritual support to keep the would-be suicide focused on the task. That analysis went out the window when the Tsarnaevs followed up the bombing of the marathon by murdering a police officer in his car, an act certain to precipitate the violent confrontation that followed.

It has been apparent that with al Qaeda unable to mount elaborate attacks like the one it carried out on 9/11, other Islamists have stepped in with smaller and less intricate crimes, but crimes that are nonetheless meant to send a terrorist message. These include Faisal Shahzad, who failed to detonate a device in Times Square in 2010, and would-be subway bomber Najibullah Zazi and his confederates.

Is this, as former CIA Director Michael Hayden put it, the new normal?

There is also cause for concern in the President's reluctance, soon after the Boston bombing, even to use the ''t'' word—terrorism—in his vague musing on Friday about some unspecified agenda of the perpetrators, when by then there was no mystery: the agenda was jihad.

For 5 years we have heard, principally from those who wield executive power, of a claimed need to make fundamental changes in this country, to change the world's—particularly the Muslim world's—perception of us, to press the ''reset'' button. We have heard not a word from those sources suggesting any need to understand and confront a totalitarian ideology that has existed since at least the founding of the Muslim Brotherhood in the 1920s.

The ideology has regarded the United States as its principal adversary since the late 1940s, when a Brotherhood principal, Sayid Qutb, visited this country and was aghast at what he saw as its decadence. The first World Trade Center bombing in 1993, al Qaeda attacks on American embassies in Kenya and Tanzania in 1998, and on the USS *Cole* in 2000, the 9/11 attacks, and those in the dozen years since were all fueled by Islamist hatred for the U.S. and its values.

There are Muslim organizations in this country, such as the American Islamic Forum for Democracy, headed by Dr. Zuhdi Jasser, that speak out bravely against the totalitarian ideology. They receive no shout-out at Presidential speeches; no outreach is extended to them.

One of the Tsarnaev brothers is dead; the other might as well be. But if that is the limit of our concern, there will be others.

Michael MuKasey is a great, patriotic American, a brilliant American.

And now, we have those who have told us that we must pass gun control legislation that they, most of them, even acknowledge would not have affected the horror at Sandy Hook at all. But they say you must pass gun control legislation for the benefit, in the memory of Sandy Hook, utilizing that horrible murder spree to try to justify their political agenda.

My first question is: Will the legislation you're proposing, would it have changed the outcome at Sandy Hook or Colorado or any of the mass murders? When the proponents say no, it wouldn't have changed Sandy Hook at all, then the next question is: All right, what other legislation do you have, something that might make a difference? Don't bring things that won't make a difference other than to further your political agenda. Let's do something to change what has happened in the past so it won't happen in the future.

So now we're told: Oh, gee, you should not use the Boston bombing as a wake-up call to make sure that we look more closely at people coming in who might want to harm us. The FBI got a heads-up from Russia, for heaven's sake, and I understand that they would have viewed the Russians' complaint and their information with a jaundiced eye because they'd say: Well, they don't care for the Chechens anyway. But they got a heads-up. And we've already seen, and I can't go into what was classified—it shouldn't have been; it shouldn't be classified—but all of the documents that have been purged from the FBI training materials because we had heard and read and found out from people involved in the FBI that they're eliminating words.

I had a chart up here that explained, under the 9/11 report, the words

''Islam'' and ''jihad'' and ''radical.'' These were words used commonly in the 9/11 report. But since then, since we had a new President and new regime and new Justice Department under Attorney General Eric Holder, and since the FBI had partnered with CAIR, one of the two known, as the Federal Court in Dallas and in the Fifth Circuit Court of Appeals had said, the two largest Muslim Brotherhood front organizations, CAIR, the Council of American-Islamic Relations, and ISNA, the Islamic Society in North America, those are the two largest front organizations for Muslim Brotherhood, and this administration had embraced them and responds to them regularly and has the president of ISNA to the White House and even to the State Department and gets his input on things of importance.

So we have Muslim Brotherhood front organization members leading, guiding, directing this administration. They kept telling the President apparently, from what we've seen, because certainly that's what the President and Secretary of State Clinton said, hey, they don't dislike the administration, don't watch them burn the President in effigy, no, they love him, but it's just they're mad about a video. Or they're mad about perceptions of the U.S. They love our President.

Well, read the polls overseas and you'll find out that's not the case.

But for those who say: Look, the lesson from Boston ought to be that we need to rush through at least 11 million—some think it may be as high as 20 million—people who are in this country legally—or illegally and make them legal as quickly as possible because that will allow us a complete and thorough report on these people, but I would only submit, if the FBI is still using the purged lexicon where they can't talk about jihad or can't talk about all of the things that were removed from their training manuals and FBI agents were told they can't use anymore, how do you go question a proponent of killing Americans, a proponent of radical murderist jihad without talking about jihad, without talking about the words that radical Islamists use?

That must have been quite an interrogation of the now-deceased Tamerlan since they couldn't use the words that would have told him what he really believed in. And now, FBI agents who are so overworked they couldn't even do a proper investigation of a guy after Russia gives them a heads-up and gives them information, and now the solution, we're told, is to bring in 11 million more, rush them by the FBI, and then we'll know whether they're terrorists? You think?

□ 2130

Or are we going to come down here and repeatedly have to express truthfully and honestly how our heart breaks for Americans that were killed because we never learned our lesson, because we had people that thought, what difference does it make?

America deserves better. We have a pledge that we take to protect this country, this blessed country, from all enemies, foreign and domestic; and I hope and pray we'll begin to better live up to that oath.

At the same time as I pray and mourn for those who've lost, who are suffering, it is my prayer that God Almighty will wrap His protective hands around this country, and that this country will give the Good Lord reason to do so.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEORGE MILLER of California (at the request of Ms. PELOSI) for today and the balance of the week on account of medical surgery.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1246. An act to amend the District of Columbia Home Rule Act to provide that the District of Columbia Treasurer or one of the Deputy Chief Financial Officers of the Office of the Chief Financial Officer of the District of Columbia may perform the functions and duties of the Office in an acting capacity if there is a vacancy in the Office.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 24, 2013, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

1190. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John R. Allen, United States Marine Corps, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

1191. A letter from the Secretary, Department of Health and Human Services, transmitting a report on Health Plan Value Methodology; to the Committee on Energy and Commerce.

1192. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform — Mobility Fund [WC Docket No.: 10-90] [GN Docket No.: 09-51] [WC Docket No.: 07-135] [WC Docket No.: 05-337] [CC Docket No.: 01-92] [CC Docket No.: 96-45] [WC Docket No.: 03-109] [WT Docket No.: 10-208] received April 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1193. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Final Safety Evaluation for Boiling Water Reactors Owners' Group Topical Report BWROG-TP-11-023, Revision 0, November 2011, ''Linear Elastic Fracture Mechanics Evaluation of General Electric Boling Water Reactor Water Level Instrument Nozzles for Pressure-Temperature Curve Evaluations'' (TAC NO. ME7650) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1194. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-11, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1195. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-10, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1196. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations: Initial Implementation of Export Control Reform [Docket No.: 120403246-2657-01] (RIN: 0694-AF65) received April 15, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1197. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Senate's Resolution of Advice and Consent to the Treaty with Australia Concerning Defense Trade Cooperation (Treaty Doc. 110-10) activities report; to the Committee on Foreign Affairs.

1198. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals through the 1st Quarter of Fiscal Year 2013'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

1199. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's annual report for FY 2012 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1200. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's 2012 Freedom of Information Act Litigation and Compliance Report, pursuant to 5 U.S.C. 552(e)(6); to the Committee on Oversight and Government Reform.

1201. A letter from the Acting Director, Peace Corps, transmitting a copy of the Peace Corps' Fiscal Year 2012 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

1202. A letter from the Secretary, Railroad Retirement Board, transmitting the Board's annual report for FY 2012 prepared in accordance with Section 203 of the Notification and

Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1203. A letter from the EEO Director, Securities and Exchange Commission, transmitting the Commission's annual report for FY 2012 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1204. A letter from the Administrator, Small Business Administration, transmitting the Administration's annual report for FY 2012 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1205. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Court's report on the activities of the Family Court during 2012; to the Committee on Oversight and Government Reform.

1206. A letter from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting notice that the Department proposes to restore funds to the Delaware Tribe of Indians; to the Committee on Natural Resources.

1207. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting copy of the Office of Victims of Crime (OVC) International Terrorism Victim Expense Reimbursement (ITVERP) Report to Congress for the reporting periods September 2009-August 2010 and September 2010-August 2011; to the Committee on the Judiciary.

1208. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2012 annual report on the STOP Violence Against Women Formula Grant Program; to the Committee on the Judiciary.

1209. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2013 Naval Air Station Key West Air Spectacular, Boca Chica Channel; Boca Chica, FL [Docket No.: USCG-2013-0077] (RIN: 1625-AA00) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1210. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Havasu Triathlon; Lake Havasu City, AZ Docket No.: USCG-2013-0023] (RIN: 1625-AA00) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1211. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC Southwest Showdown 2, Parker, AZ [Docket No.: USCG-2013-0058] (RIN: 1625-AA00) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1212. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; 2013 International Rolex Regatta; St. Thomas Harbor; St. Thomas, U.S. Virgin Islands [Docket Number: USCG-2012-1079] (RIN: 1625-AA08) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1213. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Desert Storm Shootout; Lake Havasu, Lake Havasu City, AZ [Docket No.: USCG-2013-0005] (RIN: 1625-AA00) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1214. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; New River Raft Race, New River; Fort Lauderdale, FL [Docket No.: USCG-2013-0047] (RIN: 1625-AA08) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1215. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Elizabeth River, Eastern Branch, Norfolk, VA [Docket No.: USCG-2012-0357] (RIN: 1625-AA09) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1216. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; SFPD Training safety zone; San Francisco Bay, San Francisco, CA [Docket No.: USCG-2013-0148] (RIN: 1625-AA00) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1217. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; 2013 Lauderdale Air Show, Atlantic Ocean; Fort Lauderdale, FL [Docket No.: USCG-2012-1073] (RIN: 1625-AA08) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1218. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Spanish Navy School Ship San Sebastian El Cano Escort; Bahia de San Juan; San Juan, PR [Docket No.: USCG-2013-0166] (RIN: 1625-AA00) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1219. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Stuart Sailfish Regatta, Indian River; Stuart, FL [Docket No.: USCG-2012-0150] (RIN: 1625-AA08) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1220. A letter from the Senior Vice President, Government Relations, Tennessee Valley Authority, transmitting the Statistical Summary for Fiscal Year 2012; to the Committee on Transportation and Infrastructure.

1221. A letter from the Assistant Director, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule — Basis Reporting by Securities Brokers and Basis Determination for Debt Instruments and Options; Reporting for Premium [TD 9616] (RIN: 1545-BK05; RIN: 1545-BL47) received April 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BURGESS: Committee on Rules. House Resolution 175. Resolution providing for consideration of the bill (H.R. 1549) to amend Public Law 111–148 to transfer fiscal year 2013 through fiscal year 2016 funds from the Prevention and Public Health fund to carry out the temporary high risk health insurance pool program for individuals with preexisting conditions, and to extend access to such program to such individuals who have had creditable coverage during the 6 months prior to application for coverage though such program (Rept. 113–46). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA (for himself and Ms. LOFGREN):

H.R. 1663. A bill to amend title 35, United States Code, to provide for an exception from infringement for certain component parts of motor vehicles; to the Committee on the Judiciary.

By Mr. ENGEL:

H.R. 1664. A bill to amend title 23, United States Code, to reduce injuries and deaths caused by cell phone use and texting while driving, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, 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. ENGEL:

H.R. 1665. A bill to amend title 23, United States Code, to withhold highway funds from States that do not have in effect laws requiring the use of ignition interlock devices to prevent repeat intoxicated driving, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CLEAVER (for himself and Mr. BACHUS):

H.R. 1666. A bill to create a patient-centered quality of care initiative for seriously ill patients through the establishment of a stakeholder strategic summit, quality of life education and awareness initiative, health care workforce training, an advisory committee, and palliative care focused research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. THOMPSON of California, and Mr. HUFFMAN):

H.R. 1667. A bill to prevent the escapement of genetically altered salmon in the United States, and for other purposes; to the Committee on Natural Resources.

By Ms. VELÁZQUEZ (for herself, Mr. RANGEL, Mr. SERRANO, and Mr. JEFFRIES):

H.R. 1668. A bill to increase the number of tenant-based rental assistance vouchers made available for low-income families displaced by Hurricane Sandy; to the Committee on Financial Services, and in addition to the Committees on Appropriations, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. RANGEL, Mr. SERRANO, and Mr. JEFFRIES):

H.R. 1669. A bill to require large public housing agencies to develop disaster response and relief plans to guide and prepare staff and residents of such agencies, the local community, and Federal, State, and local governments for disasters affecting public housing projects; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. RANGEL, Mr. SERRANO, and Mr. JEFFRIES):

H.R. 1670. A bill to improve the implementation and oversight for the program under section 3 of the Housing and Urban Development Act of 1968 for training and hiring requirements for public housing, Indian housing assistance, and housing and community development programs; to the Committee on Financial Services.

By Mr. SWALWELL of California (for himself, Ms. BASS, Mr. BECERRA, Mr. BERA of California, Ms. BROWNLEY of California, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CÁRDENAS, Ms. CHU, Mr. COOK, Mr. COSTA, Mrs. DAVIS of California, Mr. DENHAM, Ms. ESHOO, Mr. FARR, Mr. GARAMENDI, Ms. HAHN, Mr. HONDA, Mr. HUFFMAN, Mr. HUNTER, Mr. ISSA, Mr. LAMALFA, Ms. LEE of California, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCKEON, Mrs. NEGRETE MCLEOD, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Ms. PELOSI, Mr. PETERS of California, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUIZ, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. TAKANO, Mr. THOMPSON of California, Mr. VALADAO, Mr. VARGAS, Ms. WATERS, and Mr. WAXMAN):

H.R. 1671. A bill to designate the facility of the United States Postal Service located at 6937 Village Parkway in Dublin, California, as the ''James 'Jim' Kohnen Post Office''; to the Committee on Oversight and Government Reform.

By Mr. DAINES (for himself and Mr. BISHOP of Utah):

H.R. 1672. A bill to withdraw and reserve certain public lands administered by the Bureau of Land Management for exclusive military use as part of the Limestone Hills Training Area, Montana, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 1673. A bill to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in Naval Air Weapons Station China Lake, California, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 1674. A bill to amend the Internal Revenue Code of 1986 to deny the refundable portion of the child tax credit to individuals who are not authorized to be employed in the United States and to terminate the use of certifying acceptance agents to facilitate the application process for ITINs; to the Committee on Ways and Means.

By Mr. CASSIDY (for himself, Mrs. BLACKBURN, Mr. HECK of Nevada, Mr. HARRIS, Mrs. BLACK, Mr. BURGESS, Mr. TERRY, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. LANCE, and Mr. DESJARLAIS):

H.R. 1675. A bill to amend the Internal Revenue Code of 1986 to permit health plans without a deductible for prenatal, labor and delivery, and postpartum care to be treated as high deductible plans with respect to health savings accounts; to the Committee on Ways and Means.

By Mr. COOK (for himself and Mr. MCKEON):

H.R. 1676. A bill to designate the Johnson Valley National Off-Highway Vehicle Recreation Area in San Bernardino County, California, to authorize limited military use of the area, to provide for the transfer of the Southern Study Area to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Marine Corps Air Ground Combat Center Twentynine Palms, and by recreational users, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. HONDA, Ms. LEE of California, Ms. CHU, Mr. SCHIFF, Mr. CÁRDENAS, Mr. HUFFMAN, Mr. LOWENTHAL, and Mr. CARTWRIGHT):

H.R. 1677. A bill to modify the boundary of Yosemite National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mr. RIGELL, Mr. RAHALL, Mr. GARAMENDI, Mr. LARSEN of Washington, Ms. PINGREE of Maine, Mr. LAMALFA, Mr. POCAN, Mr. GRIMM, and Mr. YOUNG of Alaska):

H.R. 1678. A bill to amend title 46, United States Code, to reinstate provisions requiring that a percentage of aid provided by the Secretary of Agriculture or the Commodity Credit Corporation in the form of certain agricultural commodities or their products must be transported on commercial vessels of the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1679. A bill to amend the Expedited Funds Availability Act to clarify the application of that Act to American Samoa; to the Committee on Financial Services.

By Mr. GRIJALVA:

H.R. 1680. A bill to render all enrolled members of the Tohono O'odham Nation citizens of the United States as of the date of their enrollment and to recognize the valid membership credential of the Tohono O'odham Nation as the legal equivalent of a certificate of citizenship or a State-issued birth certificate for all Federal purposes; to the Committee on the Judiciary.

By Mr. HIGGINS:

H.R. 1681. A bill to amend the Federal Election Campaign Act of 1971 to provide for limitations on expenditures in elections for the House of Representatives; to the Committee on House Administration.

By Ms. LOFGREN (for herself, Mr. CONNOLLY, Mrs. DAVIS of California, Mr. WOLF, Ms. LORETTA SANCHEZ of California, and Mr. SHERMAN):

H.R. 1682. A bill to prohibit the designation of Vietnam under title V of the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 1683. A bill to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, and for other purposes; to the Committee on Natural Resources.

By Mrs. LUMMIS:

H.R. 1684. A bill to convey certain property to the State of Wyoming to consolidate the historic Ranch A, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. WAXMAN, Ms. ESHOO, Ms. DEGETTE, Ms. LOFGREN, Mr. DOYLE, Mr. BEN RAY LUJÁN of New Mexico, Ms. SCHAKOWSKY, and Mr. BUTTERFIELD):

H.R. 1685. A bill to amend the Communications Act of 1934 to reform and modernize the Universal Service Fund Lifeline Assistance Program; to the Committee on Energy and Commerce.

By Mr. MORAN (for himself, Ms. NORTON, Mr. BLUMENAUER, and Mr. GARAMENDI):

H.R. 1686. A bill to amend the Internal Revenue Code of 1986 to impose a retail tax on disposable carryout bags, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself and Mr. SIRES):

H.R. 1687. A bill to provide for the imposition of sanctions with respect to foreign persons responsible for or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of ALBA countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 1688. A bill to prohibit contracting with the enemy; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER:

H.R. 1689. A bill to prohibit certain real property from being named after a sitting Member of Congress; to the Committee on Transportation and Infrastructure.

By Mr. VARGAS (for himself, Mr. LAMALFA, Mrs. NAPOLITANO, Mr. ENYART, Ms. BASS, Mr. LOWENTHAL, Mr. RUSH, Mr. CÁRDENAS, Mrs. DAVIS of California, Mr. HONDA, Ms. JACKSON LEE, Mrs. NEGRETE MCLEOD, Mr. GUTIERREZ, Mr. POE of Texas, Mr. TAKANO, and Mr. PETERS of California):

H.R. 1690. A bill to amend title 18, United States Code, to remove knowledge of age as an element of the offense for the sex trafficking of children or by force, fraud, or coercion; to the Committee on the Judiciary.

By Mr. VARGAS:

H.R. 1691. A bill to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in the Chocolate Mountain Aerial Gunnery Range, California, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. COSTA, Mr. ROYCE, Mr.

GOSAR, Mr. SCHWEIKERT, Mr. SALMON, Mr. JONES, Mr. CHABOT, Mr. MEADOWS, Mr. NUNNELEE, Mr. CRAMER, Mr. BENTIVOLIO, Mr. FLEMING, and Mr. YODER):

H.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. SALMON (for himself, Mr. SCHWEIKERT, Mr. RICE of South Carolina, Mr. DESANTIS, Mr. BRIDENSTINE, and Mr. PITTENGER):

H.J. Res. 41. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. CRENSHAW (for himself and Mr. MEEKS):

H. Con. Res. 35. Concurrent resolution supporting the goals and ideals of World Malaria Day; to the Committee on Foreign Affairs.

By Mr. HINOJOSA (for himself, Mr. STIVERS, Ms. SEWELL of Alabama, Mr. CARTWRIGHT, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 172. A resolution supporting the goals and ideals of ''Financial Literacy Month''; to the Committee on Oversight and Government Reform.

By Mr. GARDNER (for himself and Mr. CRAMER):

H. Res. 173. A resolution expressing the sense of the House of Representatives that, in order to make commonsense reforms under sequestration, Federal employees should be encouraged to suggest ways to make more sensible or more efficient budget reductions within their employing department or agency, knowing that they are protected under the whistleblower protection laws; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Ms. PELOSI, Mr. CLYBURN, Mr. HOYER, Mr. BECERRA, Mr. CROWLEY, Mr. ISRAEL, Ms. DELAURO, Mr. ANDREWS, Ms. SCHWARTZ, Mr. YARMUTH, Mr. PASCRELL, Mr. RYAN of Ohio, Ms. MOORE, Ms. CASTOR of Florida, Mr. MCDERMOTT, Ms. LEE of California, Mr. CICILLINE, Mr. JEFFRIES, Mr. POCAN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. HUFFMAN, Mr. CÁRDENAS, Mr. BLUMENAUER, Mr. SCHRADER, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. DOGGETT, Ms. VELÁZQUEZ, Mr. BUTTERFIELD, Ms. ESHOO, Mr. TONKO, Mr. FOSTER, Mr. LEVIN, Mr. LANGEVIN, Mr. GALLEGO, Mr. LEWIS, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mrs. LOWEY, Mr. CONYERS, Ms. FUDGE, Ms. MENG, Mr. LOWENTHAL, Mr. WELCH, Ms. ROYBAL-ALLARD, Mr. KIND, Ms. KAPTUR, Ms. LINDA T. SÁNCHEZ of California, Ms. DELBENE, Ms. NORTON, Mrs. CAROLYN B. MALONEY of New York, Ms. TSONGAS, Mr. COOPER, Mrs. CHRISTENSEN, Mr. DINGELL, Mr. HINOJOSA, Ms. SLAUGHTER, Mr. DANNY K. DAVIS of Illinois, Mr. ENYART, Ms. BORDALLO, Mr. SMITH of Washington, Mr. KILDEE, Mr. HONDA, Mr. CARNEY, Mr. WAXMAN, Ms. DEGETTE, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. CUELLAR, and Mr. RUSH):

H. Res. 174. A resolution expressing the sense of the House of Representatives that the Speaker should immediately request a conference and appoint conferees to complete work on a fiscal year 2014 budget resolution with the Senate; to the Committee on the Budget.

By Mr. MARKEY (for himself, Mr. NEAL, Mr. LYNCH, Mr. CAPUANO, Mr. MCGOVERN, Ms. TSONGAS, Mr. KEATING, Mr. TIERNEY, and Mr. KENNEDY):

H. Res. 176. A resolution commending the heroism, courage, and sacrifice of Sean Collier, an officer in the Massachusetts Institute of Technology Police Department, Martin Richard, an 8-year-old resident of Dorchester, Massachusetts, Krystle Campbell, Lu Lingzi, a student at Boston University, and all the victims who are recovering from injuries caused by the attacks in Boston, Massachusetts, including Richard Donohue, Jr., an officer in the Massachusetts Bay Transportation Authority Transit Police Department; to the Committee on the Judiciary.

By Mr. ROSKAM (for himself and Mr. LIPINSKI):

H. Res. 177. A resolution urging the Palestinian Authority and President Mahmoud Abbas to clarify a presidential succession plan, expand political freedom in the West Bank, and take preventative measures to limit the possibility of a Hamas takeover in the West Bank; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

5. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 2 memorializing the Congress to propose an amendment to the Constitution relative to unfunded Federal mandates and programs with limited Federal funding periods; 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 following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ISSA:

H.R. 1663.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8 of the Constitution which says, ''To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.''

By Mr. ENGEL:

H.R. 1664.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution.

By Mr. ENGEL:

H.R. 1665.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution.

By Mr. CLEAVER:

H.R. 1666.

Congress has the power to enact this legislation pursuant to the following:

The United States Constitution, Article I, Section 8, Clause 1.

By Mr. YOUNG of Alaska:

H.R. 1667.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Ms. VELÁZQUEZ:

H.R. 1668.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

''The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .''

By Ms. VELÁZQUEZ:

H.R. 1669.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

''The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .''

By Ms. VELÁZQUEZ:

H.R. 1670.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

''The Congress shall have Power to . . . provide for the . . . general Welfare of 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.''

By Mr. SWALWELL of California:

H.R. 1671.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution

clause 7 of section 8 of article I of the Constitution

16 By Mr. DAINES:

H.R. 1672.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2 of the Constitution of the United States

By Mr. MCCARTHY of California:

H.R. 1673.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

By Mr. BILIRAKIS:

H.R. 1674.

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 To lay and collect Taxes, Duties, Imposts and Excises as enumerated in Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. CASSIDY:

H.R. 1675.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. COOK:

H.R. 1676.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3:

The Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;

By Mr. COSTA:

H.R. 1677.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the United States Constitution.

By Mr. CUMMINGS:

H.R. 1678.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and

Article 1, Section 8, Clause 14: to make Rules for the Government and Regulation of the land and naval Forces

By Mr. FALEOMAVAEGA:

H.R. 1679.

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.

By Mr. GRIJALVA:

H.R. 1680.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. HIGGINS:

H.R. 1681.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

By Ms. LOFGREN:

H.R. 1682.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clauses 1, 3

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 1683.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mrs. LUMMIS:

H.R. 1684.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2: ''The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.''

By Ms. MATSUI:

H.R. 1685.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. MORAN:

H.R. 1686.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article 1, Section 8 of the United States Constitution, which provides that 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,''

''To regulate Commerce . . . among the several States, and with the Indian Tribes,'' and

''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.

By Ms. ROS-LEHTINEN:

H.R. 1687.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Ms. SHEA-PORTER:

H.R. 1688.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. TURNER:

H.R. 1689.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 of the Constitution of the United States which states: ''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .'' This provision establishes the authority of Congress to appropriate funds, and place limitations and conditions on the use of those funds.

By Mr. VARGAS:

H.R. 1690.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests in the power of Congress:

(1) to regulate commerce with foreign nations, and among the several states, and with the Indian tribes, as enumerated in Article 1, Section 8, Clause 3 of the U.S. Constitution;

(2) to make all laws necessary and proper for executing powers vested by the Constitution in the Government of the United States, as enumerated in Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. VARGAS:

H.R. 1691.

Congress has the power to enact this legislation pursuant to the following:

(1) to provide and maintain a navy, as enumerated in Article I, Section 8, Clause 13 of the U.S. Constitution;

(2) to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, as enumerated in Article IV, Section 3, Clause 2 of the U.S. Constitution.

By Mr. FRANKS of Arizona:

H.J. Res. 40.

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution: ''The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . .''

By Mr. SALMON:

H.J. Res. 41.

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.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. KLINE.

H.R. 38: Mr. CULBERSON.

H.R. 96: Mr. MORAN and Mr. VAN HOLLEN.

H.R. 124: Mr. VAN HOLLEN, Mr. COLE, Mr. GRIMM, Mr. HOLT, Mr. PRICE of North Carolina, Mr. CALVERT, Mr. LOEBSACK, Mr. BUTTERFIELD, Mr. SIMPSON, Mr. WALZ, Mr. ELLISON, Mr. LIPINSKI, and Mr. MCINTYRE.

H.R. 129: Ms. GABBARD and Ms. SINEMA.

H.R. 139: Ms. DEGETTE and Ms. DUCKWORTH.

H.R. 164: Mr. LANKFORD and Ms. SINEMA.

H.R. 176: Mr. BUCHANAN.

H.R. 262: Ms. MCCOLLUM.

H.R. 301: Ms. ZOE LOFGREN.

H.R. 303: Ms. EDWARDS and Ms. ESTY.

H.R. 335: Ms. SHEA-PORTER.

H.R. 351: Mr. HUIZENGA of Michigan, Mr. ROTHFUS, and Mr. KING of New York.

H.R. 360: Mr. CASSIDY, Mr. NUNNELEE, Mr. REICHERT, Mr. SCALISE, and Ms. JENKINS.

H.R. 494: Ms. JENKINS, Mr. GRIFFIN of Arkansas, Ms. CLARKE, Mr. BENTIVOLIO, Mr. WALDEN, Mr. BARR, Mr. HINOJOSA, Mr. WELCH, Mr. OWENS, Mr. BARLETTA, Mr. TERRY, Mr. VARGAS, Mr. KEATING, Mr. TONKO, and Mr. TIPTON.

H.R. 495: Mr. MEADOWS, Mr. SMITH of Washington, Ms. ESHOO, Mr. RICHMOND, Mr. MICHAUD, Mr. CONNOLLY, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. HIMES, and Mr. GARDNER.

H.R. 508: Mr. TONKO and Ms. ROS-LEHTINEN.

H.R. 523: Mr. RICE of South Carolina.

H.R. 556: Mr. GRIFFIN of Arkansas and Mr. HUIZENGA of Michigan.

H.R. 569: Ms. ZOE LOFGREN.

H.R. 570: Ms. ZOE LOFGREN.

H.R. 578: Mr. BRIDENSTINE.

H.R. 621: Mr. RADEL.

H.R. 627: Mr. GARDNER, Ms. DEGETTE, Mrs. KIRKPATRICK, Mr. PRICE of North Carolina, Mr. PETERS of Michigan, Mr. HOLDING, and Mr. MICHAUD.

H.R. 630: Mr. MCDERMOTT, Mr. ENGEL, Ms. SPEIER, Mr. JEFFRIES, Mr. WALZ, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 632: Mr. HINOJOSA, Mr. GRIJALVA, and Mr. POMPEO.

H.R. 655: * * * and Mrs. BEATTY.

H.R. 657: Mr. LAMALFA.

H.R. 671: Mr. MORAN, Mr. RYAN of Ohio, Mr. SIRES, and Mr. BRALEY of Iowa.

H.R. 684: Mr. VEASEY, Mr. JOYCE, Ms. WILSON of Florida, Ms. SINEMA, Mr. LOWENTHAL, Mr. CICILLINE, Mr. BARTON, and Mr. HUFFMAN.

H.R. 685: Ms. ROS-LEHTINEN, Mr. MCCLINTOCK, and Mr. BISHOP of Utah.

H.R. 693: Mr. COLLINS of Georgia, Mr. COOPER, and Mr. YOUNG of Indiana.

H.R. 698: Mr. PAYNE.

H.R. 724: Mr. OLSON.

H.R. 730: Mr. TIBERI.

H.R. 732 Mr. BRIDENSTINE and Mr. WOLF.

H.R. 739: Mr. RIGELL and Mr. MORAN.

H.R. 755: Mr. LAMALFA, Mr. HONDA, Mr. O'ROURKE, Ms. HAHN, and Mr. LATTA.

H.R. 763: Mr. GOWDY, Mr. BONNER, Mr. PRICE of Georgia, Mr. BUCHANAN, Mrs. NOEM, Mr. CRAWFORD, Mrs. MCMORRIS RODGERS, Mr. WALDEN, Mr. DESANTIS, and Mrs. ELLMERS.

H.R. 769: Ms. FRANKEL of Florida, Mr. PIERLUISI, Mr. MCINTYRE, and Mr. HUFFMAN.

H.R. 786: Mr. DEFAZIO.

H.R. 792: Ms. JENKINS and Mr. LONG.

H.R. 797: Mr. QUIGLEY, Mr. TIBERI, and Mr. FITZPATRICK.

H.R. 847: Mr. THOMPSON of California, Mr. SEAN PATRICK MALONEY of New York, Mr. MICHAUD, and Mr. RANGEL.

H.R. 850: Mr. FATTAH, Mr. FOSTER, Mr. RYAN of Wisconsin, Mr. GERLACH, Mr. NADLER, Mr. BOUSTANY, and Mr. CÁRDENAS.

H.R. 851: Mr. DOYLE.

H.R. 855: Ms. WILSON of Florida.

H.R. 863: Ms. ROYBAL-ALLARD.

H.R. 893: Mr. KINZINGER of Illinois.

H.R. 924: Mr. HUFFMAN, Mrs. CAPPS, and Mr. SIRES.

H.R. 938: Mr. PETRI, Mr. STEWARD, Mr. JOHNSON of Ohio, Mr. FOSTER, Mr. GERLACH, Mr. LARSEN of Washington, Mr. RICE of South Carolina, Mr. HORSFORD, Mr. BARBER, Ms. JENKINS, Mr. BONNER, and Mr. FRELINGHUYSEN.

H.R. 940: Mr. WITTMAN, Mr. WOLF, Mr. HOLDING, Mr. MESSER, and Mr. ALEXANDER.

H.R. 949: Mr. DOYLE.
H.R. 961: Mr. ENGEL, Ms. SPEIER, Mr. JEFFRIES, Mr. WALZ, Ms. LINDA T. SÁNCHEZ of California, Mr. HUFFMAN, Ms. CHU, Ms. BASS, and Ms. LORETTA SANCHEZ of California.
H.R. 962: Ms. DEGETTE.
H.R. 990: Mr. CAPUANO and Mr. HINOJOSA.
H.R. 1020: Mr. KIND, Mr. THOMPSON of California, Mr. SAM JOHNSON of Texas, and Mrs. BLACKBURN.
H.R. 1026: Mr. TIPTON, Mr. MULLIN, Mr. LANKFORD, and Mr. MCCAUL.
H.R. 1029: Mr. SCOTT of Virginia, Mr. PETERSON, Mrs. NAPOLITANO, Mr. ENYART, and Ms. LEE of California.
H.R. 1030: Mr. SCOTT of Virginia.
H.R. 1038: Mr. GARDNER, Ms. LINDA T. SÁNCHEZ of California, Mr. HUFFMAN, and Ms. BROWN of Florida.
H.R. 1093: Mr. RANGEL, Mr. ANDREWS, Mr. PAYNE, Ms. FRANKEL of Florida, Mr. GRAYSON, Mr. PITTENGER, Mr. JONES, Mr. GENE GREEN of Texas, Ms. DUCKWORTH, Mr. PETERS of Michigan, Mrs. NAPOLITANO, Ms. GABBARD, and Ms. WASSERMAN SCHULTZ.
H.R. 1094: Mr. SMITH of New Jersey, Ms. CASTOR of Florida, Ms. SINEMA, and Mr. ELLISON.
H.R. 1130: Mr. KINZINGER of Illinois.
H.R. 1146: Mr. DUNCAN of Tennessee.
H.R. 1149: Mr. ADERHOLT.
H.R. 1151: Mrs. NAPOLITANO, Ms. SPEIER, Mr. JONES, Mr. TURNER, and Ms. HANABUSA.
H.R. 1155: Mr. COFFMAN, Mr. HECK of Washington, Mr. BUCSHON, and Mr. MICHAUD.
H.R. 1172: Mr. WESTMORELAND.
H.R. 1240: Mr. MATHESON and Mr. MICHAUD.
H.R. 1243: Mr. CICILLINE.
H.R. 1248: Mr. HOLDING.
H.R. 1249: Mr. HARRIS and Mr. MCKEON.
H.R. 1250: Mr. MCKINLEY, Mr. MARINO, Mr. MCKEON, Ms. SLAUGHTER and Mr. BARR.
H.R. 1255: Mr. JONES.
H.R. 1288: Mr. ISSA, Ms. LEE of California and Ms. BASS.
H.R. 1289: Mr. LANGEVIN, Mrs. NAPOLITANO, Mr. GRIJALVA, and Mr. KENNEDY.
H.R. 1292: Mr. STOCKMAN and Mr. POE of Texas.
H.R. 1304: Mr. MEADOWS.
H.R. 1311: Mr. STOCKMAN, Mr. MULLIN, Mr. RODNEY DAVIS of Illinois, Mr. COLLINS of New York, Mr. STEWARD, Mr. MEADOWS, Mr. DELANEY, Mr. SWALWELL of California, Mr. HOLDING, and Mr. MCHENRY.
H.R. 1317: Ms. NORTON.
H.R. 1323: Ms. SHEA-PORTER.
H.R. 1330: Mrs. BEATTY, Mr. HONDA and Mr. RUSH.
H.R. 1333: Mr. MORAN.
H.R. 1384: Mr. RANGEL, Ms. BORDALLO, Mr. MORAN, and Mr. DINGELL.
H.R. 1396: Mr. VARGAS.
H.R. 1406: Mr. PEARCE, Mr. GOHMERT, and Mr. FLEMING.
H.R. 1413: Mr. GARAMENDI.
H.R. 1414: Ms. SHEA-PORTER, Mr. MCDERMOTT, Ms. SCHWARTZ and Mr. FARR.
H.R. 1416: Mr. PITTENGER, Mr. CHAFFETZ, Mr. HUDSON, Mr. MICHAUD, Mr. NUGENT, and Ms. FRANKEL of Florida.
H.R. 1423: Mr. MATHESON.
H.R. 1424: Ms. KUSTER, Mrs. DAVIS of California, Mr. ISRAEL, Mr. HOLT, and Mr. CARTWRIGHT.
H.R. 1425: Ms. HANABUSA.
H.R. 1429: Ms. NORTON, Mrs. CAROLYN B. MALONEY of New York, Ms. TSONGAS, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS and Mr. RANGEL.
H.R. 1446: Mr. MCCAUL and Mr. CRAMER.
H.R. 1448: Mr. LANKFORD.
H.R. 1481: Mr. LARSEN of Washington, Mr. LANGEVIN, Mr. ANDREWS, and Ms. LORETTA SANCHEZ of California.
H.R. 1482: Mr. MARINO.
H.R. 1496: Mr. WOODALL.
H.R. 1502: Mr. LAMALFA.
H.R. 1505: Mr. MILLER of Florida.
H.R. 1518: Mr. HANNA, Ms. BORDALLO, Ms. BROWNLEY of California, Mr. BUCHANAN, Mr. HUFFMAN, and Mr. KINZINGER of Illinois.
H.R. 1528: Mr. KINZINGER of Illinois, Mr. LAMALFA, Mr. JOHNSON of Georgia, and Mr. HARPER.
H.R. 1550: Mr. PETERS of Michigan.
H.R. 1551: Mr. TIBERI, Mrs. WAGNER, Mr. PERLMUTTER, Mr. GRIFFIN of Arkansas, Mr. FARENTHOLD, Mr. STIVERS, and Mr. KINZINGER of Illinois.
H.R. 1578: Ms. ESHOO.
H.R. 1588: Mr. CONYERS.
H.R. 1594: Mr. JONES.
H.R. 1595: Mr. NOLAN, Mr. HONDA, Mr. MAFFEI, Mrs. KIRKPATRICK, Ms. SINEMA and Ms. KUSTER.
H.R. 1598: Mr. POCAN, Mr. ISSA, and Mr. BENISHEK.
H.R. 1620: Mr. JONES and Mr. CARSON of Indiana.
H.R. 1622: Mrs. CAROLYN B. MALONEY of New York and Mr. HASTINGS of Florida.
H.R. 1623: Mr. BARBER.
H.R. 1652: Mr. DELANEY, Mr. MURPHY of Florida, Mr. NOLAN, Mr. DOYLE, Ms. SEWELL of Alabama, Mrs. LOWEY, Mr. SCOTT of Virginia, Mr. CÁRDENAS, Ms. BASS, Mr. DINGELL, Mr. COSTA, and Mr. SABLAN.
H.J. Res. 34: Mr. FARR and Mrs. KIRKPATRICK.
H. Con. Res. 3: Mr. MICHAUD.
H. Con. Res. 4: Ms. ZOE LOFGREN and Mr. SCHIFF.
H. Con. Res. 27: Mrs. LOWEY.
H. Res. 30: Mrs. CAPPS, Ms. LINDA T. SÁNCHEZ of California, Mr. PETERSON, and Ms. BASS.
H. Res. 36: Mr. ALEXANDER, Mr. GRIFFITH of Virginia, Mr. SAM JOHNSON of Texas, Mr. NEUGEBAUER, Mr. RIBBLE, and Mr. GOSAR.
H. Res. 90: Mr. BEN RAY LUJÁN of New Mexico, Ms. ESTY, Ms. CLARKE, Mr. WAXMAN, Ms. MENG, Mr. JEFFRIES, Mr. LOWENTHAL, Mr. FOSTER, Mr. DINGELL, and Mr. YARMUTH.
H. Res. 106: Mrs. HARTZLER, Mr. STUTZMAN, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. WALBERG, Mr. HARPER, Mr. ROE of Tennessee, Mr. HUELSKAMP, Mr. STOCKMAN, Mr. BENTIVOLIO, Mr. JORDAN, and Mr. MEADOWS.
H. Res. 112: Mr. HASTINGS of Florida, Mr. GARDNER, Mr. NOLAN, Mr. SALMON, Mr. MCDERMOTT, Ms. BROWNLEY of California, and Mr. RANGEL.
H. Res. 134: Mr. KINZINGER of Illinois.
H. Res. 135: Mr. SMITH of Washington, Mr. WEBER of Texas, Mr. CONNOLLY, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. SIRES, Mr. MEEKS, and Mr. PETRI.
H. Res. 144: Mr. JONES.
H. Res. 147: Mr. KINGSTON.
H. Res. 155: Mr. JOHNSON of Georgia and Ms. NORTON.
H. Res. 156: Mrs. BACHMANN, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. DEFAZIO, Mr. ENYART, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 167: Mr. ELLISON and Mr. TERRY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1588: Mr. ENGEL.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, TUESDAY, APRIL 23, 2013 No. 56

Senate

The Senate met at 10 a.m. and was called to order by the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the light for those who know You and the security for those who love You, You formed us in Your image and likeness. Help us, therefore, to live as children of Your kingdom. May we not squander our inheritance of faith, integrity, love, humility, and perseverance in a far country of waste. Empower us instead, O God, to live worthy of Your Name.

Use our lawmakers to do Your will. May they remember not only to serve the haves but also the have-nots: the hungry, the homeless, the persecuted, the voiceless, and the powerless. Fill our Senators with compassion so that they will glorify and honor You.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM M. COWAN 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. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. COWAN 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 leader remarks the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the final half. Following morning business the Senate will resume consideration of the motion to proceed to the Marketplace Fairness Act. From 12:30 today until 2:15 the Senate will be in a recess to allow for our weekly caucus meetings.

Yesterday evening a number of Senators missed votes. We have talked about this a number of times and become somewhat complacent. We have votes for 15 minutes. We extend it for 5 minutes. We have extended that time for a long period of time.

Because of procedural things around here in the Senate, I had to terminate that vote before 6 o'clock in an effort to save a full day of legislative business. Obviously, there is 30 hours following that cloture vote—wasted time. I have talked about it before, but there was no reason whatsoever that we went into Wednesday rather than Tuesday. So I do not apologize. Everyone here has to understand there are certain things we have to do around here.

We have been somewhat lax in enforcing the length of votes. It is very unfair to people who vote and have other things to do to wait for others before the vote is terminated. I understand how important it is for people to do their votes, but it is also important to get our business done here. I repeat, had we not terminated that vote before 6 o'clock, then it would have kicked us over until Wednesday before cloture could be filed on the bill. I do not know if I am going to file cloture on the bill today, but at least I have the opportunity to do that.

REGULAR ORDER

Mr. REID. Mr. President, my Republican colleagues often demand a return to regular order. We have heard speeches, and the House is also talking about regular order. They have done this many different places but especially where the budget process is concerned. They complained for 2 years that we did not pass a budget, even though there was a law we passed that gave us those budget numbers.

But they still came and talked about our needing to do a budget resolution. I repeat, we did not need a budget resolution because we had enacted a budget with the force of law, a bill the President signed. A resolution, the President does not have to sign that. This year, I repeat, the Republicans again requested we take up a budget resolution.

Until 5 in the morning we took vote after vote on amendment after amendment, more than 100 votes. In the end, we passed a budget resolution without a single Republican vote in the affirmative. After giving the Republicans what they wanted or what they said they wanted, regular order, countless amendment votes, the passage of a budget resolution, a strange thing happened. House Republicans did a complete 180. They flipped. They are no longer insisting on regular order, even though they preached that for years. They do not want to go to conference and work things out. They did not even want to name conferees.

It seems House Republicans do not want to be seen discussing even the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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possibility of compromise with Democrats for fear there will be a tea party revolt, but that is not a good reason to run away from budget negotiations. In fact, it is ridiculous. So today I am going to ask unanimous consent to name conferees so we can have a budget conference to try to work things out.

I hope, even though I doubt, my Republican colleagues in the Senate will not object for the sole purpose of giving cover to the House Republican colleagues who are certainly directed and guided by the tea party folks over there. If the Republicans are serious about reducing the deficit, we need to get to work, get to work sooner rather than later.

What is regular order? It means we do things the way they are supposed to be done—by the book, so to speak. So I am going to ask that consent soon.

SEQUESTRATION

Mr. REID. Let's talk about sequestration just for a brief time. I talked about it yesterday in the afternoon when the Senate convened. On Sunday, the Federal Aviation Administration implemented sequester furloughs. It will affect tens of thousands of employees. By Monday, yesterday, travelers were already experiencing delays at airports from coast to coast.

According to the Wall Street Journal, flights to New York airports were delayed more than an hour already because of those furloughs. Delays are also reported in Los Angeles and even Baltimore. The FAA assured us things will get much worse before the end of the busy summer travel season, as these arbitrary sequester cuts continue to affect airport staffing levels.

What this means is that every 2 weeks all FAA employees will have to take a day off. At peak travel times, almost 7,000 flights will be delayed every day, some of them by up to 3 hours. On the worst day we had last year because of weather-related issues, less than 3,000 flights were delayed. Now, every day, more than twice that number will be delayed.

These delays will be bad for business, they will be frustrating for families, and they will be devastating for the economy. But flight delays are not the only unintended consequence of these across-the-board cuts. It is not just FAA employees. It will affect 750,000 jobs across the country. It will shred the safety net that keeps millions of seniors, children, veterans, and needy families from falling through the cracks.

It will gut investment in education, medical research that helps America compete in the 21st century. More than 2,700 schools with large numbers of disadvantaged children will see their Federal funding slashed. Seventy thousand little boys and girls will not be able to do the Head Start programs. These cuts will put 10,000 classroom jobs at risk. They will eliminate extra help at closing the achievement gap for 1.2 million underprivileged students.

More than 7,200 teachers and classroom aids who work with children with disabilities will lose their jobs because of the sequester. Some 33,000 college students will lose their work study jobs. I was a janitor for part of the time I went to school. It helped me pay my tuition. Things have changed over the years, but these jobs are still important, very important. They call them work study jobs.

We are putting the dream of higher education further out of reach for our poorest students if we keep this sequestration going. Families and businesses in every State will feel the pain of the sequester whether they fly or do not fly. But Congress could act now to reverse these cuts without adding a single dollar to the deficit. We can use the savings from wrapping up military operations in Iraq and Afghanistan to avoid the full brunt of these arbitrary cuts.

Right now, there is about $650 billion in that fund. We could erase the sequester for the rest of the year, which is a fraction of the savings from winding down these two wars. Using those savings, Congress could avert the most painful and senseless sequester cuts, cuts to the FAA and programs that get homeless veterans off the streets, fund research to cure lethal diseases, and provide meals to needy seniors.

I only hope public outcry over long delays at airports will serve as a wake-up call to my Republican colleagues. We cannot put off action any longer.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that is, the budget resolution; that all after the enacting clause be stricken and that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to, the motion to reconsider be consider made and laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the appointment of the budget conferees being on the ratio of 7 Democrats to 5 Republicans, and there be no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, the ranking member of the Budget Committee, Senator SESSIONS, is not available because he has a conflict at the moment. On his behalf, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans the second half.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that Senator TOOMEY be recognized for up to 4 minutes, that following his remarks the Senator from North Dakota, Ms. HEITKAMP, be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SEQUESTRATION

Mr. TOOMEY. Mr. President, I thank the majority leader.

I feel the need to respond to the comments from the leader about the sequester that has gone into effect. I wish to be very clear. The flight delays that are occurring, the furloughs among air traffic controllers, and the shutting down of air traffic towers are entirely, utterly unnecessary. This is a willful choice being made by this administration in order to inflict as disruptive a process as possible on the American public and on our economy, all to further a political agenda. The political agenda is to attempt to convince the American people there are no circumstances under which we can ever cut spending at all.

If you question why I say this is a willful decision on the part of this administration, I would refer you to legislation Senator INHOFE and I offered prior to the beginning of the sequestration. This legislation, as you may recall, would have granted to the administration complete flexibility in how they achieved the savings of the sequester.

What we hear from the administration, administration officials, and White House spokespeople is that this is terribly unfortunate, but they have no choice and no alternative; the law requires that they make these cuts. However, when Senator INHOFE and I introduced legislation to explicitly grant them all the flexibility they could ask for, complete flexibility to find the most wasteful, most redundant, most unnecessary programs, and to cut there instead of cutting essential services, what did the administration say? They said: If you send us the legislation, we will veto it. They put

out a Statement of Administration Policy insisting that this was a terrible idea, to give them the flexibility to avoid exactly what they are doing.

I don't know how one can come to any conclusion other than that this administration wishes to impose this inconvenience, this disruption, and this cost on the American people and our economy. They have it within their ability to accept the device we were offering, which would have allowed them to avoid this entirely.

I am extremely disappointed the administration would choose to inflict this kind of harm to our economy, this kind of inconvenience to our travelers, all for the purpose of furthering a political agenda. This is no way to run this government.

What I would suggest we do is we revisit the legislation Senator INHOFE and I offered which would have avoided all of this, allowed us to cut some of the waste, excess, duplication, and avoid all of this inconvenience. This is entirely unnecessary, and it is unacceptable.

One of the proper functions of any executive, including the President of the United States, is to look throughout the spending over which he or she has control to find the lowest priority, to find the least necessary and least disruptive way to achieve the savings we need. We are running unacceptably large deficits. We have a huge debt that is already costing this economy the kind of growth we ought to have.

The very modest savings of the sequester could be achieved in a way that wouldn't be disruptive at all. The size of the Federal budget has more than doubled in the last 12 years. To suggest that it is not possible to find 2.5 percent savings is simply ridiculous. It is not true.

I urge my colleagues, let's fix this. We know how to do it. We have the tools available. Senator INHOFE and I offered. There are other ways, and I would be open to any number of them. We need to achieve the savings of the sequester, and we need to do it in a way that is not disruptive and that can be done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Las Vegas is the destination resort of the world. I may get a little static from New York about that, but it is a place a lot of people wish to visit. We understand the importance of doing something about the lines at airports as the result of sequestration. But as I indicated in my remarks, I am also concerned about the little boys and girls who are knocked off Head Start—70,000 of them. I am also concerned about medical research. As I stated yesterday, Duke University is laying off 50 people. Duke does some of the most important medical research there is, dealing with dread disease. I am concerned about homeless veterans. The program will eliminate homeless veterans having a home. This is what sequestration does to them.

The reason sequester is taking effect is because Congress enacted it into law the Budget Control Act of 2011. The vast majority of Republicans voted for this. The Senate considered an alternative that would have altered sequester, and it would have done it with a balanced package. Republicans blocked it earlier this year.

We need to lessen the impact of sequestration. It is not as if we are blind to doing something about deficit reduction. We have already reduced the debt by about $2.6 trillion.

My friend from Pennsylvania has a reputation for being very concerned about dealing with money, and I admire him for his tenaciousness in that regard.

What I have suggested here certainly seems reasonable. For 5 months, we do a timeout on the sequestration. During the 5 months, sequestration would be paid for with part of the $650 billion that was in a pot that is a result of the money building up due to reducing the wars in Iraq and Afghanistan. During these 5 months, let's find a better way to go forward with our efforts to reduce the debt. I think this is reasonable, it would be fair, and it would give us time to do something.

Certainly with the debt ceiling coming up and other major issues we need to deal with, I think we should lessen not only the impact of the problems we have at airports around America, but also we should focus on little boys and girls and elderly men and women who are losing Meals On Wheels, their only hot meal of the day.

I think we should do that—look at this sequestration and take a timeout.

I recognize my friend from North Dakota, who is going to give her maiden speech. We are looking forward to hearing what she has to say.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

FACING CHALLENGES TOGETHER

Ms. HEITKAMP. First, I wish to thank all of my colleagues who came here today to see me offer my first speech on the floor of the Senate. It is a great group, a bipartisan group, and I believe our new class is exactly that—a group of great people who are very bipartisan and very willing to work to solve America's problems. I am proud to be part of this freshman class in the Senate.

People here all think they know each other, and this is absolutely true, but sometimes it is a good reminder to tell people about from where you come. I wish to spend a little time talking about my home State because I think it speaks a great deal about how I believe, how I vote, and who I am.

I grew up in a small town in North Dakota. Many may think that means 90,000 people. No, it is 90 people. My family was one-tenth the population of that small town. When I was born, my mother had four kids, and the oldest was 2 and there were no twins. By the time my parents were done having children, there were seven children in 9 years. My dad was a seasonal construction worker, and my mom was a school cook and a janitor. Think about those occupations.

My mom never let anyone be bullied. The worst thing a person could do, in my mother's eyes, was to pick on someone who couldn't defend themselves. We knew that was what our role would be throughout our entire lives. This is a value my six siblings and I carry with us.

From my dad we learned about community and building community. My dad built the smallest VFW chapter in the country. He returned from World War II and knew they needed a place to gather, to provide support for veterans and for each other, and that needed to be in his community. He built the ballpark, he built the fire hall, was chief of the volunteer fire department for years, head of the VFW, and was someone who believed in the community. He believed that when Mrs. Poster needed her sidewalk shoveled so she could go to church, it was our job. It wasn't someone else's job. We didn't look around to see who would come; we picked up the shovel and we went down there.

What do you learn from the place where you grew up? In Mantador, ND, as in communities all across this country, people gather at coffee tables usually at 7 o'clock, maybe 10:30 in the morning or maybe a little bit in the afternoon, and they talk about the problems of America. They talk about the problems of their community. There are many ideologies at that table—Democrats and Republicans; as we say in Mantador, there are Lutherans and Catholics; there are Green Bay fans and Vikings fans, which may be the most divisive issue. They gather together and solve all the problems of America, if we would only listen here in Washington, DC. More importantly, even though they have horrible fights, they get together and solve problems in their community. They figure out how to put up the Christmas lights on Main Street. They figure out how to fix the roof on the church, how to pass a school bond so they can expand classrooms.

All across America, people work together. That is the spirit, and that is what I learned growing up in a small town in North Dakota—that we can accomplish things if we keep our eyes on the goals, if we understand and appreciate that we all come from different places and need to work together. Sometimes we are not going to agree, but we need to move forward. We need to work together to move this country forward.

I wish to take a moment, and hopefully I won't get too emotional, but I want to think about this. We live in a country, an amazing country where the daughter of a school cook and janitor and a seasonal construction worker can

stand on the floor of the Senate and address this body. It is an amazing country, and we can never forget that value. But I never thought I would be here. What I mean by that is I never thought I would come to the Senate. Do you know why? North Dakota had Senator Conrad and Senator Dorgan—two giants who came to this body, spoke their minds, and represented their State. I knew they would always represent me. Then something happened: They became tired, frustrated, and moved on with their lives. They asked me to join this fight, the fight for North Dakota and the fight for our values. They asked me to step into their shoes. I am extraordinarily proud to be here, extraordinarily proud to represent agriculture.

What do I mean by that? We have frustration in farm country. There are 16 million jobs in agriculture. It is the bright spot on our economy, and it is helping to reduce our trade deficit. It is everything in my State.

We have small farmers, small family farmers who must spend $1 million before they can even take a crop out of the ground. That is an average farmer in my State. That is how much it costs to engage in farming. When we don't have a farm bill that provides certainty and security for them, we not only hurt them and hurt American agriculture, we risk our secure food supply. So I came here to speak for North Dakota farmers.

I came here to speak for an energy policy. This is an amazing place. You hear everybody say we believe in ''all of the above.'' In North Dakota, we do ''all of the above.'' We not only are rich in natural gas, oil, and coal, but we also have geothermal, ethanol, and biofuels. We are one of the leading producers in the country of wind energy. We get it. But policies in this body and in this city that provide certainty to our energy producers need to be established.

I am here to address the concerns we have. If we do not have policies that address issues of redundancy and reliability in energy, we will fall further and further behind. And these are new technologies and great innovations that are coming down the pike. We need to address those. We need to move forward.

I came here to speak about reasonable fiscal solutions. We heard a debate—a good debate—about the effects of sequestration. We know we have challenges. On both sides of the aisle, there is a sense of purpose to change the trajectory of this debt. We are borrowing 40 cents of every dollar we spend. We have a national debt that is almost equal to our gross domestic product. We have interest payments that are the third highest payment we make here at a time of record-low interest rates. This is unsustainable and it needs to be addressed, but it needs to be addressed responsibly.

Like many of you, I have my own personal passions. They involve senior citizens—making sure we provide them with a secure future, but also a secure future for future senior citizens. Veterans, I care deeply about the condition of veterans benefits and what we are going to do to reward and truly thank the 1 percent in this country who step up to serve us. I have a great concern for people living in Indian Country, what we are going to do to make sure they enjoy a future in our State. If we take every problem of America and multiply it times 3, those are the problems in Indian Country that need to be addressed. I care about Head Start. I believe a Head Start investment is a smart investment.

My colleagues might wonder, with all of these concerns and all of these issues, why I am standing today to talk about marketplace fairness. Well, we are going to hear a lot about a case called Quill v. North Dakota. What my colleagues may not know is the whole caption of that case is Quill v. North Dakota ex rel. MK Heidi Heitkamp.

Over 20 years ago, I heard the despair of Main Street businesses. I had a woman come to me who ran a little wallpaper shop in her town. At the time—and I don't know if it is true today—she had to buy these wallpaper books from the companies, so there was an investment in presenting this product. People would come to her, they would open the book, and she would help them do a little interior design. She would work through the fabrics and all of this, and then they walked out and she never saw them again.

She knew and I knew what they did was go home, look in their catalogues, take the lot number she had given them, and then order the wallpaper. Maybe—maybe—they ordered it more cheaply than just the sales tax, but she wanted to know from me, when I was tax commissioner, how I could justify the 5 percent disadvantage she was having. She wanted to know what I could do to level the playing field so she at least had a chance, she at least could compete.

Well, I listened. And it wasn't just that woman who ran the wallpaper business, it was the furniture stores, and it was the Main Street office supply stores. So we initiated a lawsuit called Quill.

For those who think this is going to unduly burden small business, I want them to think about this: In my State we sued Quill because they were the third highest retailer of office products in my State—the third highest. It was pretty remarkable. Yet they were enjoying this advantage of not having to collect sales tax. So we took the case to the Supreme Court.

Some might say that didn't turn out very well for us. But let me cite some basic information about the court case because at the time there was a sense there was not due process jurisdiction if one didn't have physical contacts in their State. A lot of us in this body are lawyers, and we know that long-arm statute had at the time moved on. The question was what in fact would be the contact, and could we, in tax jurisdiction and in sales tax collection, get the court to agree that due process was not disturbed by an extension of regulation and responsibility to Internet sales and at that time catalogue sellers.

The court agreed with that piece, but when they were challenged with the argument did North Dakota's imposition affect interstate commerce—and they heard a lot of arguments we will hear today about a lot of jurisdictions, it is not very streamlined—they said: We aren't comfortable. But you know where this belongs. It belongs where the Constitution puts this discussion. It belongs in the Senate. It belongs in the House of Representatives. It belongs to Congress because Congress has the obligation of regulating interstate commerce.

So here we are almost 20 years later—over 20 years later—since the court case was decided and still debating this issue. This issue has grown tremendously because of the explosion of Internet sales. Remote sellers are getting bigger and our Main Street businesses continue to suffer and continue to struggle.

We will hear a lot today about how this bill discriminates. We will hear a lot about how it is not fair. We will hear how it affects small business. Every time we hear that argument, I want my colleagues, the Members of this body, to think just for a moment that you are that one woman with the wallpaper books or you are the small drugstore trying to sell candles to supplement the prescription drug business you have. You are that small business, and what you see is that you have the burden of collecting this sales tax and you are building your community. You take out a little ad in your school newspaper to help that school newspaper or an ad for the scoreboard down at the high school. When they come around and ask for a little money for the fire hall, you chip in. So you are building the community, and you are there, and you are employing people there and wondering why this government can authorize and approve discrimination against you, and why you have to fight so hard.

We will hear a lot today about small businesses that operate on the margin; right? Retail has a small margin. Exactly. That is exactly the point. That small margin is just as small for that Main Street business, but they have a 5-percent disadvantage.

So today and tomorrow we will hear a lot about this bill. I know feelings are running fairly high for people who oppose it. But when we hear discrimination and we hear it is not the role of this body to take this on, understand this: It is exactly the role of this body. It is exactly the obligation we have—to level the playing field, to make things fair, to respond to the needs of our community. And that is why we are fighting so hard. That is why we are working so hard on this bill.

I think we are going to get it done, but let's just think for a moment. We have taken a couple of votes. They have been pretty good, lopsided votes for us. If we fail in moving this bill after it has such tremendous support, how do we do the tough stuff? How do we do the deficit reduction we need to do? How do we do the tough stuff that comes here? Let's do this. Let's level the playing field. Let's make this responsive to those Main Street businesses who every day struggle and are simply asking for justice. They are simply asking for equity.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I am going to proceed on my leader time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator is recognized.

THE SEQUESTER

Mr. MCCONNELL. Mr. President, as a result of the administration's poor planning and, I would argue, political motives, thousands of people were stuck on tarmacs over the last few days. The FAA's mismanagement of this issue is the source of bipartisan frustration. Our goal shouldn't be to score political points on the backs of weary travelers, it should be to fix the problem.

Look, the Obama administration knew about the sequester for months—for months. Yet it gave the traveling public and Congress only 3 days' notice before implementing the furloughs now being blamed for these delays. The FAA Administrator testified before the Commerce and Appropriations Committees last week but made no mention of the magnitude and impact on delays of these furloughs that were just right around the corner.

It seems completely implausible to me he didn't know about them when he was testifying last week. Was the administration hiding the ball from the traveling public? It seems like a fair question.

Frankly, this episode is a perfect illustration of why Republicans sought to give the administration even greater flexibility to ensure they could prioritize essential services. One of the primary areas for which that flexibility was intended was air traffic control. The fact the administration rejected it strongly suggests a political motive is at play.

I would also remind everyone this flexibility was rejected by nearly every Democrat in the Senate, and the President threatened to veto legislation that granted it, holding it hostage to tax hikes instead.

So here is what I would suggest at this point. We are where we are. The Obama administration needs to direct the FAA to review their current spending and use their existing flexibility to keep America moving as smoothly as possible. Ensuring the safe, efficient movement of the traveling public is a much higher priority than the administration's own travel, conferences, and consultants.

Not all government spending is created equally, and so this morning I am calling on the Obama administration and the FAA to be smarter and more transparent about the sequester. That means prioritizing funding to ensure flights are not needlessly delayed or canceled.

If for some reason the President or the FAA do not believe they have the flexibility to address this issue, they should ask Congress for the flexibility they need. Until then, however, they should use the flexibility we all know they do have to ease the burden on passengers.

But let's be clear: We wouldn't even be in this situation if the administration hadn't rejected the flexibility we offered them months ago or if they had done the planning they needed to do in the first place. There is no good reason for these delays.

MARKETPLACE FAIRNESS ACT

Mr. MCCONNELL. Mr. President, this week, the Senate is debating a bill that would authorize States to require retailers to collect taxes on remote sales. I recognize there are a range of views on this bill, and these views don't break along partisan lines nor do they follow, really, along traditional ideological lines. Speaking for myself, however, I intend to oppose the bill, and here is why.

For me, the issue boils down to the fact the legislation we are considering would create an enormous compliance burden for a lot of small businesses out there, making them tax collectors for thousands of far-away jurisdictions. Just as importantly, this legislation would increase the tax burden on Kentuckians. As I have said before, I don't think the people of Kentucky sent me here to help them pay higher taxes.

Brick-and-mortar companies complain about the inequity that exists in current law, where their customers have to pay taxes that online shoppers do not. Frankly, that is a legitimate concern; but by imposing this new Internet tax, States would suddenly be empowered to force online retailers to simultaneously comply with all the different tax codes of all the States in which their customers reside. And that is no small feat.

From what I am told, there are nearly 10,000 State, local, and municipal tax codes nationwide. While complying with so many codes might not be a big deal for large online retailers, it is actually a huge burden for the little guys. So small business owners are worried, and justifiably so.

I know they are in Kentucky because so many keep writing to share their concerns with me. One small business owner lamented that ''small online business owner[s] ha[d] been silenced and pushed to the side'' in this debate as larger companies ''[press] for the changes to take effect as quickly as possible. The simple matter of the fact is that any business with [fewer] than 100 employees would be completely overwhelmed by applying, keeping, updating, and reporting sales tax for every state and tax zone in the United States.''

It is pretty hard to argue with that. Moreover, this is a bill that—once again, as happens all too often in the Senate—hasn't been run through a committee, hasn't been properly vetted, and hasn't yet had the kinks worked out of it.

It is not like there aren't other things that can be done to improve tax compliance for online shoppers—things that don't require us to turn private businesses into tax collectors for remote State governments. Most States impose a use tax, for instance, which requires taxpayers to report how much they have purchased on the Internet. Individual States that are concerned about this issue could choose to enforce their own existing use taxes rather than expect the Federal Government to impose sweeping legislation to empower States to reach across borders to collect taxes.

And let's not forget the fact that the Internet has been such an enormous source of innovation and convenience for our constituents, our country, and our economy—even in these tough economic times. But that is largely because the government has kept its nose out and allowed innovation to flourish.

I won't be supporting this bill. If States decide they need this revenue, they should keep in mind the tremendous burden they will be placing on the little guys who do so much to drive this economy. In my view, the Federal Government should be looking for ways to help, not hurt, these folks. Let's be honest; the big guys can take care of themselves. Let's not make it even harder for the smaller competitors.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

COMMENDING SENATOR HEITKAMP

Mr. HOEVEN. Mr. President, I come to the floor to commend my esteemed colleague from the State of North Dakota, Senator HEITKAMP, on giving her maiden address this morning. She is not only someone I have known for a long time and worked with for a long time but somebody who I think truly brings a spirit of bipartisanship to this

body, which is so needed as we address the challenges today, ranging from our debt and deficit, to getting our economy going, to getting people back to work, and addressing things such as terrorism and the heinous act we saw in the attack on the marathon in Boston and the great people of this great country, on immigration, on entitlement reform, protecting and preserving Social Security and Medicare for the long term, progrowth tax reform, an energy plan for this country, making sure we find ways to get our health care system working better—the finest health care system in the world—all of these great issues of the day for this Nation. I know she brings that sense of bipartisanship and that desire to serve the people of this great country.

It is an unbelievable honor to serve the people of North Dakota and this country and this body, and I look forward to working with Senator HEITKAMP—and all of our colleagues—on the challenges we face and the opportunities we face, the greatest country in the world, as we work on behalf of the American people. But I do want to commend her for her dedication and her commitment and her vision for a brighter future for this country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. 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.

MARKETPLACE FAIRNESS ACT

Mr. ALEXANDER. Mr. President, I know Senator BARRASSO is coming, but until he does, I wish to make a few comments about the Marketplace Fairness Act, which is the legislation before us today, and especially, to begin with, Senator HEITKAMP's address, the new Senator from North Dakota.

It is rare that a new Senator has a chance to come to the Senate and in her first few months find us debating a bill she brought when she was a State official in North Dakota 20 years ago. That shows why the Senate is a good place for people with a little bit of experience because she can bring to us exactly what we are talking about.

Her story about the small business people who are making a few dollars and have a very small margin for profit and then who are discriminated against by out-of-State sellers who don't have to collect the tax that is already owed is a real story, and she made a remarkably good address and I compliment her for that and welcome her to the Senate.

Sometimes we launch into these complicated debates without saying what we are talking about. Let me see if I can say in a few simple words exactly what we are talking about here.

My wife gave me an ice cream freezer for my birthday last year. She got it from Williams-Sonoma. It is not one of those freezers you have to crank, as I did when I was a kid, and when you eat the ice cream it makes your head hurt because you would eat it too fast. This is a modern ice cream freezer, and you mix the stuff up and put it in, and after a while here comes the ice cream. But then I discovered that Williams-Sonoma also sells a mix you can order and that makes it even easier. So I ordered the mix.

Williams-Sonoma has stores in Tennessee, but I ordered mine online. I don't do this very much so I am not the best online purchaser who is around. But I looked up the catalog number, punched a few buttons on my computer, and I ordered my ice cream ingredients. It asked for my name, address, and the information on my credit card. And with that information, two things happened: I ordered the ingredients and they arrived within a few days. But Williams-Sonoma, through the Internet, determined from my ZIP Code what the sales tax is in Tennessee and in my home county and will remit it electronically to the State of Tennessee. That is what we are talking about.

If I go to the Williams-Sonoma store in Nashville and I buy the ice cream freezer or the ingredients, they add our 10-percent sales tax to it. If I order it online from Williams-Sonoma, they add the 10 percent, too, because I put my ZIP Code in. The way software is today, it is very simple to find out what the tax is in any jurisdiction. It is as easy as finding out the weather. If I want to know the weather in Maryville, TN, I put weather 37205. That is my ZIP Code. I find out the weather. Williams-Sonoma can find out the tax I owe on the ice cream ingredients that way.

So the Williams-Sonoma store in Nashville collects the tax, and they have to do it by law. That is part of their business responsibility in the State of Tennessee. The Williams-Sonoma store online collects the tax because they have stores in Tennessee. But lots of other out-of-State sellers do not collect the tax that is already owed. It is owed.

It is said there is a new tax here. I don't know where everybody got that. They must not have read the bill carefully. The U.S. Congress can't change the sales tax in Tennessee. We can't impose it, we can't lower it, we can't raise it. That is under the responsibility of the sovereign State of Tennessee.

This bill has nothing to do with the Federal Tax Code. Caterpillars have as much to do with the Federal Tax Code as this bill does. So it has nothing to do with taxes. This bill has to do with two words, and two words alone: States rights. Or you could substitute those two words with Tenth Amendment.

Do we believe here in the Senate that the Governor of Tennessee or Massachusetts or Kentucky or Wyoming or anywhere else has to come here and play ''mother, may I'' to ask permission to decide what the State tax policy ought to be in Tennessee?

Tennessee imposes its own State sales tax. That is its decision. We do not have a State income tax. That is Tennessee's decision. Some States do. States have the right to be right; States have the right to be wrong. That came with our constitutional framework. We ignore it all the time.

A lot of Senators who fly to Washington somehow get the idea—if they can get through the delay on the tarmac everybody else is experiencing right now—that this 1-hour flight makes them smarter because they flew up here. No, it doesn't make us smarter. In fact, we ought to leave to States the responsibilities that States are supposed to have—whether it is in education or in health care or anything else, but certainly in matters of State tax policy. We shouldn't be trying to tell Tennessee or Massachusetts or anybody else what their taxes ought to be.

What we are doing with this bill is we are doing what the Supreme Court said we are the best persons to do. That is what Senator HEITKAMP said a little while ago. We are the ones to write the rules to say: States, of course, may decide whether they want to collect the State sales tax and use tax from all the people who owe it or some of the people who owe it. That is what the issue is.

Let's say we pass the Marketplace Fairness Act. It says that Tennessee can make its own decision about how it collects its sales tax and its use tax. Tennessee could decide it wants to discriminate against the Nashville Boot Company that sells boots out the front door, collects the sales tax, and sends it to the State. Let's discriminate against the Nashville Boot Company and tell the out-of-State seller of boots, You don't have to do that. Or, the State may decide—as I am sure it will, because the Governor, the Lieutenant Governor, and the legislators have told me they will. They may decide: We don't pick and choose between winners and losers, we don't pick and choose between taxpayers, we don't pick and choose between businesses. We want a level playing field. So we are going to say to the out-of-State seller—catalog, online, or whatever it is—welcome. You can sell in Tennessee if you play by the same rules that people who live in Tennessee do. That is all you have to do.

So the States are going to require, as it does, the Nashville Boot Company, the Williams-Sonoma store, the service station, the drugstore, to collect the sales tax and send it in to the States, and it is going to require the out-of-State seller to do the same thing. That is all we are talking about. If the out-of-State seller doesn't want to do it, it doesn't have to. Nobody is requiring people to sell their stuff in Tennessee. It is a free country. It is a big country.

It is a big market. We produce 25 percent of all the money in the world. If you don't like Tennessee's rules, as long as they fit the constitutional framework of not imposing a burden on interstate commerce, you don't have to sell in Tennessee. We hope you will. And if it is as easy for you to collect the tax as it is to find out the weather in your hometown, we don't know why you wouldn't.

We don't know why you would even expect that you would be treated better than somebody who lives in Tennessee and goes to work every day in Tennessee and pays taxes in Tennessee and collects taxes in Tennessee. We will treat you just as well as we do the local folks, but we are not going to treat you any better and put you at an advantage with our hometown businesses. That is what this is about, and that is all it is about.

Let's make clear what this is not. It is not a tax. It is about taxes already owed. It is not a Federal tax. It is State taxes already owed. Sales taxes and use taxes, that is all we are talking about.

Are we telling any State they must do this or must do that? No. We are saying to States that we are simply affirming the spirit of the Tenth Amendment, which says: You have the right to decide for yourself, Mr. Governor, Ms. Legislator, what your State tax structure ought to be. It is up to you. If you want to have just some people pay the sales taxes and use taxes that are owed and other people to not pay them, that is up to you too. That is your business. But this is a States rights Tenth Amendment decision that leaves to the States this ability.

I wanted to talk mostly about what we are talking about: We are talking about what happens when you buy something online, from a catalog, and the local store, and making sure that States are able, if they wish, to treat all businesses in the same way. That is why so many conservative leaders, as they have understood this bill, have come to support it.

This is a rarity in the Senate. This is an 11-page bill. Some people say it has been rushed. I wish to respectfully disagree with that. This legislation was introduced beginning in 2001. It was introduced in almost exactly the same form in 2011. It had a full hearing in the Senate Commerce Committee in 2011 in almost the same form of the 11-page bill that is before us today. Exactly this bill was filed on February 14, 2013, so everyone has had plenty of time to read it since February 14.

This is a bill that has been here for a long time, and the reason it is before us and hasn't come through the Finance Committee is because the Finance Committee simply wouldn't hear it, act on it, and report it. We have a chance to amend it. The majority leader has said there will be amendments. It is my hope that Senators will come to the floor with their amendments as early as this afternoon. I hope Senators would want to keep amendments aimed at the subject of the debate, the marketplace fairness debate. There are many issues that have been raised. Let's bring them up, let's debate them, and let's vote on them. That is what we do when we are acting properly in the Senate.

I mentioned some of the conservative leaders who have talked about this issue. William F. Buckley, before he died, talked about the unfairness of treating instate sellers one way and out-of-State sellers another way. Another leading advocate for the idea of marketplace fairness is Al Cardenas, who is chairman of the American Conservative Union. He has written eloquently about it.

Former Governor Jeb Bush, former Governor Mitch Daniels, Governor Mike Pence, the Congressman from Indiana—these are leading conservatives on the Republican side. They have all said if Congress does not act, it freezes into place a system that picks and chooses among winners and losers, that treats one taxpayer one way and one business another way. That is not a good principle. That is not a good conservative principle at all. That is why so many of the Republican Governors, the Republican leaders—Art Laffer, President Reagan's favorite economist and distinguished writer, wrote in the Wall Street Journal last week that it would actually help economic growth if States were permitted to collect taxes from all of the people who owe it rather than some of the people who owe it. Mr. Laffer said, and I am paraphrasing, that the best tax policy is one that, when there has to be a tax, taxes the largest number of people at the lowest possible rate.

Governor Haslam of Tennessee, Governor Otter of Idaho, many of the Governors have said if we have the opportunity to collect the taxes from everybody who already owes them, we have in mind a tax rate we would like to lower. We would like to have a lower sales tax rate in Tennessee. We don't like a 10-percent tax rate. One reason we have it is because some people do not pay it even though they owe it. The reason they do not pay it is because out-of-State sellers—catalog, online—many of them do not collect it as others will do.

I think that is a summary of the legislation before us. It is about States rights. It is an 11-page bill. It has been before the Senate for months. The idea has been before the Senate for years. It does not seek to tell any State to do anything.

New Hampshire does not have a sales tax. After this law is passed New Hampshire citizens will not have to pay a sales tax. If a New Hampshire company or Michigan company sells in Tennessee they will have to do what Tennessee companies do, or anybody else who sells in Tennessee will have to collect the tax and send it to the State government—or not sell. But unlike 20 years ago, that is pretty easy today. As I have said, it is as easy as putting in a ZIP code and finding out the weather. One can compute the tax the same way I found out what my ice cream ingredients from Williams-Sonoma cost and what the tax was, and in the same way I paid that tax.

I look forward to the debate. I hope we can enact this bill. We have had 2 good votes: one at 74 votes and one at 75 votes. A majority of Democrats supported each vote. A majority of Republicans supported each vote. There is substantial support in the House of Representatives. This is an important States rights piece of legislation. It is part of our job to simplify things and not to require States to play ''Mother may I?'' with Congress about what their tax structure ought to be.

FISHING BARRIERS

Mr. ALEXANDER. Mr. President, seeing no other Senator here, I would like to turn to another matter. In his biography of Thomas Jefferson, Jon Meacham writes that Jefferson liked to fish. Jefferson ''had a favorite spot,'' Meacham writes, ''below the old dam on the Rivanna River.'' Thomas Jefferson, if he were alive, would be pleased to know Americans followed his example. Americans like to fish, and in Tennessee we have nearly 900,000 Tennesseans who bought fishing licenses last year, and they like to fish below the dams just like President Jefferson liked to do because they know that is where the fishing is sometimes the best.

That is why there is such an uproar in Tennessee and in Kentucky and from fishermen all over the country about the unreasonable obstinance of the U.S. Army Corps of Engineers in seeking to put up physical barriers to fishing below the 10 dams on the Cumberland River.

The Corps of Engineers is an honorable institution. The flooding season is upon us, and we all remember the terrific job they did last year and the year before when we had such serious floods along the Mississippi. We are grateful to them for that. But for whatever reason, the Corps of Engineers is rejecting every reasonable proposal from the States of Tennessee and Kentucky to say let us work with you to ensure safety below the dams on the Cumberland River in a way that continues to allow fishing when it is safe and that allows us to attract the jobs into our area.

Senator CORKER, Senator MCCONNELL, Senator PAUL, Congressman WHITFIELD, Congressman COOPER, Congresswoman BLACKBURN—we have all introduced legislation we call the Freedom to Fish Act. I met with every general and colonel I could find. I even talked to the Secretary of the Army and said: What in the world are you doing here? On these 10 dams ever since they have been built in the 1960s, people have been fishing there with their children and grandchildren. Some of the most ardent fisherman are retired Army Corps of Engineers people.

They always come back and say: We have to ensure public safety. Of course they have to ensure public safety, but there are various ways to do that. They do not have to put up physical barriers across the dam. So they are on a path to take $2.6 million, during a time of sequester, that is needed for other projects to build these monstrosities across the river below these 10 dams.

Up to now it has been mostly those of us in Congress who registered the complaints of the men and women who like to fish. I went to a rally at Old Hickory Lake about a month ago. There were a lot of people there. They were not of any particular party, I would say. They were tea party, environmentalist, outdoors men and women, retired Corps of Engineers people, a lot of grandparents—people were mad because they fished there with their grandchildren and wanted to keep doing it. Then I went up to Kentucky to Lake Barkley a week ago with Senator MCCONNELL, Senator PAUL, and Congressman WHITFIELD and found the same sort of thing there.

The argument is that it is unsafe. Of course it is unsafe when the water is spilling through the dam. That is about 20 percent of the time. The rest of the time it is safe. Restricting fishing below the dams 100 percent of the time when it is only dangerous 20 percent of the time is like keeping the crossing gate down over the railroad track 100 percent of the time. We could do that. I think we have nearly 130,000 railroad crossings, but if we had a gate down on them all the time we could never go anywhere. People expect drivers to have enough sense to stay off the track when the train is coming. The track is not dangerous when the train is not coming and the water is not dangerous for fishing when it is not spilling through the dam.

One reason we are outdoorsmen in this country—and the great American outdoors is a part of the American character and our ethic—is we want to go outside and evaluate the risk. We want to be on our own. We want to be able to make decisions. We don't want a government that is so all powerful and all knowing that it makes it risk free when we go into the great American outdoors.

Now we have an additional voice that comes from the Democratic side of the aisle, and more important from the legal side. The Corps of Engineers, in talking with me, said: You know, we have legal liability. Here is an article that was in the Tennessean yesterday about the comments of Jerry Martin, the U.S. attorney for the Middle District of Tennessee, who retired last week. He was appointed by President Obama as a leading Democrat in the area. This is the U.S. attorney position that was first held by Andrew Jackson at one time. This is what the article said:

> Responding to the U.S. Army Corps of Engineers' proposal to limit fishing on dams along the Cumberland River and its tributaries in Kentucky, former U.S. Attorney Jerry Martin said that the Corps' plan is not worth the effort.
>
> Martin, who just weeks ago would have been responsible with carrying out the Corps' wishes, said the Tennessee Valley Authority's siren system, which goes off when water is released from the dams, is enough to ensure public safety.
>
> The Corps has proposed barriers along the river that would limit fishing access, citing safety concerns. Detractors say the move could cost millions of tourism dollars every year.
>
> ''These waters belong to the citizens,'' Martin, who was appointed by President Barack Obama in 2010, said in a prepared statement. ''In light of the tremendous protection from liability enjoyed by the Corps, I don't think it's reasonable for the Corps to ban everyone at all times from these public places.

I am concluding my remarks because I see the Senator from Wyoming has arrived.

Let's stop and think about this a minute. The Corps of Engineers now already has everybody in Tennessee of any political stripe saying: You are taking an unreasonable step. They have the wildlife agencies of Tennessee and Kentucky saying: We would like to work with you to help you do a better job of ensuring safety below the dams when the water is spilling through the dams, which is 20 percent of the time. We have the Tennessee Valley Authority with dams on the Tennessee River, which makes the Cumberland look like a stream, and the TVA allows fishing below the dams. It has sirens, it has signs, it has whistles. It assumes people are wise enough not to roll up just below the dam when the water is spilling through it. Just like we assume we are wise enough, if we put on a siren and put on the red lights, not to sit on the railroad tracks when a train is coming.

Now the former lawyer who would have been responsible for defending the U.S. Army Corps of Engineers in a liability case says:

> These waters belong to the citizens. In light of the tremendous protection from liability enjoyed by the Corps, I do not believe it is reasonable for the Corps to ban everyone at all times from these public places.

I call on the U.S. Army Corps of Engineers to recognize the voices of the people of our country—all over the country—who fish below these dams and accept the offer of the two States, Kentucky and Tennessee, to work with the corps to develop a reasonable attitude, a reasonable way of ensuring public safety for fishing below the dams. That is our opinion. We will pass a law to make it happen if we have to, but given the statement, especially of the retired U.S. attorney, Jerry Martin, who would have been the corps's lawyer in defending lawsuits about this, the corps needs to change its mind, act reasonably, and spend that $2.6 million on some more needed project.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Wyoming.

HEALTH CARE

Mr. BARRASSO. Mr. President, recently the Secretary of Health and Human Services, Kathleen Sebelius, gave a speech in which she said she didn't realize how complicated it would be to implement the President's health care law. She didn't attribute this to all of the flaws that all of us know are in the law. The only problems she could see were because, she said, of Republican opposition.

Here is how one newspaper, Investor's Business Daily, described it: ''Blaming GOP for ObamaCare.''

The article goes through a list of problems with the law saying it is and it continues to be ''unpopular,'' ''expensive,'' ''ill-conceived'' and ''poorly written.''

Democrats in Congress and the administration do not seem to be interested in admitting that there are flaws in their law. They are only interested in trying to make sure someone else takes the blame for their huge mistake. The question is, Are Republicans opposed to this law? Of course we are because it is a terrible law. Democrats know how much of a mess this law is too. Some of them are even finally willing to admit it.

Last week the Senate Finance Committee held a hearing on President Obama's budget for the next fiscal year. Secretary Sebelius testified at that hearing. I wish to read from an article in The Hill newspaper about what happened. The article is entitled: ''Baucus warns of 'huge train wreck' in enacting ObamaCare provisions.'' A huge train wreck. The article identifies Senator BAUCUS as ''a key architect of the President's health care law'' and quotes him telling Secretary Sebelius: ''I just see a huge train wreck coming down.'' He added: ''You and I have discussed this many times, and I don't see any results yet.''

It also quotes the Senator saying: ''Small businesses have no idea what to do, what to expect.''

I agree with Senator BAUCUS. Businesses do have no idea what to expect, and this health care law is a train wreck.

So what does this mean in the real world? It is causing businesses to avoid hiring or to cut back hours. There are new headlines on this every day. Here is what one said last week: ''Nation's biggest movie theater chain cuts workweek, blaming ObamaCare.''

Regal entertainment has more than 500 movie theaters in 38 different States. Last month it began cutting shifts for employees to 30 hours a week. That is the cutoff under the health care law where an employer has to provide health insurance. The company sent out a memo to its employees explaining why it had to cut shifts. It said:

> To comply with the Affordable Care Act, Regal had to increase our health care budget to cover those newly deemed eligible based on the law's definition of a full time employee.

One theater manager said they have had a wave of resignations from managers who have seen their hours cut by 25 percent.

He said:

> In the last couple of weeks, managers have been quitting on a daily basis from various locations to try and find full-time work. Mandating businesses to offer health care under threat of debilitating fines doesn't fix the problem, it creates one.

We already had 22 million people in this country who either can't find a job or can't find the full-time work they want. Now we have even more hard-working Americans whose hours are being cut because of the unreasonable burdens of the President's health care law. That is what this law does to jobs in America. That is what the coming health care train wreck looks like.

Here is another headline, this one from the New York Times over the weekend. It is on page 1. At the top of the page is the news about the capture of the second bomber. At the bottom of page 1: ''Part-Time Work Becomes Full-Time Waits for Better Job.'' Part-time work is a full-time wait for a better job. The article talks about exactly this problem of people who want full-time work but can only find part-time work.

The article specifically cites the health care law as a reason why so many people are having trouble. It quotes one economist saying:

> There is another reason to believe that part-time employment will stay higher for longer, namely, the incentives to employ part-time workers created by Obama's health care reforms.

The article goes on to add: ''Confusion about the law and its requirements abounds.''

That is the same point Senator BAUCUS made. Businesses don't know what to expect, people don't know what is going to happen and it is hurting families and it is holding down our economy. Again, that is what the health care train wreck looks like.

The train wreck also means the health care law is going to be very hard on family finances. It is going to increase how much people have to spend for insurance and care. A study by the Society of Actuaries says costs for health claims will go up an average of 32 percent—a 32-percent average increase across the country. Those higher costs are going to be passed along to consumers. That means more money out of the pockets of hard-working people, and that is going to be money they can't afford to lose right now.

We got another sign of the coming health care train wreck when President Obama finally released his budget for the next fiscal year. Of course, it came in over 2 months late. That is later than any other President who was already in office at the beginning of the year.

Why did it take so long? President Obama certainly didn't use the extra time to come up with any sort of a plan to stabilize the Nation's finances. Instead, he continues to add to the debt burden of America's children and makes it harder for Americans of all ages to achieve their dreams. Deficits continue far into the future. The President also offered no real entitlement reform and no plan to grow America's stagnant economy. President Obama is truly budgeting from behind.

What is interesting about his budget, though, is not just how late it is; it isn't just what that says about the lack of leadership from the White House. What is also very interesting is what this budget says about the coming train wreck of the President's own health care law.

The train wreck is coming not just because the President's health care law is unaffordable for families; it is also unaffordable for the taxpayers of this country. The President's budget fails to slow down Washington spending, but it is also dishonest about how much of a budget buster his health care law will be.

In fact, the administration has used a lot of smoke and mirrors to try to hide the true costs of the health care law. Here is how the Associated Press put it. They ran an article entitled ''Tracking Obama's health law in budget isn't easy.'' The article points out that the President's budget includes no chapter, no table, not even a mention of what all the health care spending adds up to.

This Associated Press article quotes Bill Hoagland, who is a senior vice president at the Bipartisan Policy Center. He says: ''I'm sure somebody has a spreadsheet somewhere, but clearly they are not publishing it in this budget.''

The Obama administration knows that if they spelled out exactly how much this law is costing, the American people would be outraged.

So what do we know about the cost of the health care law? We know the President wants almost $975 billion for the Department of Health and Human Services next year. It is a budget increase of over $100 billion since just last year—an 11.5-percent increase. The health care law was supposed to help slow down the growth in spending. Instead, it is using taxpayer dollars to fuel the fire, and it is powering us toward the coming train wreck faster than ever.

Part of the money would go to pay for 3,000 more Washington bureaucrats at Health and Human Services. That kind of increase in Washington spending is not something the American people need, and it is not anywhere close to what we as a nation can afford.

In another part of the budget, it says Washington needs $32 billion to pay for what the administration calls premium assistance credits. Those are the subsidies to help people pay for the new insurance they are going to have to get under the President's health care law. That is taking $32 billion from taxpayers to help hide how unaffordable this health care law is for families. The President says that 10 years from now this $32 billion will grow to $118 billion a year. That is a train wreck.

What else does the President want? He wants $772 million for administrative costs at the Centers for Medicare and Medicaid Services. That is going to pay for more than 4,600 bureaucrats.

When I talk to people about their health care concerns, nobody has ever told me—and I am a doctor; I have practiced for over two decades in Wyoming and I was home this weekend at a health care fair—nobody has ever told me the problem is we don't have enough Washington bureaucrats. I have never heard that, not even once.

Still, that is exactly what we are going to get under the President's budget and under this health care law: costs going up instead of down; debt going up, not down; the Washington bureaucracy getting bigger and bigger. That is a train wreck.

The President's budget also asks for $440 million for the IRS to administer the health care law. That is $440 million the IRS would not need if Democrats had not forced this law on the American people. The Internal Revenue Service is going to need 1,954 more employees just to implement the health care law, not more doctors, not more nurses—1,954 more IRS employees. That is just the beginning of what the agency is going to be asking for in the next few years. We are going to see an army of new IRS agents and auditors to investigate the health insurance choices of Americans and their families.

The Obama administration isn't worried about all that power in the hands of those IRS agents. It is not worried about how unaffordable the health care law is for taxpayers. The only thing this administration seems to worry about is who is going to take the blame for the train wreck we all know is coming right around the corner.

The President's health care law is bad for our economy, it is bad for consumers, it is bad for patients, and it is bad for the health care providers of our Nation.

Now the President's budget makes clear his health care law is also very bad for hard-working American taxpayers. The people wanted real health care reform, but Washington Democrats instead gave them a train wreck.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MARKETPLACE FAIRNESS ACT OF 2013—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 743, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 41, S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I wish to speak on this bill. It is called the Marketplace Fairness Act. It will not do anything but damage to the marketplace, in my opinion.

This bill will impose new burdens on our small businesses. Let me repeat that. It will place new burdens on our small businesses. I have heard folks come to the floor and talk about how great this is going to be for small businesses. This is going to be terrible for small businesses. Small businesses are going to have to bring on more people. This is going to be more bureaucracy, with more accountants, more lawyers. This should be called the bill to employ more attorneys and more CPAs.

The fact is, I do not think the attorneys want this kind of work, nor do the CPAs want this kind of work, because what it will do is fundamentally alter the rights of States by allowing them to tax entities outside their borders.

Who is put at risk by this? Small businesses. If the small business screws up, by the way, they are the ones who are held accountable. We talk about this big old database out there that these folks are going to be able to dub into to determine what the sales tax is for a single entity of the 9,600 cities and States and municipalities that collect sales tax. If the business gets it wrong, they are the ones that have the penalty. I am going to tell you that small businesses are not that profitable to be able to go through this kind of an exercise.

In Montana we are in a little different situation. In Montana our budget has a surplus because we have handled our money wisely. Montanans do not pay a sales tax, we do not have a sales tax, and the people of the State of Montana have twice voted against having one. But our budget continues to operate with a surplus without that sales tax.

Now we are going to have other States balance their budgets on the backs of Montana's hard-working small businesses. It is wrong and, quite frankly, it is insulting. In fact, Virginia—right close here—has already counted these funds as part of their budgeting for a new transportation plan.

I would say this is bad policy that I hope—I know what the cloture vote was yesterday—people take a look at because this is not the direction this body should be going. At a bare minimum, we should send this bill to committee and let the Finance Committee deal with it.

This has some real problems. It has real problems from an implementation standpoint. If we go down this road, it is a very slippery slope; it is going to create more bureaucracy; it is going to create more burdens for small businesses, including new liabilities for incorrectly collecting this sales tax, as I talked about before.

There are 9,600—let me say it again—there are 9,600 cities, States, and municipalities that collect taxes—different taxes: higher taxes on candy than in a different jurisdiction, sometimes no taxes on food. The list goes on and on and on.

It also leaves questions unanswered about how this could impose new taxes on financial transactions and 401(k) plans. It is bad policy.

What businesses will out-of-State tax collectors go after next? It is an aberration of States rights—rights which so many in this Chamber have supported.

It is a situation where we are going down a road that, quite frankly, we have not gone down before from a States rights standpoint. If we do this, I think it opens a Pandora's box, so to speak, as to new rules, new laws that potentially come down, using this as a basis for it.

As I said before, I empathize with the situation of States that have had their budgets underwater. But they ought not be looking at other States' small businesses—in our case Montana's small businesses—to get their budgets in balance.

I would urge my colleagues to vote against this bill. It would gut States rights. It would impose new tax burdens on small businesses and middle-class Americans. Quite frankly, this is bad policy, and we should not be passing bad policy around here.

I thank the Presiding Officer and 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. WARNER. 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. WARNER. Mr. President, I rise in support of the legislation that is on the floor, the Marketplace Fairness Act. I rise as someone who has spent 20 years in the technology business helping to fund and develop online businesses, understanding the importance they play to our economy, and applaud the enormous growth of Internet-based businesses.

But I also rise in support of this legislation, because in addition to being a technology investor, I also was a Governor and know the importance that sales tax plays in funding so many critical State and local functions. Unfortunately, under the current circumstances, we have an uneven playing field because local small businesses, oftentimes bricks and mortar, follow the law and collect sales taxes from customers who make purchases in their stores while, on the other hand, many large online businesses that may be located or domiciled in some other State do not collect the same sales taxes. I think on this floor already we have heard repeated stories of some online retailers that even encourage people to go to the brick-and-mortar store to look, go out and price a product and then go back and go online and purchase that product. Not only does that discriminate against the brick-and-mortar store, but from a public policy standpoint, if these sales taxes are not collected, it creates an unlevel playing field between the online vendor and the brick-and-mortar store.

This legislation will help level the playing field. It is about fairness. It is about having a level playing field for all types of retail outlets. Let me make clear, all it simply does is require every business to collect and remit an already legal sales tax that has been put in place at a State or local level.

Because of this unequal playing field, because of current circumstances, because there has been a failure amongst many of our online vendors to collect these sales taxes, this creates a direct and immediate impact on State and local governments. As a former Governor, I can tell you the inability of States and localities to gather uncollected revenues undermines dramatically their ability to invest in K–12 education, police and fire prevention, funding for roads and bridges, public safety, environmental causes. You name it, all the basic core services that State and local governments perform, so many of them are directly funded in a major way by local or State sales taxes.

I would also like to mention how important this bill is to the Commonwealth of Virginia. Most recently in the Commonwealth, Virginia's leadership, with a Republican Governor and a bipartisan legislature, finally enacted legislation to make significant investments in our outdated and overstressed transportation network. Many of the folks work on the Hill or those of my colleagues who happen to live in Virginia know that traffic in Northern Virginia is at an almost debilitating point. We have finally in Virginia passed a funding source to try to address the transportation needs of Virginia.

Part of this solution, though, anticipates revenue from this legislation. So if we are going to be able to solve the transportation crisis that confronts not just Northern Virginia but all of Virginia, Virginia has to have the ability to collect all of its sale tax revenue. This is a large amount. The current uncollected amount of sales tax revenue in Virginia is estimated to be $422 million over the past year.

That number is going to continue to increase as more and more vendors go

online. Nationally, the amount is a staggering $23 billion. Again, as I mentioned earlier, at a time when our States and municipalities are struggling to maintain essential core services or government, I think it is irresponsible of us at the Congressional level to, in effect, interfere or not allow these States and localities to collect sales taxes that they have put in place, that are collected from vendors that are in their communities but not certain vendors who operate online.

I would like to take a moment also to address a couple of the concerns I have heard from my community in Virginia. I say there are ways to improve this bill. I am grateful the Northern Virginia technology community is generally supportive of this legislation. They have raised some concerns, concerns I would like to address.

First, there is discussion about the small seller exemption. The current legislation says that those small sellers online that have less than $1 million in sales will be exempted from this regulation. It is important that a startup business gets going online, that we do not put undue bureaucratic and other restrictions in place. There have been some suggestions that that $1 million small seller exemption is too small. I think perhaps looking at a slightly higher number may make some sense.

But there have been some who suggested we would take this number all the way up to $15 million. I have to tell you, I believe taking the small seller exemption up to $15 million per year in revenues would dramatically undermine this legislation and dramatically cut back the $422 million Virginia has left on the table and the $23 billion that is estimated to be left nationally.

So, yes, we can look at something a little larger than $1 million but to go up to $15 million would be much too high.

Second, I think there have been reasonable questions about how to make sure, where we are going to create an audit trail, and where we are going to allow those vendors to remit back, not to the literally hundreds of jurisdictions that collect these kind of taxes but to be able to simply remit to a single point of contact.

I think the legislation moves forward in this direction. I again would look at other opportunities. On the issues of remittance, the legislation does put in place a requirement that every State would have a single point of remittance, which I think strikes the right kind of balance needed to not create an undue burden.

On the question of audits, I think there is more work that can be done. I believe there is an analogy here to the telecommunications industry I used to be part of. In the early days of the cell phone industry, there were clearinghouses that were allowed to, in effect, be the settlement agencies between a variety of competing cell phone systems when we were charged roaming charges. I think we can look to some examples in that industry and others to make sure that in a look-back basis, there is an ability to have a single point of audit so those vendors, particularly small vendors, make sure they get a fair shake.

Finally, I think we need to make sure that, particularly for these smaller vendors, we do all we can to make it easy for them to comply with the law. I am pleased this legislation requires States to make available, at no cost to retailers, common software that will basically calculate the State and local sales tax requirements for any of these online vendors, as well as kind of build in some of the administrative services. I think this is an important step to make sure we continue to allow the entrepreneurial spirit to grow online as well as in the local community.

Again, I think it is terribly important to remember that all we are doing in this legislation is making sure there is a process in place to collect sales taxes that are already due.

Two final comments before I yield the floor. During the course of this debate, some opponents of the Marketplace Fairness Act have made statements about what this bill might possibly do that I do not think are reflected in the legislation.

Among those claims, there is a claim that this bill is the first step toward a State or local transaction tax on the purchase of stocks or derivative contracts. I have reviewed this legislation closely. There is nothing in this legislation that would make it be the first step on a slippery slope toward a transaction tax. There is nothing in this bill that would prohibit that kind of tax. States already have that ability. This legislation will do nothing to take a step toward that. So I think that claim being made by some is not accurate and does not reflect the legislation.

Finally, this legislation comes about because at the beginning of the development of online sales, there was a belief, perhaps accurate at that moment in time, that this growing industry of online retailers needed an extra little benefit, an extra little head start, an ability to have this industry not be squashed at its outset. I think history has shown, as we have seen the growth of retail sales online go up dramatically, faster than the growth of retail sales in bricks and mortar, that whatever needed boost the online industry might have needed at some point, that they now have become an extraordinarily important and successful part of our economy.

I commend all those and many other companies I had the ability to help fund when I was in the private sector. I welcome their success. Online businesses continue to be one of the areas for most entrepreneurial activity. I commend those efforts. But I do believe, in 2013, we do not need to perpetuate what has become at this point an unlevel playing field.

I believe the Marketplace Fairness Act will correct that unfairness, correct this unlevel playing field. I was pleased to see the overwhelming bipartisan majority that voted to invoke cloture. I hope this week we will be able to finish considering this bill, get it passed, and get it sent over to the House.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. 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.

BOSTON BOMBING

Mr. McCAIN. Mr. President, there has been a great deal of misunderstanding about the position the Senator from South Carolina, I, and others have taken on the detention and interrogation of the suspect in the Boston bombing. None of us is saying the suspect should be indefinitely detained as an enemy combatant by the U.S. military or tried in a military tribunal. The suspect is a U.S. citizen and must be treated accordingly, and he will be. What we are saying is that the importance of treating the suspect in accordance with his rights as an American citizen must be balanced with our government's top national security priority, which is the lawful, effective, and humane interrogation of this subject for the purposes of gathering intelligence.

The Boston attacks were clearly inspired by the violent ideology of transnational Islamist terrorism. We need to learn everything we can about what foreign terrorists or terrorist groups the suspect and his brother may have associated with, whether they were part of additional plots to attack our Nation, and what other relevant information the suspect may possess that could prevent future attacks against the United States or our interests.

We need to delve further into this whole issue of the education some people who are motivated by these base ideologies obtain over the Internet and the effect it is having. We should at least know about this.

Our civilian justice system offers a responsible option for striking this balance with American citizens. It allows the Justice Department to delay reading a suspect his Miranda rights if doing so is in the interest of ''public safety.'' The administration had rightly invoked this public safety exception in the case of the Boston suspect, which provided our national security professionals a discrete period of time to gather intelligence from the suspect without the presence of his lawyer.

However, soon after questioning him in this manner, the administration recently reversed itself and read the suspect his Miranda rights. In doing so, the administration gave up a valuable opportunity to lawfully and thoroughly

question the suspect for purposes of gathering intelligence about potential future terrorist plots. Whether we will be able to acquire such information has now been left entirely at the discretion of the suspect and his lawyer. Put simply, the suspect has been told he has the right to remain silent. If he doesn't want to provide intelligence, he doesn't need to.

Is this a responsible balance between a citizen's rights and our national security? The suspect had only been responsive for a couple of days before he was read his Miranda rights. Even then, he could not communicate verbally. Does anyone really believe our national security professionals were able to acquire all of the relevant intelligence possessed by a subject who couldn't speak in only 2 days? This is not a responsible balance between civil liberties and national security.

From the very beginning of this debate, the Senator from South Carolina, the Senator from New Hampshire, I, and others have maintained that the administration should reserve its right to hold the suspect as an enemy combatant for the purpose of gathering intelligence. This was not the only option or even the ideal option. In light of the administration's decision not to continue questioning the suspect under the public safety exception, the only option we are left with is lawfully questioning the suspect as a potential enemy combatant.

The full extent of whether the suspect is linked to al-Qaida or its associated forces remains unclear. The brother's trip to Russia certainly should be the subject of an inquiry. Additional questioning is critical to making it clear.

Today there is ample evidence that would allow the administration to question the suspect for key intelligence. The consequence of not doing so is that our need to question the suspect for such intelligence is left solely at his discretion and willingness to cooperate. This is not a responsible approach to the national security of this country.

Again, this is not to say that we must hold the suspect indefinitely in military detention, nor that the suspect must be or should be tried in a military tribunal. In both cases, there is plenty of precedence for holding a terrorism suspect as an enemy combatant for a limited time before moving him into the criminal justice system for the purpose of standing trial in civil court. What is more, the Supreme Court has consistently upheld the legality and constitutionality of this approach, as well as the ability to hold American citizens as enemy combatants. Ultimately, the broader question is whether one views the United States as part of the battlefield in the global fight against terrorists. I know some don't. I, however, do not see how we can avoid this fact. Those who seek to attack us certainly view the homeland as part of the battlefield—indeed, the central part.

Of course, there will always be and should be differences in how we handle events in the United States and events overseas and differences in what rights are due to American citizens as opposed to foreign citizens. Yet we cannot afford to build a wall between the fight against terrorists abroad and the fight against terrorists who are trying to attack us here at home, including when American citizens are involved in this fight, as some clearly are, and will continue to be.

Just because some don't seem to want to grapple with the difficult, unprecedented legal issues this war presents does not mean they will cease to be real challenges. If we pretend the homeland, the United States of America, is not part of this battle, I believe it will only be a matter of time before we learn this lesson the hard way.

I say to many who are reporting on this issue, I hope it is clearly understood that we are not saying the suspect should be indefinitely detained as an enemy combatant by the U.S. military or tried in a military tribunal. The suspect is a U.S. citizen and must be treated accordingly, and he will be.

During the now-famous discussion of 13 hours on the floor of the Senate, there were certain comments made that I think are important to recall.

> The battlefield coming to America or acknowledging that is an enormous mistake.

I am quoting from the debate that took place.

> Alarm bells should go off when people tell you that the battlefield's in America.
>
> I'm here to argue that we can't let America be a battlefield because we can't say that we're no longer going to have due process, that we're no longer going to have trial by jury, that we're no longer going to have presentment of charges in grand juries. It is impossible in a battlefield.

This is another quote:

> [W]hen people say, oh, the battlefield's come to America and the battlefield's every—where the war is limitless in time and scope, be worried, because your rights will not exist if you call America a battlefield for all time.

The Chair understands as well as anyone that the people of Boston and the people of Massachusetts, of the Commonwealth of Massachusetts, would clearly take exception to a statement such as ''the battlefield coming to America or acknowledging that is an enormous mistake.'' The people of Boston are very well aware that the battle comes to the United States. There are many attempts for it to come to the United States. Tragically, it came to the United States of America in a most tragic and terrible way.

We need to have a larger debate here about the location of the battlefield. To somehow believe the ultimate target of these radical Islamic extremists and other extremist elements is not the United States of America is a gross misreading of what this fight against terrorism is all about.

Quoting from a Wall Street Journal editorial, as I have done in the past:

> The Boston bombing also ought to chasten libertarians who keep insisting that the U.S. homeland is not part of the terror battlefield.
>
> ''It's different overseas than it will be here. It's different in the battlefield than it will be here,'' [one Member] told Fox News earlier this year. ''Which gets precisely to the argument I have with some other Republicans who say, well, 'the battlefield is everywhere. There is no limitation.' President Obama says this. Some members of my party say the battle has no geographic limitations and the laws of war apply. It's important to know that the law of war that they're talking about means no due process.''
>
> Boylston Street looked like a boulevard on Monday, and so did Watertown on Thursday night. The artificial distinction [arises from undue] focus on geography. The vital distinction for public safety is between common criminals, who deserve due process protections, and enemy combatants at war with the U.S., wherever they are.
>
> As for due process, the greatest danger to liberty would be to allow more such attacks that would inspire an even greater public backlash against Muslims or free speech or worse. The anti-terror types on the left and GOP Senators who agree that the U.S. isn't part of the battlefield are making the United States more vulnerable.
>
> Americans erupted in understandable relief and gratitude on Friday with the rapid capture of the terrorist brothers. But we shouldn't forget that their attack succeeded, with horrific consequences for the dead, the wounded and their loved ones. The main goal now is to prevent the next attack.

How do we prevent the next attack? We find out as much information as possible as to what motivated this attack.

Mr. President, I ask unanimous consent that the Senator from South Carolina be included in the colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCAIN. We wish to make sure our position is very clear. We are not saying the subject should be indefinitely detained by the U.S. military or tried in a military tribunal. The suspect is a U.S. citizen and must be treated accordingly, and he will be.

The tragic events we saw in Boston bring home again that this fight is far from over. I don't know if these young men were motivated by the information they received, whether it was overseas or whether it was due to the Internet and various influences there. What we do know is that while living in this country, they changed from apparently normal young people into terrorists who were willing to do anything to take the lives of their fellow American citizens.

The battlefield is the United States of America. Anyone who doesn't believe this ignores the events from which we are recovering.

I yield to the Senator from South Carolina, who has probably been more widely quoted than I have, and request that he clear up this exact situation we are calling for which, frankly, is being portrayed inaccurately in a great deal of the media.

Mr. GRAHAM. Very simply put, I have two goals. I think Americans

want two things to happen in this case. They want the surviving suspect to be brought to justice. I am glad he survived, as hopefully we may learn some information from him that will make us all safer in the future. I am pleased he survived so we may try him in a court of law, before a Federal court in Massachusetts, to hold him accountable for his crimes. In the trial, he will be given a lawyer. He has the right to remain silent. He will be tried by a jury. He will be given all the rights associated with a Federal court trial. He is an American citizen, and we have never suggested otherwise.

As one of the primary authors of the 2009 Military Commissions Act, I expressly exempted American citizens from military commission trials. Why? I wanted to reserve that system for foreign terrorists. It doesn't mean I don't believe there will be domestic terrorism. It doesn't mean I don't envision an American citizen helping the foreign enemy. I do. Every war, unfortunately, we have been in during the history of our country, American citizens have joined forces and sided with the enemy. This is not an unusual event. What would be unusual is to say one could do so and not be treated under the law of war. We would be making history if we adopted that view.

Let me begin with a case in World War II. German saboteurs landed in Long Island. They had been planning for years an effort to come to our country. These were Germans who had lived in our country and went back to Germany and became Nazis. Because they spoke good English, they were recruited by the German intelligence service to come back and plan massive attacks on our homeland.

They had a cell here in America, some of whom were American citizens who joined the plot. Thanks to the great FBI work of this time and day, as soon as they landed the plot was foiled and the American citizens were captured. In 1944, 1945, and possibly as late as 1946, the American citizens who aided the German saboteurs were held as enemy combatants and tried in a military court. Three of them were hanged.

The case went to the U.S. Supreme Court, and the Supreme Court said: When you join the forces of our enemy, you are committing an act of war, not a common crime.

Tokyo Rose sided with the Japanese. She was tried and given a life sentence. Since 9/11, there have been three American citizens who have been involved with al-Qaida or the Taliban or affiliated groups. They have been held as enemy combatants. They have gone to trial in civilian court and the courts have blessed the holding of American citizens as enemy combatants.

Rumsfeld v. Hamdi was an American citizen captured in Afghanistan held under the law of war as an enemy combatant. He was eventually tried and the Court said, as in World War II, we can hold one of our own as an enemy combatant, recognizing the difference between a common crime and the law of war.

Mr. Padilla was held 4 years by the Bush administration. His case went up to the Fourth Circuit and the Fourth Circuit said: Yes, you can hold enemy combatants off the battlefield. That is the power the United States possesses at a time of war.

When you are fighting a war, the goal is to win the war and to find out about what the enemy is up to. When you are fighting a crime, the goal is to convict someone or have them found innocent. They are two different systems.

This young man will be going to Federal Court and a jury will decide if he is guilty of his crimes. What we are asking of the administration is: How do you gather intelligence in that system? It is not meant to gather intelligence. We don't want to limit ourselves as a Nation to asking questions about future attacks in the criminal justice system because here is the way that works. If I am his lawyer, I am not going to let you ask him any question about anything until I get a benefit for my client. So intelligence gathering now is controlled by the terror suspect and his lawyer. Is that smart? Now you are having to plea bargain to get intelligence.

What we are saying is, conduct the trial in civilian court—the only form available—but because there are international terrorist connections here—clearly they killed people in Boston not because they wanted their property or they were mad with the Boston city government, they killed—they slaughtered a young boy and his family and others because they have adopted a radical jihadist view of us as a Nation. The older brother was quoted as saying we are infidels, we are a colonial Christian power, we have corrupted Islam. They are trying to kill us and destroy our way of life because of what we believe.

The sooner we understand that, the better off we will be.

Here is my view about defending ourselves as a Nation. A criminal court is about due process and giving the accused a fair trial. Military intelligence gathering is about defending the Nation at war. The question we all have to answer for ourselves is: Is America at war? The answer, to me, is yes. We are at war with a radical ideology that hates everything we stand for.

Bin Laden is dead. We celebrate that. But al-Qaida is very much on the march. As a matter of fact, radical Islam is regenerating, and the way they are coming after us is to find people in our own backyard and turn them against us.

How could we have missed this? How could the intelligence services in Russia tell the FBI: You need to watch this guy; we believe he is a radical Islamist coming to your country to hurt you? How could we miss him going to Russia and coming back? How could we miss his YouTube videos where he is ranting and raving against us and threatening to take us down as a Nation?

These are questions to be asked and answered. And here is what we are suggesting: The surviving suspect, due to the ties these two have to radical Islamic thought, and the ties to Chechnya, one of the most radical regions in the world, the President should declare preliminarily that the evidence suggests this man should be treated as an enemy combatant. We could hold him for a period of time, question him without a lawyer, and none of the evidence could be used against him in the criminal proceeding. That is the best way to gather intelligence. The best way to gather intelligence is to have a rapport with him, take down the stories he is telling us and deconstruct them; spend time with him outside the criminal justice system.

We have gathered so much good intelligence from enemy combatants at Guantanamo Bay. You won't send him to Guantanamo Bay, but during the last decade we have exploited intelligence from enemy combatants—people who have joined the other side—and it has helped us figure out how to defend ourselves and find bin Laden.

All we are saying is when it comes to defending against future attacks, we want to talk to him without a lawyer. That is all we are saying. We want to talk to him without a lawyer so we can find out what he may know about what we face in the future, and when it comes to prosecuting him, we won't use anything we found against him. A first-year law student could convict him, but, my God, look what we are losing as a Nation by using this model. Instead of taking time out to interrogate him without the presence of counsel to learn about what did happen, we are now stuck in a criminal justice system where we can't ask him one question his lawyer won't allow.

I am not blaming the lawyer. My goodness, if I were his defense lawyer, no one would ask him one thing without my permission, and they would have to give a lot to get an answer to anything. All I am suggesting is we are at war, these two people fit the profile of folks who are trying to kill us, they are tied to overseas organizations potentially, so why in the world can't our country have some time with this person in the national security legal system to find out about what he knows and how they planned this attack, to make the rest of us safer.

I believe in due process. And he, in that system, can go to a judge and say, I am not an enemy combatant, and the government would have to prove he is. So he has due process there. But here is what I believe deeply, and then I will turn it over to Senator AYOTTE of New Hampshire. I believe the closer one gets to our homeland, the more rights we have as a people to defend ourselves. I don't want a police state. I don't want to live in a country where

we can't express who we are and what we believe in and to argue and have a different view of religion. But, by God, given the times in which we live, I don't want to become deaf and blind to the threats that are real in our own backyard. I want a system that can find out about guys like this before they kill us.

Let me tell you, ladies and gentlemen, if we don't gather good intelligence and we don't hit them before they hit us, there is more to come.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from New Hampshire be included in the colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. I ask my colleague for a comment on the issue of whether the United States of America is a battlefield. Does my colleague agree with the quote, ''The battlefield coming to America or acknowledging that is an enormous mistake''?

Mr. GRAHAM. Not only do I agree, who picked the battlefield? I didn't pick America to be the battlefield. I don't want to be at war with anybody. They chose the battlefield.

Where do you think they want to hit us most, I ask Senator MCCAIN? If you could get the top leadership and give them one shot at America anywhere, where would they take that shot? Would they hit us in France? They would hit us here. Why? Because they want to destroy our way of life. They are trying to come here to kill us. All I am suggesting is we should be able to defend ourselves. And the closer they get to us, the more rights to defend ourselves we should have.

Let me say I asked the Judge Advocates General of the Army, Navy, Air Force, and Marine Corps: Is the authorization to use military force against al-Qaida, the Taliban, or affiliated groups limited to outside the United States? They said: No, there is no geographic limitation. So if somebody hijacked a plane tomorrow trying to fly it into the Capitol, our military could shoot it down. We are not going to restrict ourselves to the battlefield being everywhere else but in our own backyard.

Mr. MCCAIN. Finally, again, if there were information of an imminent attack, such as the aircraft that crashed in Pennsylvania that might have been headed for the Capitol, we would take whatever measures necessary to prevent it from happening. To somehow say we would not use every capability in our arsenal to prevent that goes back again to this fundamental error, fundamental misconception about the nature of radical extremists where the battlefield clearly is the United States, and we should be most prepared.

And, by the way, if there is some good news that came out of Boston, it was that some of the measures that had been taken since 9/11 contributed significantly to our ability to track down and eliminate this threat far more rapidly than we would have prior to 9/11.

Mr. GRAHAM. Yes, if I may, hats off to the Boston, MA, police officers, to the Presiding Officer's town. Our heart breaks for the victims. Bostonians made us proud. They show us how to stay brave. The FBI and everybody did a great job, but how we missed this I still want to know.

The Senator from New Hampshire was the former attorney general of New Hampshire. She knows the difference between fighting a war and fighting a crime.

I have been a military lawyer, I have been a civilian lawyer, and I am all very much for the idea of due process being given to everyone charged with a crime, including this man. He deserves to be presumed innocent, to have a lawyer, and a jury to find him guilty or innocent. He deserves all that because it makes us better and safer. But what we should not give up as a Nation is the ability to find out about future attacks in a logical way. We are at war, and in the law of armed conflict, national security applies here, in my view, because of the type of incident involved and the threats we face.

I wish to hear from Senator AYOTTE, who has become one of the most knowledgeable people on the topic. She has tried people in New Hampshire—death penalty cases—and if she doesn't mind, perhaps she can share with us her view of where the battlefield is, what kind of laws to apply to a situation such as this.

Ms. AYOTTE. I thank my colleague from South Carolina and very much thank my colleague from Arizona for, obviously, their leadership on this issue.

I have great confidence in our criminal justice system, having both defended and tried criminal cases in that system. The purpose of that system, of course, is to bring people to justice. There is no question in this case, in light of what Boston has gone through—and I know the Chair knows all too well the crimes that were committed and the acts of terrorism committed—that we need to make sure the criminal justice system holds that individual, the terrorist who survived, accountable in the Federal criminal system.

I am confident, based not only on what we have seen with video evidence but the great work done by our law enforcement officials, both at the local level in Boston, along with the cooperation of our Federal agencies—they did phenomenal work—that evidence will be used against this terrorist in the Federal court system and he will be found guilty. In fact, with the overwhelming evidence, this is not a difficult case to prosecute, and we should hold him fully accountable.

But our criminal justice system, which I have great respect for, was not set up to gather intelligence to protect our Nation. In fact, protections such as the right against self-incrimination, when an individual is given their Miranda rights, that is intended to tell people they have the right to a lawyer, they have the right to remain silent so they can't be coerced into confessing to something and then having that confession used to convict them later in a court of law, that doctrine was not intended to stop this Nation from gathering intelligence, to make sure when we have a terrorist attack, such as what occurred in Boston, which was so horrific—and let me say my thoughts and prayers are with the victims of those terrorist attacks—we cannot in the national security context hold that individual for a sufficient period while still being respectful of his constitutional right—which we can be—and gather intelligence.

If we cannot do that, what are we saying about our Nation? What are we saying here? Let us go back to 9/11.

What if we had captured one of those individuals before the second plane hit the second tower or before the plane went down in Pennsylvania. Are you telling me we couldn't hold them for a longer period of time?

Our law enforcement officers relied on what is called the public safety exception to Miranda in this case with the Boston terrorist, but that exception expired very quickly. It expired so quickly that yesterday, while our law enforcement spoke with him, by noon he was being advised by a Federal court judge he had the right to remain silent. Is that enough time to find out whether he has any ties to any foreign terrorist organizations, given that his brother traveled to Dagestan, with ties to Chechnya—with known ties in those areas of the world to al-Qaida? Is that enough time to know whether somebody else or some other organization was funding them or there are other attacks that America can expect? Because that was a very brief period of time, and that is what we are talking about—respecting our values in the criminal justice system but also protecting our Nation.

In this instance, this individual was very quickly advised that he had the right to remain silent. When he came to consciousness, it was a matter of hours that were given to gather all this information. Is that enough, given what happened in Boston, to make sure we know everything this individual knows to protect this Nation from future attacks, if he has ties to al-Qaida or some other foreign terrorist group? That is a very limited time.

What we are saying is, yes, try him in Federal court, and he is entitled to due process in that system as well. But he should have been held initially to make sure we have the maximum information in our national security system to protect our Nation.

Is America the battlefield? We all remember too well 9/11. Unfortunately, the goal is to come to America, and we have to acknowledge we are at war with radical Islamic jihadists who are seeking to kill us—not for anything we

have done but for what we believe in and for what we stand.

I want to show an individual whose name is Anwar al-Awlaki. Anwar al-Awlaki was an American citizen, just like this individual who committed the terrorist attack in Boston whom we are holding right now. This American citizen became an influential leader in al-Qaida in the Arabian Peninsula, advocated for violent Jihad against the United States, used the Internet to recruit followers and inspire attacks, and was linked to dozens of terrorist investigations in our country and with our allies. He was in Yemen, and on September 30, 2011, our administration took him out with a drone strike, and I applaud them for that.

But if Anwar al-Awlaki, a U.S. citizen under the constructs we are under right now, came to the United States of America and was involved in an attack against our country—we can take him out with a drone strike if he is in Yemen. But if he actually gets to the United States of America to carry out the attacks he wanted to as a terrorist and we capture him here, we have to give him Miranda? No. We need to be able to hold individuals such as he, and anyone who is seeking to commit a terrorist attack against our country, in the national intelligence context, to find out what they know to make sure we can disrupt these terrorist networks around the world. That is what we are talking about, and we can do both within our values.

To those who have been writing inaccurate pieces about this, we understand that if someone is an American citizen, they cannot be tried in a military commission; they can only be tried in a Federal court. And we will do that here. If we had caught him, we would have tried him too. But before we do that, we had better know what he knows about the terrorist network to be able to know whom he is involved with and to prevent future attacks on this country because people like him—and unfortunately what we saw in Boston—do want to come here to attack us. We have to be in a position to protect this country.

What concerns me most of all is the construct that this administration has put together. Here we have a construct where even foreigners who are terrorists—not American citizens—are being brought into our civilian system and are being advised of their Miranda rights without giving the maximum opportunity to gather intelligence.

This is a picture of Osama bin Laden's son-in-law sitting next to Osama bin Laden, Abu Ghaith, the day after our country was attacked on September 11. Osama bin Laden's son-in-law, Abu Ghaith, was captured overseas. He spent time in Iran. Instead of being brought to Guantanamo or held for a lengthy period to be interrogated, he was brought right to a Federal court in New York City to be tried there.

This is the construct this administration is using, where they are not treating this like we are at war even with foreign terrorists. Osama bin Laden's son-in-law, not held as an enemy combatant, tried—just like this individual who was captured committing the terrorist attacks against us in Boston—in the Federal civilian court system.

We are at war, ladies and gentlemen, and we owe it to our Nation to protect our country. The only way we can do that is when we capture individuals who are foreigners who are members of al-Qaida or when we capture individuals who are American citizens who commit terrorist attacks against this country—who may or may not have ties to foreign organizations—we had better find out. If they do, we need to understand what they know to protect our Nation and then hold them accountable, as we will in this case, and make sure they never see the light of day. I hope in this case we seek the death penalty for what that suspect in Boston did in terrorizing those who were there at the Boston Marathon on such a wonderful day.

Mr. GRAHAM. Would the Senator yield for a question?

The ACTING PRESIDENT pro tempore. We have an order for a recess at this hour.

Mr. GRAHAM. I ask unanimous consent for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

I would ask the Senator from New Hampshire, how do we get the death penalty when the only way we can get information out of the suspect is to go through his lawyer? If we can't have this national security interrogation, where there is no lawyer, to get information to protect against a future attack that can't be used in a trial, don't you think the lawyer is going to say: I am not going to have my client talk to you unless you promise not to seek the death penalty?

Ms. AYOTTE. I would say to the Senator from South Carolina, I don't know how that isn't possible in this case. Any defense lawyer—as they should—to defend their client, there is no way they will allow that individual who committed the terrorist attack in Boston to speak to one investigator now, if we get additional information or we have followup questions, without taking the death penalty off the table.

That is the defense lawyer's job. I respect them for that. But it puts our Nation in an awkward position to have to negotiate with a defense lawyer when we have questions for someone who has committed a terrorist attack against our Nation.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MARKETPLACE FAIRNESS ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, are we in regular order?

The PRESIDING OFFICER. We are considering the motion to proceed.

Mr. REED. Madam President, I rise today in support of the Marketplace Fairness Act. I am pleased to join Senators ENZI and DURBIN and many of my colleagues in this bipartisan effort to pass this bill that will help small businesses in my State expand and create jobs by ending a tax loophole that benefits out-of-State remote sellers. I want to particularly commend Senator ENZI and Senator DURBIN for their long-time leadership on this issue. They have been relentless in trying to find an effective way to allow States to collect sales taxes on items that are actually delivered into their States.

This is a huge issue in my State of Rhode Island where businesses are having a very difficult time competing against out-of-State retailers because of, frankly, the outdated rules that require shops on Main Street to collect taxes while their out-of-State online competition does not. When you go to the stores in Rhode Island you'll see that they are facing this with increasing frequency. And small business men and women are demanding help.

When Internet commerce was in its early stages, online companies were basically exempted by what is now, by all accounts, an out-of-date Supreme Court decision, from collecting State and local sales taxes for sales in States where they do not have a physical presence—despite the fact that there was still an obligation to collect sales taxes on those purchases. That obligation was shifted to consumers, who are often unaware they have an obligation. This loophole puts Main Street businesses at a competitive disadvantage, hurts the ability of Rhode Island to keep jobs in the State, and strains State budgets all across the United States.

In order to address this inequity, the bill before us today would give States the ability to enforce their own sales tax laws and, by so doing, relieve consumers of the legal burden to report to State tax departments the sales taxes they owe on online purchases—since they would be paying sales taxes as a matter of course at the time of purchase, just as they would in a regular store.

Essentially it levels the playing field. If you walk into a store in Rhode Island and there is a sales tax charge, you would pay it. If you receive an item you ordered off the Internet, you would pay a sales tax as part of the bundled price of the item. It is what people would expect to do.

The legislation would also ensure that the rules for collecting sales tax from out-of-State retailers are clear and consistent. States can enter into

an already established Streamlined Sales and Use Tax Agreement which my State and 21 other States are party to, or States can adopt a set of alternative minimum simplification standards to make it easier for online businesses to comply with their tax laws.

And this bill makes it easier for businesses—that choose to do business in a State that requires remote sellers to collect sales taxes—to comply with the law by providing software to help them calculate the sales tax.

Furthermore, this bill exempts small businesses with less than $1 million in gross revenue from having to collect sales taxes on remote sales. Those truly small businesses would not be affected by the legislation before us today.

This bill does not create new taxes or increase existing taxes. Instead, the bill will help States and cities collect billions in unpaid taxes already owed, reducing the need to raise new taxes on tax-compliant businesses and citizens. Indeed, yesterday I was with my Governor and he indicated that if we could pass this at the Federal level and allow the State of Rhode Island to collect approximately $70 million a year, he would secure a reduction in our sales taxes which would benefit all the people and businesses in Rhode Island.

This is a proposal that I think is not only necessary, it is long overdue. In 2012, as I have indicated, Rhode Island estimated it lost approximately $70 million in uncollected revenue. The revenue was legally owed but, because of this loophole, it went uncollected. This puts pressure on individuals and businesses that play by the rules. Indeed, if the Marketplace Fairness Act becomes law, Rhode Island has provisions in State law—and the Governor reiterated that yesterday—that would help lower the sales tax from 7 percent to 6.5 percent and eliminate the recent extension of sales tax to clothing purchases over $250. This would have huge and immediate benefits to the people and businesses of Rhode Island.

The other thing it could do, frankly, is it would encourage local businesses to hire Rhode Islanders. We are facing a 9.1-percent unemployment rate. We have been slowly making progress in terms of putting people back to work—but there is much more to be done. This bill would help with that recovery because one of the barriers main street businesses face in hiring locally is the unfair competition from remote sellers that do not collect sales tax. This bill corrects that.

Now some online retailers who benefit from this unfair tax advantage understand the need to correct the loophole. That is why companies such as Amazon.com, with substantial remote sales, support this legislation. Governors of every political stripe recognize the undue pressure this tax loophole puts on their budgets, businesses, and citizens, and that is why the National Governors Association supports this. Ultimately, the Marketplace Fairness Act is about revitalizing our real economy by helping Main Street businesses compete against remote sellers that benefit from this tax loophole because these Main Street businesses cannot hire workers or expand if shoppers use their stores just to browse and then make their purchases online in order to avoid paying sales tax.

Yesterday I was with a group of business leaders in Rhode Island. Among them were the Cardi brothers, Ron and Pete Cardi, who own a family furniture store. It has been in the family for generations. They are first-rate businessmen and first-rate community leaders. They tell me it is not uncommon for someone to come in the showroom, get help from one of their skilled sales personnel, order the furniture, have it shipped to their homes so they see it fits exactly right, then call up and have it returned to the store—and then a truck will show up a day or two later at the customer's house, from a remote seller with the same item because the remote seller doesn't collect sales tax. We cannot have our retailers in States such as Rhode Island simply be showrooms for remote sellers. That is one of the consequences of this loophole we have to correct. This bipartisan proposal is designed not only to allow States to keep or retain the tax that is owed, but also, in the case of Rhode Island, to allow a tax reduction; and furthermore, to give local businesses more incentive to hire.

This is legislation that makes extraordinary sense in every dimension. I hope we can get through this debate this week and successfully pass this legislation. We are all encouraged by the 75 votes this proposal received when it was made as an amendment during the budget debate and the 74 votes this bill received on the cloture motion. I am hopeful it will continue to enjoy a similar level of support moving forward.

Once again, let me thank Senators ENZI and DURBIN for their extraordinary leadership, which has helped forge this bipartisan and bicameral bill, and I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, I join my colleague Senator REED of Rhode Island and I thank Senators ENZI and DURBIN for their hard work on S. 743.

I rise to speak in favor of the Marketplace Fairness Act. This legislation will put businesses in Hawaii on an even playing field with their out-of-State competitors. It does this by giving the States—not the Federal Government, the States—the authority to require out-of-State merchants to collect the same taxes local merchants have to collect when they sell goods to customers in Hawaii. This is only fair.

I want to be clear about what this bill does and what it does not do because there is some confusion about what this bill does and doesn't do. For example, this bill does not impose a new Federal sales tax. This bill does not require the States to do anything. In fact, if this bill becomes law, nothing would change unless a State passes its own legislation.

What this bill does do is to give States that choice. It lets each State choose whether to level the playing field for its local businesses. In addition, this legislation provides a framework that ensures States can exercise this authority in a way that ensures fairness for businesses of all sizes.

For example, it requires any State that chooses to exercise this new authority to streamline its sales and use taxes, and to provide free software to calculate these taxes to out-of-State sellers. This does not impose any kind of burden on these out-of-State sellers who are selling items to people in States such as Hawaii. This legislation protects small online businesses by exempting any business with less than $1 million of annual sales.

The growth of the Internet has been one of the most significant drivers of innovation in our country's history. More and more Americans rely on the Internet to run their small businesses, access educational and health resources, keep in touch with loved ones, and for entertainment. Expanding fast, affordable, and secure Internet access is an essential building block for a strong 21st century economy.

However, we must be careful to ensure that while we are promoting the economic potential of the Internet, we are also being fair to local businesses and entrepreneurs. These are the businesses that populate the Main Streets of towns all across the country, across all the islands in the Hawaiian chain. These are hardware stores, clothing stores, gift shops, and many others—many of which are small businesses. These are businesses that create jobs, pay taxes, and provide needed goods and services in our communities. In fact, in Hawaii, retail businesses employ nearly 25 percent of the workforce, about 128,000 people. In 2012, these businesses in Hawaii generated $30 billion in sales as well as $1.2 billion in tax revenue. Many of these entrepreneurs do not want to just contribute economically, they want to contribute and do contribute to the culture and character of their communities.

For example, my office received a call from the owner of Kona Stories, a small bookstore in Kailua-Kona, HI. Kona Stories opened in 2006 and sells over 10,000 titles of all kinds. But Kona Stories doesn't just sell books, it hosts book clubs, supports local authors and artists, and it also helps promote other local businesses. The programs and meetings Kona Stories hosts focus on promoting the local culture and character of the community. Small shops like these are places that can teach visitors about the unique characteristics of our communities. They also help bring local people closer together around shared experiences and values.

Unfortunately, these small businesses are the ones that are hurt most by the advantage online merchants currently have, because they do not collect Hawaii sales and use taxes. This makes online products appear cheaper because their prices do not include State taxes, even though these taxes are technically still owed. That is not real competition, it is an artificial discount that is unfair to local brick-and-mortar businesses and it puts businesses in Hawaii, such as Kona Stories, at a disadvantage. As small businesses, they have a hard enough time competing with the online giants that can offer lower prices even if they were collecting State taxes.

In addition to allowing States to level the playing field for their local businesses, this bill would also provide a boost for State and local government by letting them collect the taxes that are already owed. According to a 2012 Hawaii Tax Review Commission report, fixing the situation and giving States such as Hawaii that option to enact necessary legislation would mean nearly $160 million in additional revenue for the State of Hawaii in 2013.

I want to be clear. That money does not come from new taxes. It comes from taxes that are already owed, that are not paid. That is money that should be going to keep teachers in the classroom, firefighters and cops on the beat, and fixing our roads and bridges so we all benefit.

Overall, the Marketplace Fairness Act is a good bill whose time has come. It balances the need to preserve a vibrant and innovative online marketplace with a need to ensure fairness for local businesses. It also ensures that everyone is meeting their responsibilities with regard to paying State and local taxes.

That is why this legislation has such a broad range of support from business, government, labor organizations, big and small, from all across the country. In fact, my home State of Hawaii has been working to try to address this issue on the State level for years. We need this Federal legislation. Passage of this bill will finally give Hawaii the ability to address this disparity and put our businesses on an even playing field. That will be especially important to the 2,000 local businesses that make up the retail merchants of Hawaii.

Madam President, I ask unanimous consent that a list of Hawaii national supporters be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF S. 743, THE MARKETPLACE FAIRNESS ACT

Retail Merchants of Hawaii, National Association of Counties, National League of Cities, U.S. Conference of Mayors, Government Finance Officers Association, National Council of State Legislatures, Bipartisan Policy Center's Governors Council, AFL–CIO, AFSCME, American Federation of Teachers, National Education Association, American Federation of Government Employees, International Association of Fire Fighters, International Federation of Professional Technical Engineers, International Union of Police Associations, Service Employees International Union, UAW, American Apparel & Footwear Association, Food Marketing Institute, Consumer Electronics Association.

Ms. HIRONO. I hope my colleagues will join me in supporting this important legislation.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. ALEXANDER. Mr. President, occasionally some of my friends on the other side of the aisle will say President Obama is being poorly treated on his nominations. That did not ring true to me because it seems to me that just the reverse was true. I have spent a good deal of time in the last two Congresses to actually make it easier for Presidents—not just President Obama but any President—to have his or her nominations considered in a timely fashion.

There are about 1,000 nominations that a President makes in the whole government that are subject to advice and consent. This is the constitutional authority of the Senate. It was put there deliberately by the Founders to provide a check and balance. The Founders did not want a king. They had been accustomed to tyranny and they wanted to think of ways to avoid that. So they created a President, not a king. They said the President shall, with these important nominations, send them up to the Senate. The Senate has the right to advise and consent. Movies and books have been writing about this. It is well known. Some of the most celebrated debates we have had in the Senate have been about Presidential nominations.

But for the most part, the Senate listens to the President's nominations, extends to him the courtesy that he was, after all, elected by the American people, that he has a right to staff his government. He has the benefit of the doubt on his nominations for judges.

So I was surprised to keep hearing from some of my Democratic friends. Every time we confirmed a judge, somebody would come on the floor and say: The Republicans are holding up President Obama's nominations. I did not think that was true. So I asked my staff to work with the Congressional Research Service. I come to the floor to include in the RECORD the facts which show it is not true.

Here is the bottom line. The Senate has confirmed President Obama's nominations for Cabinet more rapidly than it did those of President George W. Bush or President Clinton; and has confirmed Obama's nominations to circuit courts—but not his district court nominations—more rapidly than it did those of President George W. Bush.

In 2013, the Senate changed its rules to speed up consideration of those district judge nominations. In the history of the Senate, of course this includes President Obama, no Cabinet member, unless we count John Bolton's nomination by George W. Bush to be the U.N. Ambassador, and no district judge has ever been denied his or her seat because of a filibuster; that is, a failed cloture vote.

In the history of the Senate, only seven circuit judge nominees have been denied their seats by a filibuster, five of George W. Bush's nominees and two of President Obama's nominees. I ask unanimous consent to have printed in the RECORD this summary of President Obama's nominations, along with an article from the Washington Post that points out that President Obama's nominees have been confirmed more rapidly than those of the last three Presidents in his first term.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT OBAMA'S NOMINATIONS

BOTTOM LINE:

The Senate has confirmed President Obama's nominations for cabinet and circuit court—but not his district court nominations—more rapidly than it did those of President G.W. Bush or President Clinton. In 2013 the Senate changed its rules to speed up consideration of district judge nominations.

In the history of the Senate, no cabinet member (unless you count John Bolton) and no district judge has ever been denied his/her seat because of a filibuster (failed cloture vote). In the history of the Senate, only SEVEN circuit judge nominees have been denied their seat by filibuster—FIVE G.W. Bush nominees and TWO Obama nominees.

FIRST-TERM CIRCUIT COURT JUDICIAL CONFIRMATIONS:

Obama average time (240 days) is FASTER than G.W. Bush (277 days) from nomination to confirmation.

FIRST-TERM DISTRICT COURT NOMINEES:

Obama average time (221 days) is SLOWER than G.W. Bush (156 days) from nomination to confirmation NOTE: January, 2013 senate rules changes should speed this up.

SECOND-TERM CABINET CONFIRMATIONS:

Obama average time (46 days) is FASTER than G.W. Bush (55 days) or Clinton (68 days) from announcement to confirmation (see attached Washington Post article).

SENATE FILIBUSTERS THAT DENIED A CABINET NOMINEE HIS/HER SEAT DUE TO A FAILED CLOTURE VOTE:

NONE in the history of Senate (with only exception G.W. Bush's nomination of John Bolton in 2005).

SENATE FILIBUSTERS THAT DENIED A DISTRICT JUDGE NOMINEE HIS/HER SEAT BECAUSE OF FAILED CLOTURE VOTE:

NONE in the history of the Senate.

SENATE FILIBUSTERS THAT DENIED A CIRCUIT JUDGE NOMINEE HIS/HER SEAT BECAUSE OF A FAILED CLOTURE VOTE:

SEVEN in the history of the Senate, including five under G.W. Bush and two under Obama.

In 2011, Senate rules changes created ''innocent until nominated'' working group to make it easier for presidential nominees to be considered and eliminated 169 major and approximately 3000 minor presidential nominations requiring confirmation. And 273 Presidential nominations were placed in an expedited process.

In 2013, the Senate has confirmed 10 Obama judicial nominees (4 circuit, 6 district). President G.W. Bush by comparison had 0 judges confirmed at this point in his second-term.

[From the Washington Post, Mar. 18, 2013]

SENATE MOVING ON OBAMA NOMINEES

(By Al Kamen)

How slowly is President Obama's second-term Cabinet coming together?

Well, there are two sides to the story.

One part of the equation is how fast Obama is putting up nominees. And it seems he's been pretty sluggish on that front. With the addition Monday of Thomas Perez for labor secretary, he's announced eight nominees and still has four more Cabinet or Cabinet-rank jobs to fill. By contrast, George W. Bush had made 11 nominations by this time in his second term—nine of which he made in the six weeks after reelection. Bill Clinton had announced 12 nominees by the end of the December after his reelection.

But in the second half of the Obama administration's nomination picture—how quickly the Senate is approving those nominees—things are moving apace.

Three of Obama's Cabinet nominees have been confirmed so far: Secretary of State John Kerry, Defense Secretary Chuck Hagel and Treasury Secretary Jack Lew. For those folks, the average number of days between the announcement by the White House and confirmation is 45.6 days, which beats the averages of the last three administrations that had second terms.

According to the Congressional Research Service, it took an average of 54.6 days for Bush's second-term nominees; that figure was 67.8 days for Clinton's picks and 56 days for Ronald Reagan's.

Who says the Senate can't step lively these days?

Mr. ALEXANDER. To be more specific about these matters, let's take circuit court judicial confirmations in President Obama's first term. According to our research, the average time for President Obama's nominees was 240 days. That is faster than President George W. Bush, 277 days from nomination to confirmation. So circuit court judicial confirmations which are usually the subject of great interest around here, President Obama treated better than President George W. Bush, slightly better.

First-term district court nominees. The Obama average time, 221 days is slower than George W. Bush, 156 days from nomination to confirmation. That is why in January of 2013 we changed the Senate rules to speed this up. Apparently, that is working. Last time I checked, during this year, the beginning of President Obama's second term, he has to date had 13 judges confirmed. President Bush, in this same period of time in his second term, had one judge confirmed. Second-term Cabinet confirmations. The average time of President Obama's nominees is 46 days. That is faster than George W. Bush, 55 days, and faster than Bill Clinton, 68 days from announcement to confirmation.

I mentioned the Washington Post article which said—it was published March 18, 2013. It says:

He has announced eight nominees and still has four more cabinet or cabinet-ranked jobs to fill. By contrast, George W. Bush had made 11 nominations by this time in his second term—nine of which he made in the six weeks after reelection. Bill Clinton had announced 12 nominees by the end of December after his reelection.

In other words, President Obama is a little slower in making his second-term nominations.

According to the Congressional Research Service,—

Says the Washington Post:

—it took an average of 54.6 days for Bush's second-term nominees; that figure was 67.8 days for Clinton's picks and 56 days for Ronald Reagan's. So the Obama nominees were moving more rapidly.

Senate filibusters that denied a Cabinet nominee his or her seat due to a failed cloture vote. It has never happened in Senate history so far as we can find, with the exception of President George W. Bush's nomination of John Bolton.

There have been occasions when the minority says we are not ready to cut off debate yet. We have more information we want about a Cabinet member. That happened with Secretary Hagel. Many of us made it clear to the majority leader that his motion to cut off debate on Secretary Hagel's nomination was premature because it had only been reported by committee for 2 days; we requested another 10 days to consider it, that was until after the recess, and said that there would be an up-or-down vote.

But so far as we are able to tell, there has always been an up-or-down vote on any President's nominee for the Cabinet, after that Cabinet member has gotten to floor. Now it may be that in the past some Cabinet nominees fell by the wayside in committee. I have repeated on the floor my own experience in 1991, when President Bush nominated me to be Education Secretary and Senator Metzenbaum put a hold on my nomination that lasted a month, but I was eventually confirmed unanimously.

So there may have been secret holds in the past that slowed down nominations or even may have killed one. But so far as the Congressional Research Service has found, no Cabinet member by President Obama or any President has been denied his or her seat ultimately by a failed cloture vote.

Same with district judges. No district judge in the history of the Senate has been denied his or her seat by a failed cloture vote. There may have been a cloture vote on one or two occasions, but in the end, that person was finally seated.

Then, as far as circuit judges, one of my great disappointments in the Senate was when I arrived in 2003. The Democrats had cooked up a plan to filibuster President Bush's circuit court Federal nominees. So far as I can tell, that had never been done before. There was always an up-or-down vote. Even in the case of Clarence Thomas, for example, a controversial nominee for the Supreme Court, I think the vote was 53 to 47 or 52 to 48. There was no thought of killing Clarence Thomas's nomination by a cloture vote, by a 60-vote margin.

What happened was, without dwelling on it too much, Democrats decided they did not like some of President Bush's nominees. It was not they were not qualified. Michael Estrada was one, one of the most eminently qualified persons ever nominated. Bill Pryor was another one, from Alabama, former law clerk to Judge Wisdom for whom I used to clerk. Pickering of Mississippi was another.

They were basically smeared is what happened. It was an outrageous thing. I remember I was waiting to make my maiden speech as a Senator in 2003 on another subject. I got so upset about this. The first time I spoke on the Senate floor was against that, against that practice of denying a President an up-or-down vote on his circuit judge nominees.

If you do not like the person, vote against him or her but at least allow an up-or-down vote. That so enraged the other Republicans that they wanted to change the rules of the Senate. They said: OK. We have the majority. There are 55 of us. We will just change the rules. We will confirm all of President Bush's judges with 51 votes. That is what the Democrats have tried to do at the beginning of the last two Congresses: We have enough votes to do it. We will change the rules and everything will be 51.

Cooler heads prevailed. I made a couple speeches about it. Democrats and Republicans got together, one of these gangs that we have, maybe 14 Members, they said: Look, except in extraordinary cases in the case of circuit judges, there will always be an up-or-down vote on a President's nominee.

But a lot of the damage had been done. Five of President George W. Bush's Federal circuit judge nominees were denied their seat because of a filibuster. So as far as we can tell, with the research of the Congressional Research Service, that was the first time in the history of the Senate that it happened. As one might expect, now Republicans have done the same thing, twice in the case of Ms. Halligan. If we count her as twice, that is three. But we can count Miguel Estrada several times because he was filibustered a half dozen times.

The record is the Democrats have now blocked five of President Bush's Republican nominees for circuit judge, and Republicans have blocked two of President Obama's nominees. I don't believe this is good for the Senate or for the country. It would be better if we had up-or-down votes for Cabinet members and for Federal judges, both Cabinet and district.

The body of the Senate has precedents. My own personal view is as far

as district judges go I will always vote for an up-or-down vote. As far as circuit judges go, I will always do so except in an extraordinary case. I have always thought a President ought to be able to have an up-or-down vote on a Cabinet member. Again, the Democrats, under President Bush, decided once not to do this.

I believe it is important to bring this before the Senate. I would like us not to go any further in the direction we have followed in the last 20 years. I would like for us in the Senate to get back to where we recognize elections have consequences. The President needs to staff his government. Give the President the presumption of the doubt on judicial nominees. If we don't like the judge, vote no.

This means Republicans now need to swallow a little hard because there is a Democratic President and a Democratic Senate. It will not always be this way. We may have a Republican President and a Democratic Senate. Then the Democratic Senate could decide never to confirm a Cabinet member or never to confirm a circuit judge. I think the American people would be very upset with that. It is important to bring this to the attention of the full Senate and place this in the record.

One other aspect which is important, we have had very good conversations at the beginning of the last two Congresses about the rules of the Senate. The rules of the Senate are not as exciting as a debate about guns, immigration, or a debate about marketplace fairness, which is really the 10th Amendment we are having today. However, they are very fundamental to our country's structure.

The wisdom of our Founders was that they set up three competing, sound branches of government. All need to function well in order for us to have our liberty. This is why we have checks and balances. We want our liberty. We don't want a king, we don't want a runaway parliament, and we don't want a runaway court. We want checks and balances so we, as individuals, can retain our liberty.

I wish the Senate to function as it should and the advice and consent nomination to function as it should.

This is why as part of our rules change we took some steps to streamline the advice and consent role of the Senate. We did this when it wasn't clear whether there would be a President Obama or a President Romney, which is one way we were able to do it with the Democratic Senate and a Republican House.

We took some important steps. For example, we reduced the number of Presidential nominees which require a full-blown Senate confirmation by approximately 170. We took approximately 200 of those nominees right to the desk, and they were expedited. Unless an individual Senator says: I wish to have a full hearing on a member of the board for the Goldwater Scholarship Fund—or something such as this, then it stays on the desk, goes through the committee for vetting, and is moved to the calendar for a vote. This has worked pretty well.

We did one other thing which was important and which, hopefully, the President and his administration are taking advantage of, we tried to work on the innocent-until-nominated syndrome which has existed around here for a long time.

Whenever someone is nominated for a Cabinet position, we need to go through such a process of vetting, public scrutiny, and general indignation, we wonder why anybody in his or her right mind would do it. Many people won't. This is why we call it innocent until nominated.

One reason for this is because of the multiplicity of forms a nominee such as the Secretary of Education needs to fill out. They might need to fill out one form about what their income was in 1977 and then another form about what their income was in 1977 by a different definition. When they arrive at their hearing and someone has made a mistake, some Senator accuses the nominee of perjury because he was sworn in and said he was going to tell the truth. It was easy to make a mistake under those circumstances.

What we did was create a working group to review all the forms. They made recommendations mainly to the executive branch about simplifying them. The executive branch has worked with our Senate committees. They are doing this now.

As a result, if I am nominated for Secretary of Education, I might fill out a single form which might comprise the only form I would need to fill out for the executive branch. Any Senate committee could ask any question at once and add that to the form, but they might agree to start with this form. It should make it simpler for the nominee, easier for the Senators as we go through the confirmation process, and it might be a way to help encourage talented men and women to enter public service.

The President has said to several of us before that he recognizes part of the reason his nominations aren't moving as rapidly as he would wish is because of the vetting process, the process he and his administration need to go through before they even send anybody over to the Senate.

Much of the delay is in the time which comes before a nomination actually arrives in the Senate.

I hope this review will help to quiet down these—as Senator GRASSLEY said—crocodile tears on the other side of the aisle. We don't think they are deserved.

The President's nominees are moving more rapidly than the last three Presidents, and his circuit court nominees moved more rapidly than those of George W. Bush. As we change the rules to speed up his district court nominees—he is ahead 13 to 1 in terms of nominations in the second term for judges. This is a pretty good record.

It is my desire the President will work with us to speed up the vetting process to develop an innocent-until-nominated effort, which is ongoing to enable it to be an advantage not to just this President but future Presidents. Hopefully, we may give respect and due consideration to any nominee the President sends forward.

At the same time, the President will recognize we have an advice and consent responsibility. It may take some time. We will ask questions and may not want to move to a final vote at the very moment the majority leader may. This doesn't necessarily mean the nominee will be denied his or her seat. As a matter of fact, as far as I can find in the history of the Senate, it has not, with the exception of John Bolton.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Tennessee for coming to the floor. He has been here with some frequency together with the Republican Senator from Wyoming to discuss the matter which is pending before the Senate.

What is pending before the Senate is known as the Marketplace Fairness Act. It is a measure which Senator ENZI of Wyoming has been working on for 12 years and one on which I have worked with him for several years. It is an interesting issue because it is one where the Supreme Court challenged Congress 20 years ago. The States went to the Supreme Court and said: We want those who are not physically present in our State, but sell in our State, to collect sales tax. At that time the Supreme Court in the Quill decision said no; this is up to Congress. Congress needs to take action.

Here we are 20 years later and the conversation has changed dramatically. What used to be sales by mail or catalog are now Internet sales, and they are growing in volume by the day. States are finding themselves in a challenging situation.

States pass sales taxes. Senator ALEXANDER was Governor of Tennessee. The State decided on a State sales tax. They say to every business in the State—as Senator MANCHIN understands because he was Governor of West Virginia—every sale you make over the counter collects sales tax for West Virginia, Tennessee, or in the State of Illinois. Those merchants understand their legal responsibility, their civic responsibility, and they collect the sales tax, remitting this amount back to the State.

The problem they now have discovered is what is known as showrooming. Store owners have described this as a situation where a customer shows up and requests to look at running shoes—this happens at Chris Koos running sports shop in Normal, IL. The customer will say: These look good, but do you have them in a different color? Staff goes back and gets another box of shoes for the customer who tries them

on. Then they will say: This looks great but do you have a wider one? Yes, that is perfect. That is the shoe I want. Let me write down the information about the shoe.

The customer will then turn around, go home, and order the shoe on the Internet. The local merchant who did all of the work, who displayed the merchandise, pays the rent, pays the taxes, receives nothing. The person buys it over the Internet because many Internet retailers do not collect sales tax.

In my State this might be 8, 9 or 10 percent difference. Chris, my friend, the mayor of Normal, told me it is not unusual 2 weeks later for them to come back in with the shoes purchased over the Internet and say: These didn't turn out right. He reminds them they didn't buy the shoes in his store.

This is a story repeated over and over. The brick-and-mortar retailers, the shops on Main Street, and the malls feel they are at a great disadvantage. If their competition on the Internet is not collecting sales tax and they are, it puts them at a competitive disadvantage.

In all of the States with a sales tax, approximately 46 States, if I am not mistaken the purchaser over the Internet has a legal responsibility to pay the sales tax. Most people don't know this. In my State of Illinois people are supposed to pay it when they file their State income tax. There is a line: How much do you owe for sales tax and use tax for remote purchases on Internet purchases?

Several months ago I was reminded by my bookkeeper this line was on the form. I said I should take a quick look to see what I owe.

One in twenty people in Illinois fill out this line. We have about 95 percent of the taxpayers in my State who put zero. We know it is more than 5 percent of the people living in Illinois who are purchasing over the Internet. This tax is not paid.

What this bill says is we don't create any Federal tax; no, none at all. We don't create any new State or local tax, none at all. What we do say is States can give the software to these Internet retailers to collect the tax when people make the purchase.

I recently bought a book on amazon.com, put in my address, ZIP code, and they calculated instantly how much I owed in sales tax on that purchase. I paid it and the money was emitted to the Illinois Department of revenue. They are doing this even though there is no legal obligation for them to do so. More and more companies such as Lands End—I called them. They said: We collect sales tax.

More and more companies are doing so, but this would make it uniform. We wrote this law understanding there are some small Internet retailers who perhaps sell several hundred or several thousands of dollars' worth of goods in the course of a year. We exempt them. They don't have to collect the sales tax if their revenues from the previous year are below $1 million. We exempt them. That is to put no hardship on the small retailers but to go after the 1 percent with sales in excess—revenue in excess of $1 million. We go after them to make them pay what they should.

This is what is pending before the Senate. It has been a long time coming. We have been working with retailers across America to accomplish this. They have said this will give them a level playing field when it comes to sales. The same sales tax is collected over the counter which is collected over the Internet. This is the way it works and at no expense to the retailer.

The States need to provide the software for the collection. They are not going to be held responsible if the State gives software which is imperfect. They can't be held responsible for it. If they use the software given to them, they have met their legal obligation. This is what is before us.

We have had two votes now: one a symbolic vote on the budget and another a procedural vote to move forward on this measure yesterday, which 74 Senators voted for, which is pretty substantial in a body of 100 Senators. All but 5 of the Democratic Senators support it, and a substantial number, 24 or 25 Senators, from the Republican side support this, more than half of their caucus.

We are on this measure now. I have said to my colleagues, and I believe Senator ALEXANDER said to his Republican colleagues: If you have an amendment which is relevant and material to this bill, bring it to the floor. Let's get into a debate. Let's talk about these amendments. Let's vote on these amendments, and then let's move to final passage.

Those who will witness this will see a rare occurrence on the floor of the Senate—perhaps an actual debate and vote on an amendment. It doesn't happen very often around here. So you may wish to stay tuned. I encourage all of my colleagues interested in this issue who believe they would like to offer some form of an amendment to please bring it to the floor as soon as it is ready, which I hope will be today. This is our last week in session before we break for a week. We want to get this bill done. We started early in the week—on Monday, yesterday—and we want to get it done by Friday. If we have to stay over, we will stay over—Saturday, whatever it takes. We want to get this done before this break, and it now depends on my colleagues.

Those who are sitting on an idea, it is time to let it hatch. Bring it to the floor, and let's have a vote on it or let's talk about it. It may be something we can accept. If it is, we will try. If it isn't, we will bring it up for a vote and let the Senate decide. We want to act as a Senate because we have a good bipartisan measure, Senator HEITKAMP of North Dakota and I, joining on the Democratic side along with quite a few others, Senators Enzi and Alexander on the Republican side.

I urge my colleagues and staff who are following this debate, now is the time. If you have an amendment, bring it to the floor today, right now. We will be here to receive those amendments and to work on them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see the principal leaders for this legislation, Senators Durbin and Enzi, and I congratulate them for their leadership. What they have been able to do is to come up with a simple, 11-page bill that has two words for a theme—States rights or 10th Amendment. We have a majority of Senators on the Democratic side and a majority of Senators on the Republican side who have indicated their support for it. They voted twice in support of it.

I talked with Senators at the Republican luncheon today, and at least one Member told me he had a couple of amendments, and I encouraged him to bring them on down because we want amendments. We want this to be discussed on the Senate floor. Senator REID, the majority leader, has said there will be amendments. I have a fishing amendment I would like to get passed somewhere, but I will not offer it on this bill because I want to offer amendments that are related to marketplace fairness. But there are a number of ideas that are, and they ought to be discussed.

I wonder if, before I finish, I might ask the distinguished Senator from Illinois a question. Maybe I am just sensitive to this as a former Governor, as I know the occupant of the Chair is as well, but I wonder if the Senator from Illinois finds it a little ironic there are some people in Washington who say they do not trust the States to make decisions about their own tax structure. I was Governor of a State that has a triple-A bond rating, no State debt on roads, no income tax, is one of the best run States, and when I was there had eight balanced budgets. Unfortunately, during the 10 years I have been in the Senate, we haven't had any of that. So I feel just the reverse.

In a constitutional framework that has a 10th Amendment that says decisions are reserved to the sovereign State, it not only smacks of a lack of respect for our constitutional structure, but it makes no sense to me that Members of Congress would not trust the Governor of Tennessee and the Legislature of Tennessee to make their own decisions.

We had a representative today at a meeting that all three of us attended who said that in Ohio, as I recall, the legislature and the Governor have already decided that if we pass this law permitting Ohio to collect taxes from everybody who already owes them rather than just some people, they will reduce their income tax rate.

So does the Senator find it ironic there would be people in Washington

who don't trust the States to make decisions for themselves in a constitutional system that was created by sovereign States?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Tennessee for posing that question, and through the Chair I would say to him that I am in a tough position here facing two former Governors—Governors of West Virginia and Tennessee—but I am sure they agree with what I am about to say.

In this circumstance, the decision was made by the State of Tennessee—and West Virginia as well—as to what the sales tax would be by the people living in the State and making purchases in the State. We don't change that at all. That is up to the States to decide.

As I mentioned, four States, maybe five States, when it comes to sales tax, have no sales tax. What we are putting in this bill will not change that in any way. If you live in Oregon, you will pay no sales tax because of this bill for what is sold over the counter or over the Internet.

Our friends from Delaware are supporting this bill because they think because they are a no-sales-tax State surrounded by Pennsylvania and New Jersey and Maryland, they are going to have an advantage. They believe people will cross the borders to buy in Delaware. So they have calculated this actually helps them.

But we are respecting the decisions made by each State as to the taxes that will be imposed. We are doing it on a fair and equalized basis for those who have brick-and-mortar stores as well as those over the Internet. And I would say that is consistent with the 10th Amendment and consistent with States rights in this area.

Mr. ALEXANDER. Mr. President, I wonder if I could, through the Chair, pose another question to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. If I am not mistaken, there is a Federal moratorium on Internet taxes; that is, there is a Federal temporary ban on State taxes on access to the Internet. Am I not correct that if the Marketplace Fairness Act passes, that ban will still be there? In other words, today there is a Federal ban on Internet taxes, and after this law passes there will continue to be a ban on Internet taxes? And this is not about Internet taxes, it is about State sales and use taxes that are already owed but in some cases are not collected.

Mr. DURBIN. Responding to the Senator from Tennessee through the Chair, he is right. And this has been controversial. I can remember that in the last debate—and it was a few years ago—the argument being made was that we should have free access to the Internet. I don't quarrel with that. The Internet has been a powerful force in our economy. It is going to grow as a force in our economy, and I don't believe we should tax access to the Internet. There are also a myriad of bills related to services over the Internet and whether they should be taxed. We do not get into that in any way whatsoever. What we are talking about are taxable goods by State law subject to State sales taxes as they currently exist. We don't change those taxes in any way.

A point that was raised in our press conference is an important one. Some States treat food differently, prescription drugs differently. The State has to basically tell the retail community what the State standard is going to be for the categories of goods that are being sold. So we make it as easy as humanly possible for the Internet retailers, providing at the expense of the State the software they need to make this work.

Mr. ALEXANDER. Mr. President, the Senator alluded to this in his remarks, and we both heard Senator HEITKAMP from North Dakota. It is pretty remarkable that a Senator, in her first 3 months, would find herself in the middle of a debate about a problem she created 20 years ago in North Dakota. She brought this case that created this situation.

But let me ask the Senator from Illinois what he envisions will happen if we do not act. If I am not mistaken, under the arrangements we now have today, if a big Internet seller in Illinois—someone who sells more than $1 million a year—and as I understand it, 99 percent of Internet sellers are exempt from this, but let's say you are in that 1 percent and you want to sell in Tennessee—your responsibility is to file one return in Tennessee, and you are subject to one audit, period. And if you sell in another State, the same thing. So you might be subject to filing one report and one audit in all the States, and many of the States are part of what is called a streamline structure where they work together, so they audit together. And audits don't occur every year.

But there are 9,600 taxing jurisdictions in the United States. So what we have done or propose to do is simplify this greatly so that if you are an Internet seller, if you sell online or by catalog from Illinois to Tennessee, you have a very small number of reports you need to fill out, a very small number of audits to which you might be subjected. And your liability is very limited for making a mistake because the State has to provide the software, and if the software doesn't work, that is the State's fault and not yours.

But what would happen if we didn't act, I would ask the Senator from Illinois? What if we did not act to simplify this system, as the Supreme Court said 20 years ago is our responsibility?

Mr. DURBIN. I would say to the Senator from Tennessee through the Chair that there are two possibilities:

We continue under this current system, which works a disadvantage on the Main Street stores and shopping malls and denies to those units of government the revenue that would otherwise be coming from the sales tax. That would be one outcome.

The second outcome is—and Senator HEITKAMP has mentioned it—this case may return to the Supreme Court. If it returns to the Supreme Court, it is quite possible it won't be written as mercifully as our version. We have exempted—we have exempted Internet retail sellers with revenues the previous year below $1 million. We have tried to lean toward an accommodating approach. I don't know if the Supreme Court would reach the same decision when it comes to sales tax liability. I believe it is better for us to accept their challenge, even 20 years later, and get this done.

Mr. ALEXANDER. In addition to that, let's say I am the Governor of Tennessee and I look to the Senate and say: These guys can't get anything done. They have been debating this ever since Senator ENZI has been a Senator. They have been debating it for 14 years. They are never going to do anything.

So I just bring a lawsuit and I say: If you are going to sell in Tennessee, you are welcome, but you are going to collect the tax. I mean, Tennessee businesses collect the tax and send it in. So if you want to come in and sell to us, you do that too. We are going to treat you exactly the same way.

Now, let's say the Congress hasn't acted. Then that seller in Illinois who wants to sell in Tennessee has not only the State taxing jurisdiction to consider, he has 95 counties to consider, he has several dozen cities with local sales taxes to consider, and he has 9,600 jurisdictions across the country to consider if we don't act.

So some of the opponents of this legislation who raise this 9,600 jurisdictions—this is the solution to that problem. If you want to sell by catalog or online, this simplifies it for you, it reduces your liability, it reduces the number of forms, and it requires the States to provide the software that you would use, which many businesses are using today and it works for them.

So I would ask the Senator from Illinois, don't you imagine if we don't act, another consequence will be some Governor in some State will go back to the Supreme Court, and the Supreme Court will say: Twenty years have passed. We now have an Internet. There is no burden on interstate commerce, so it is up to the States to decide what to do.

And then we would have a big free-for-all.

Mr. DURBIN. Responding to the Senator from Tennessee through the Chair, I listened to the speeches of our critics, and they were swooning over the notion of being subjected to 9,600 taxing districts, taxing entities. What the Senator from Tennessee has described is our answer. This bill avoids that problem. This bill simplifies that situation.

We are down to 46 States with the defined goods and the defined sales tax. That is more reasonable for the retailers than running the risk, as the Senator suggests, that this goes back to the Supreme Court, and 20 years after the fact they say: It is wide open. If Congress is not going to act, the Internet retail community has now matured to a point where they should be able to collect sales tax in every taxing entity where a person resides.

I believe that is a much more complex and challenging situation.

Mr. ALEXANDER. Mr. President, I see Senator ENZI is here, and I appreciate his patience in allowing me to go ahead, but I know if I were still the Governor of Tennessee—which I am not, and I won't be again—and Congress did not act on this and I saw an opportunity—if I looked across my State and I saw that our tax laws treated some taxpayers one way and other taxpayers a different way and instate businesses one way and out-of-State businesses better, it wouldn't take me 20 minutes to call the attorney general over and say: Let's take this case to court. Let's go back to court. If somebody is going to sell in Tennessee, they are going to collect the tax.

I believe I would have a reasonably good chance of winning. And I am confident that, knowing a number of the Governors around this country, if we fail to act, I will bet one of them will be in court the next day.

I congratulate Senator DURBIN and Senator ENZI for their persistence in creating what is an 11-page bill about two words—States rights—that will—my prediction—allow many States to lower their tax rates when they collect taxes that are already owed but not paid and treat businesses the same way and taxpayers the same way.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Tennessee, Mr. ALEXANDER, and the Senator from Illinois, Mr. DURBIN, for this discussion they have had where I think they cleared up a lot of the confusion there might be over the bill. They have presented excellent reasons why we need to get this bill done, and why we need to get it done now—so we can continue to grow businesses in our States instead of growing businesses outside of our States.

There are a number of things people have mentioned. One of the big ones I want to talk about is the small seller exemption. I know Senator WYDEN from Oregon has suggested a compromise for the whole bill which was to create the nontax States to be a haven for all Internet sales, and that won't work. Our purpose is not to move all of the business online out of our own States but to keep it there.

But there is a compromise in this bill. It is called the small seller exemption, and that is where people who are starting in business don't have to collect the tax when they are out of State. With in-State sales, a lot of them will have retail sales in their State as well as hopefully some online sales. On what they sell in their bricks-and-mortar store, they collect sales tax from everybody who buys from them. There is no exemption. But the compromise we made for the online sales was until a retailer hits the $1 million mark in a year—and we would love for them to hit the $1 million mark and have that kind of business. But until they do, they are protected in that they don't have to collect the tax. We give them a break over the in-State retailers. Of course, the ones who are in State who are selling out of State have that same online break. But that is why we have a small seller exemption, to continue to grow small businesses that are using the Internet. We want the Internet to grow and are not discriminating against the Internet. And as has been mentioned, there will be no tax on the use of the Internet. That is not a part of this bill.

This is a tax on what people buy on the Internet, because States already anticipate that the sales tax they have in place is going to be paid on every purchase. When that money comes back, part usually goes to the State, part goes to the county, part goes to the towns. That is to provide for their schools, fire protection, for all of the services people who live in the communities are used to. I can tell you that in Wyoming that makes up at least 30 percent of everybody's budget. I know in one town it is 70 percent of their budget.

So if you start eliminating the sales tax by getting products from out of State, you are wiping out services in the local communities. Those local communities are where the Main Street retailers, the shopping center retailers—the brick-and-mortar retailers—are the ones paying property tax. They are hiring local people, and they are also participating in the community in a number of ways. School yearbooks probably wouldn't exist without the participation of the local merchants.

We want to continue to encourage the local merchants, and so we came up with the small seller exemption of $1 million. You don't start collecting the tax and you don't need to get the free software to be able to collect the tax until you hit the $1 million mark in a year, and then that would go into effect.

We looked into a number of different levels. Our older bill had ½ million in the Senate bill and the House had $1 million in their bill. I said, Let's give a little more flexibility. Let's go with the $1 million. So that is how we wound up with $1 million.

I will comment more on this later, but I see my fellow Senator is here who would probably like to make a comment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first let me thank Senator ENZI and Senator ALEXANDER. I completely agree with their position.

I had a chance to talk about this issue when we were debating it on the budget issue. The bill simply removes an impediment from the States being able to collect the sales taxes that are due. It responds to the Quill decision about requiring a physical presence in a State in order to require that State to collect the sales tax.

Senator ENZI points out there are no new taxes; that it is a matter of basic fairness. It really does help small businesses. The brick-and-mortar companies located in our neighborhoods, small shopowners who build a neighborhood and build a community, are the ones who are at risk where they have to pay sales taxes and yet their competitors don't.

I will give a short example with a story told to me about a retailer selling electronic goods. The consumer came into the shop, looked and found the product she wanted, went on the Internet, found the product for the same price on the Internet but didn't have to pay the sales tax, and literally bought it while the shopowner was watching—after the shopowner had given that individual personal service. The shopowner didn't lose the sale because of competitiveness but lost the sale because of tax avoidance. This bill would correct that.

This is $23 billion. This is a lot of money our States are not collecting. These are taxes that are already imposed. In my own State of Maryland, it is somewhere between $150 million and $300 million of taxes that could be used to reduce tax burdens to the taxpayers in my State.

It is a matter of basic fairness, something that needs to be done. As Senator ENZI pointed out, it will simplify the sales tax collections by using the Streamlined Sales and Use Tax Agreement, and we exempt small sellers of $1-million-or-below sales. So it is an issue that needs to be passed, and I am pleased that we are finally getting around to passing it.

Mr. President, I ask unanimous consent to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUESTRATION

Mr. CARDIN. I have never supported the sequestration. I always thought it was a big mistake. These are across-the-board, mindless cuts that say every priority in government is identical to the other. That is not the case.

If you had a problem in your family budget and you had to reduce some spending and you had money put aside for your mortgage payment, your rent payment, or your family food budget, and maybe some money for a weekend

trip, you wouldn't identically cut every category. You may give up that weekend trip in order to be able to save the roof over your family or put food on the table. Sequestration says every priority in government is the same.

It is also not directed to where we need to go to reduce the deficit. Once again, sequestration primarily applies to domestic discretionary spending. It provides a fourth round of cuts when we have already had cuts over the last 3 years. For the agencies that are affected, it is equivalent to about a 10-percent cut. You can't do that without seriously affecting the mission of the agencies, and that is wrong. That is why I have said from the beginning, let's replace sequestration.

March 1 came; sequestration came; people woke up the next day and said, What is the big deal? Well, we are finding out what the big deal is all about. We just heard from the FAA, the air traffic controllers, that because of sequestration they have very little option—85 percent of their operational budget is in personnel, and air traffic controllers are most of the personnel. Therefore, they have announced they have to furlough 11 days during the remainder of this fiscal year. That comes out to about one furlough day over each work period. It is as much as a 10-percent reduction in the workforce to man our towers to make sure air traffic is managed safely. You can't do that with that type of reduction, and we are now looking at whether there are going to be significant delays of flights. Those types of cuts are ridiculous. We know better than that. There is no question about it, these are the types of things that are going to hurt our economy if we can't have a reliable air traffic service.

I was talking to one of the nonprofits in Maryland that manages a Head Start Program, and they were telling me about what the fall enrollment is going to be. They have a waiting list of families who want their children in Head Start and qualify for Head Start and aren't going to be able to get into a Head Start Program. Why? Because of sequestration. The waiting list will get longer. Children will be denied the ability to go to Head Start Programs. Did we intend that? I don't think so. I don't think our colleagues wanted to say we were going to balance our budgets on the backs of children being denied Head Start placement.

I was at the National Institutes of Health not too long ago. The research they do is so critically important to our country's future. It is not only the fact that they are discovering the answers to dread diseases or ways in which we can keep people healthy. They are now working on developing a universal flu vaccine against the influenza so you don't have to get a vaccine every year. Think how many lives that can save. It is also the basic research we need in order to create the jobs in the bioscience areas and the tech areas. This is about creating more jobs in our communities. Now they are going to have to give up grants as a result of sequestration even though today they are only approving about one out of every seven worthwhile grant applications. We certainly didn't intend that through sequestration.

I could talk about new transit starts. We have some very exciting programs in Baltimore, Washington, and Maryland—a purple line to provide transit between the Washington suburban counties and Maryland. We have transit programs in Baltimore. We have the corridor cities along the 270 corridor. We have southern Maryland that needs help. All these programs need to compete for a limited amount of funds. Now, because of sequestration, there are going to be less funds available, meaning we are going to have more traffic jams rather than less. Do we mean for that to happen?

I could go on and on. I could talk about the cuts to the Department of Defense and what they have to go through. These weren't cuts we initiated, saying this program needs to be reduced. These aren't the types of deliberative actions a Congress would do. It is saying we are going to do a meat ax approach and tell the agency: You cut your program by this percentage amount. We advertised it a little over 5 percent, but in reality it is much higher than that because these cuts over a 7-month period reflect a year's reduction. So the cuts are even more severe when used on an annual basis.

Our Federal workforce deserves more. These are people working hard providing vital services in our country, whether it is protecting our borders or doing research or keeping our food supply safe or making sure our seniors get Social Security checks. The list goes on and on. It is not fair to those who signed up to serve the public as Federal workers, and it is certainly not fair to our economy. This is having a very damaging impact on the economy of this country. We have already seen in the most recent job reports a slowdown of more than we predicted, and most economists say it is directly related to these across-the-board sequestration cuts.

So what should we do? We are in session. It is time for us to act. We are in the fiscal budget year 2013. Yes, we passed a budget at the end of last year. I think it was on January 1 when it finally got around to passing. We passed it at the sequestration levels saying we hoped we would figure out a budget plan to avoid the sequestration cuts in this year. So let us consider a way to avoid these mindless across-the-board cuts, and substitute it for sensible reductions that we know will not have the same type of unintended consequences on services that are vitally important to our economy and to the people of this country.

There are areas where we have savings. We know that. We have that in the overseas contingency accounts under the Department of Defense. We know we can find savings in tax expenditures. We spend $1.2 trillion a year in tax expenditures. We know we can certainly find some savings on tax expenditures. I think we have to look at a broader level than just these discretionary spending accounts that are particularly devastated by these sequestration cuts.

I urge this body to find a way we can replace sequestration for fiscal year 2013—this current fiscal year—by more responsible budget savings, and then, working through our appropriations committees, working through the Budget Committee and the other committees for fiscal year 2014, have time under a more normal legislative process to figure out our spending priorities to go beyond the appropriate dollars—what we do on the Tax Code, what we do under mandatory spending. Let's bring up that game plan after the next fiscal year, 2014, which begins October 1. But for the current situation, let's replace sequestration with a more sensible way to get those savings, rather than causing harm—whether it is to those who depend upon air traffic, those who depend upon a place in Head Start, those who rely upon the research done at NIH, or those who depend upon having adequate support within our military. All of the above are adversely affected by sequestration. It is time for us to take action, to do what we were supposed to do: Make the tough decisions. Don't take the way out that every program in government is of equal importance.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, yesterday I came to the floor to oppose the cloture motion on the motion to proceed to the so-called Marketplace Fairness Act. I, of course, would like to, I think properly, name it the Internet Tax Collection Act because that is what it is. I strongly oppose this bill which has very serious flaws to it and very serious ramifications for not only businesses in my State, online businesses where we have seen great growth, but also online businesses across this Nation.

I strongly disagree with the decision to fast-track this bill, to skip the regular markup process of the Finance Committee. Both the chairman of the Finance Committee, Senator BAUCUS, and the ranking Republican on the Finance Committee, Senator HATCH, had opposed going to this bill without the committee doing its work.

Why? There are a number of concerns that have been raised about this bill by Members on both sides of the aisle. At a very minimum, we believe these concerns warrant a thorough vetting through the regular order. That is why I, along with Senators WYDEN, TESTER, SHAHEEN, RUBIO, LEE, and CRUZ wrote a letter to the majority leader expressing these concerns, asking again for regular order for this bill. But here we are. Cloture was invoked and I suspect the

supporters of this bill certainly do not want to go through the markup process so here we are again without regular order.

This bill is wrong for a great area of growth for our country, which is online businesses. Small business owners get hit the worst under this bill. Small business owners from my State of New Hampshire have told me—and large businesses from my State of New Hampshire that do business online have told me—this legislation would make it harder for them to do business. During the recent Senate work period, I held two roundtable discussions in New Hampshire, one in Manchester and one in Portsmouth. It was a great opportunity to hear directly from those on the ground what the implications of this bill will be to business owners in my State. I would like to share a sampling of the feedback from businesses in New Hampshire about this bill.

Russ Gaitskill, who is the president and CEO of Garnet Hill, in Franconia, NH: ''It's going to be a nightmare.''

He sent to my office an example of what he would have to do. Understand what this will make online businesses have to do in this country. They now become the tax collectors for other States, even though they do not rely on the services in those States, they do not use the roads in those States, they don't get to vote for the Representatives in those States. Taxation without representation, that is what this bill is about. They now have to collect for the rest of the Nation's 9,600 tax jurisdictions of different not only State sales taxes but local and county sales taxes.

I want to use one example of what this is like and what an administrative nightmare this is for businesses. This is 1 page of a 40-page sales tax manual that is an example of what any online business across the Nation could have to face. In New Hampshire, if there is a customer from Illinois who chooses to buy from an online business in New Hampshire—here we are. If the person lives in Grand Prairie, it is a 6.5-percent rate. But if the person is from Colona or Collison, a 6.5-percent rate or if you live in Dow, it is a 7-percent rate.

There are 9,600 different tax jurisdictions across this Nation and the people pushing this bill, the proponents, say: Oh, no problem for these businesses. Just use software. Every business has this software. It is going to be easy as pie.

So when Dow changes their tax rate half a percent, the whole program changes. Yes, that burden is put on the business. Talk about an administrative nightmare. Do you know why. Because States are in a position where they want to use that as a cash grab to make other States and online businesses do their work of tax collecting for them instead of them doing it themselves. I cannot believe my colleagues are going to go along with this and those who are pushing it.

I think it is especially odd there are Republicans who want to create this kind of complicated tax mess. I hear from my colleagues on this side of the aisle all the time about how we are going to cut through regulations, we are going to make it easier for businesses. A lot of my colleagues on the Republican end are pushing this notion that a business—oh, just let them purchase some software and then let them try to collect for almost 9,600 tax jurisdictions in the Nation. What could possibly go wrong for an online business? Many of them, smaller businesses in this country, are trying to thrive, trying to grow through a difficult time in our country.

I also heard from E&R Laundry and Dry Cleaners, a small business founded in 1921 in Manchester. About 70 percent of E&R's sales are now Internet based. The company's president said he would not have the resources to calculate, collect, and deliver sales taxes for thousands of jurisdictions across the country.

A bakery in my hometown of Nashua echoed that sentiment. Susan Lozier Roberts of Frederick's Pastries—and anybody who has been there, yum. I can understand why people across the country would want to get some Frederick's pastries. Susan said it would create mass confusion, keeping up with all the individual State tax codes.

I heard the same from one of the most prominent maple sugar producers in the State. In New Hampshire, we are a State that prides itself on its maple sugar products. Peter Thomson—his father was the late Gov. Mel Thomson, a wonderful figure in the history of our State—said it would be a burden we just couldn't afford.

Ken Smith, the owner of Maine-ly New Hampshire, said: I physically don't have the manpower or the hours to be able to handle something like this.

Jenn Coffey, another business owner, said: If I had to become a tax collector on top of what I am already trying to do as a startup—we all know how hard it is so start your own business, by the way—she said: I would be out of business.

I also heard widespread concerns about the threat from faraway audits that this legislation would bring. That is the poster board I had up there, with all these tax rates. In every single one of those jurisdictions, if we divide it by county or we divide it by State, when a business in another State, in New Hampshire, for example—if they are selling to a customer in Illinois, they can then, if their computer program that everyone is saying is so easy doesn't calculate it right, they can be hauled in for an audit in another State where they do not have any physical presence. What do they do? They have to get a lawyer in another State. They have to deal in a court system in another State or with auditors with a department of revenue. Whom do they deal with? Talk about administrative nightmare, to be dragged into another State for potential audits, to have to hire lawyers in other States—what an administrative mess this bill will create.

It is truly shocking to think that people actually want to say this somehow is going to level the playing field or make it more fair, when it puts this great burden on businesses.

Travis Adams, with whaddy.com, based in Nashua, said: One tax audit from another State or jurisdiction would completely crush us.

Ben Baker, an online retailer in Barrington, said: Small businesses like mine just can't handle that kind of accounting burden. If I have to hire a bookkeeper or pay my current offsite accountants significantly more per month to track all this, you can bet my plans to expand my business in the next 6 months are a lot less likely.

Paul Ford, an online dealer in Portsmouth, perhaps summed it best when he said: The last thing we need is legislation like this.

I would also like to mention a comment from Joel Maloy, a friend of mine, a great business owner in New Hampshire, president of Polaris Direct. He said: This is not about making Main Street more competitive. It is about passing new taxes on to consumers. That is consistent with what other business owners have told me from across New Hampshire, and I have certainly also heard it from businesses across the Nation. They know this is not about competitiveness. It is about helping States get more money to spend on programs they cannot afford.

That is what the Wall Street Journal said this week. The paper called the Marketplace Fairness Act an online revenue raid. They said this is a bill—of course, do you know who is pushing this bill? Big business, big retail business. Do you know what it does, according to the Wall Street Journal—and I fully agree with them on this—''. . . big business and big government are uniting to pursue their mutual interest in sticking it to the little guy.''

''[B]ig business and big government are uniting to pursue their mutual interest in sticking it to the little guy.'' Haven't we had enough of that in our Nation? The paper concluded that ''the new revenues will merely fund larger government.''

Some of my conservative colleagues have tried to justify their support for this big government bill on the notion that their States will be able to reduce their income or sales tax. I think we all understand there is no requirement in this bill that States have to reduce some other tax burden if they collect taxes in this way. This is just about spending more money.

Let's talk about the Constitution. By imposing collection requirements on businesses that have no physical presence outside their home State, I also fear this is going to trample on existing State sovereignty. Under current Supreme Court precedent, in the absence of an actual sufficient nexus, a State cannot reach beyond its borders

to compel out-of-State Internet vendors to collect taxes on a particular transaction. That is the Quill decision.

By usurping and changing the standard, it would undermine an important limitation in the commerce clause, the nexus requirement. So now your nexus with a State is a click; instead of a physical presence in a State. If an online business in New Hampshire has to collect and remit sales taxes for online customers from Massachusetts, what is to prevent Congress from later expanding the commerce clause even further to require New Hampshire brick-and-mortar businesses to collect the Massachusetts tax, because Massachusetts has already tried to do this to New Hampshire. In fact, when I was attorney general of the State, we brought a case to the Massachusetts Supreme Court because there were customers from Massachusetts who came over to buy some tires in New Hampshire and the Massachusetts DRA tried to get New Hampshire businesses to collect that tax.

That is exactly what we are doing with this bill. It actually places an unfair burden on online businesses versus brick-and-mortar businesses that are in that situation that now do not have to collect that. But I worry that will be the next step for businesses in my State of New Hampshire and other States across this Nation that do not have a sales tax.

What about stores that sell through catalogs. Their customers are frequently older and less likely to have transportation or be online. Will catalog vendors also have to collect and remit State sales taxes?

Finally, what about other unintended consequences on consumers, retirees, and investors? That is the type of information we would have talked about in a committee hearing that we did not have on this bill before the Finance Committee. There was a hearing, but there was no markup. A markup is when we try to improve and deal with unintended consequences to a bill.

Could this bill open the door to taxes on financial services or transaction taxes? Some of the financial organizations have raised that issue. In my home State of New Hampshire, it is a matter of pride that we do not have a sales tax, and this bill tramples on that choice for the State of New Hampshire. That is because we know it gives our retailers, yes, an advantage in a competitive marketplace, but we also know low taxes are the result of low spending. This legislation threatens to trample on retailers in all States, forcing them to become tax collectors for other States—nearly 9,600 tax jurisdictions, as I have mentioned.

I said it before, and I will say it again. This truly is taxation without representation because businesses in New Hampshire or online businesses in other States can now be subject to doing the business of governments in other States, of collecting their taxes, when they don't elect the representatives there, when they don't rely on the roads there or the services there. Here we have it—the ultimate in taxation without representation. I say to my conservative colleagues, why would they want to support such authority given by the Federal Government?

Supporters of this amendment argue that they have created an exemption for small businesses of $1 million for small sellers, but this amount is not indexed to anything. What about the business that is $1 million and $1 in sales? Then they have to do it, and it is going to discourage businesses from growing.

Also, this limit is far lower than the SBA—the Small Business Administration—actually defines a small business.

Even with this exemption, trust me, once this exemption is in place and the States don't get all the revenue they want, they will be back. They will be back before this body to say: We didn't get enough money, so the Senate needs to authorize us further. Get rid of the exemption. We have a right to collect from those businesses as well or have them collect for us as well because that is what it is—requiring them to collect for us.

A broad coalition of groups is opposed to this far-reaching legislation. Let me talk about a few of them.

No. 1, Americans for Tax Reform. Americans for Tax Reform said:

> This legislation grants states new tax collection authority without removing equivalent taxing authority elsewhere. Therefore, this legislation can only be viewed as a tax increase.

The Financial Services Roundtable said:

> This legislation has the potential for unintended consequences. It's important for Congress to explore all possible outcomes and costs of this proposal, especially the impact on consumers.
>
> A transaction tax on financial services products will hurt retail investors, retired Americans, and small businesses, effectively making it more expensive for them to invest and plan for the long term. Without hearings, these implications and others will not be properly addressed.

Again, the Securities Industry and Financial Markets Association has raised similar concerns, saying that this could lead to a financial transaction tax which will hurt all of us.

TechNet opposes this, saying:

> Imposing a new Internet sales tax regime is a tremendously complex issue that should be addressed through regular order, starting in the Senate Finance Committee, and done in a thorough and deliberative manner.

That has not been done here.

> We should not rush a proposal that is riddled with holes and, most importantly, does not provide enough protections for small businesses, the back bone of our economy.

Americans for Prosperity opposes this. Americans for Prosperity says:

> This bill would not level the playing field; it would burden online retailers in a way that brick-and-mortar stores are not. Complying with the internet sales tax would be a considerable administrative burden for companies, particularly for small businesses.

Freedom Works opposes this as well. Heritage Action for America opposes this. The National Taxpayers Union opposes this. The Competitive Enterprise Union opposes this. Competitive Enterprise Institute opposes this, as well as the Council for Citizens Against Government Waste. These are groups that are committed to low taxes, less government, and free enterprise so we can have a strong economy.

Again, I encourage my colleagues on both sides of the aisle—especially my colleagues on this side of the aisle—to listen to the red flags these groups and several of my other colleagues have raised.

I will conclude by once again restating the serious concerns I have about this legislation. I have concerns about the impact on small business owners in my State and in States across the Nation. I have concerns about the impact on online businesses that have been such an area of growth for this country.

The concerns about the administrative application of this bill—I showed my colleagues all the tax jurisdictions. To put that burden on businesses is absolutely wrong. It is wrong for creating jobs in this country, and it is absolutely wrong to put such an administrative burden on people who are working so hard in starting their businesses and thriving and making sure they grow.

I believe we are opening Pandora's box with this bill, and this shouldn't be done in the manner it has been—without regular order. We are talking about a massive reorganization on how sales taxes are collected in this country. What will be next? What will the States ask us for the authority to tax next? That should be a very big question for our colleagues.

I strongly encourage my colleagues to put the brakes on this bill and to think about the harm this legislation would do to small online retailers across America. When consumers and online retailers in the States of my colleagues find out what is actually in this bill and they don't understand why their Senators would support an online sales tax bill, I know they will raise many concerns to my colleagues when they have the administrative burden and the nightmare of trying to collect for 9,600 tax jurisdictions in this Nation.

I urge my colleagues to oppose this bill. Thank you.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today in support of the legislation that will level the playing field for brick-and-mortar retailers in Minnesota and across our Nation. I join my bipartisan group of friends, including Senators DURBIN, ENZI, HEITKAMP, and ALEXANDER, in support of the legislation we are debating this week, the Marketplace Fairness Act. It will simply allow States to help their brick-and-mortar retailers, including the mom-and-pop shops on Main Street, stay competitive in a marketplace where online sales

have become a fact of life. This legislation is a commonsense measure that brings our sales tax laws into the 21st century.

In Minnesota the retail industry includes nearly half a million workers—about one in five jobs in our State—and those retailers need to compete on price and on service every single day. But the current sales tax system makes it impossible for them to compete on an even playing field.

Take Michael Norby, who owns Norby's, a department store in downtown Detroit Lakes, MN, whom I met last August. His situation and what I have learned from him explains a lot about why I support this bill. Norby's has been in his family since 1906. Mr. Norby wants to compete with the big guys—with the Amazons and the Overstocks of the world. He said he can compete with anybody just as long as it is on a level playing field. He said: Once you bring those guys onto the same playing field as the rest of us, we will compete with them.

But there is a problem. Mr. Norby described what they see in Norby's every day. We have heard it from other Senators. It is called showrooming. The customers come and check out the merchandise, they get help from a sales associate, then they pull out their smart phones and say: I can get this cheaper online. When Norby's has to collect sales tax and the other guys don't, it makes it impossible to compete. Mr. Norby describes this simply as an issue of fairness. And he is right.

Brick-and-mortar stores such as his should be able to compete on the same terms as online retailers. That is what this bill does, and that is why Mr. Norby supports the Marketplace Fairness Act. But it is not just about fairness. When Mr. Norby is able to compete on fair terms, he will be able to hire more people. That is what will happen when the Marketplace Fairness Act passes. And what goes for Norby's goes for other businesses around Minnesota. The Marketplace Fairness Act is going to help the local businesses in our communities that provide jobs to our constituents. And when customers shop at local retailers, that money then supports the local community and it stays in that community.

The Marketplace Fairness Act will help our States and our communities in another way. State and local budgets have been hit really hard since the great recession. One thing that has meant is that even though the private sector jobs have grown for the past 37 months, the public sector has shed a tremendous number of essential jobs—teachers, firefighters, police officers. That is why so many Governors across this country support efforts of reform, because it is the right thing to do for their States.

Republican Governors in Alabama, Arizona, South Dakota, Georgia, South Carolina, Idaho, and many other States support the concept of leveling the playing field for small businesses because it brings much needed revenue to their States without creating a new tax. There is no new tax created here. It is simply going to improve compliance under existing laws.

Minnesota has lost an estimated $397 million in revenue in 2011 alone from taxes owed but not collected on remote sales. I am sure that $397 million could do a lot for the people of Minnesota, including hiring back some of those teachers and firefighters and police officers, making improvements in infrastructure, in education, and in so many of the things that create prosperity and that affect the middle class.

I have heard from big retailers in Minnesota, such as Best Buy and Target, about how important this issue is, but I have also heard from countless mom-and-pop stores, such as Norby's Department Store. I have spoken with the Minnesota Retailers Association and the Metro Independent Business Alliance. In addition to retailers, I have heard from the League of Minnesota Cities, from mayors across the State, and from our Governor—all who understand what that revenue they are missing can do for our communities.

The Marketplace Fairness Act is bipartisan, and it is a commonsense bill. I urge my colleagues to support this legislation.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to speak as in morning business as my remarks will not relate to the business at hand.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, first of all, I wish to talk about the bill that is on the floor. I agree with Senator FRANKEN—this is a bill that enjoys bipartisan support. We saw in the budget debate just how broad and how bipartisan that support is. It is the right thing to do. It is the fair thing to do. It is a situation where government no longer decides that one business located in a community that provides the police protection, the sidewalk, and whatever else one might use as one goes into a local store and looks something over, is disadvantaged over a business that is located somewhere else.

Also, there is a fundamental policy of the importance of having laws on the books that are actually enforced. In almost all the States—I think the number is somewhere near 37 or 38 States—this tax is currently due. This tax is supposed to be voluntarily paid, and winking and nodding on not paying this tax creates real concerns. I think in Missouri last year—a State where this tax is supposed to be paid as a use tax—300 people filed that they owed this tax and paid some of that use tax. Now, my absolute certain guess is that more than 300 Missourians received something in the mail at their house that didn't have taxes paid on it when they received it.

So my view would be that we should do one of two things: We should either take all of those laws off the books or determine a way where the laws that States have are actually able to be enforced by those States.

States have a right to decide, no, we don't want to be a part of this compact. We don't want to be a part of it. We don't want this sales tax revenue. We don't want to collect the money that is due on the same product in our State. But they also have the right to say, yes, that is our law, and we need to collect that tax, and we do not want to pick winners and losers.

From the point of view of some of the most conservative leaders in the country, including those who are in government—Al Cardenas, the chairman of the American Conservative Union, says:

> When it comes to state sales taxes, it is time to address the area where federally mandated prejudice is most egregious—the policy toward Internet sales, the decades old inequity between online and in-person sales as outdated and unfair.

Governor Mike Pence from Indiana says:

> I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system today that does pick winners and losers.

Another Indiana Governor, Mitch Daniels, said:

> Sales taxes that states impose ought to be paid, and paid by everybody equally and collected by everybody in the retail business.

Art Laffer, in a Wall Street Journal article just this week, said:

> The principle of levying the lowest possible tax rate on the broadest possible tax base is the way to improve the incentives to work, save and produce—which are necessary to reinvigorate the American economy and cope with the nation's fiscal problems. Properly addressing the problem of e-fairness on the state level is a small, but important step toward achieving this goal.

Art Laffer—President Reagan's adviser on exactly that concept of having a tax that is fairly applied in the broadest possible way—is supportive of this, along with Mitch Daniels and Mike Pence and Al Cardenas and many other conservatives who have looked at this as both a fairness issue and an issue of simply providing a way that States are allowed to enforce their law.

Regulating interstate commerce is one of the principal reasons to have a Constitution and a Federal Government.

ESSENTIAL SERVICES ACT

Mr. President, the other thing I would like to talk about is what happened beginning on Sunday in the country as people tried to travel when approximately 47,000 Federal Aviation Administration employees were furloughed, and furloughed in a way that created needless airport delays nationwide.

The announcement came on the heels of a report that the President has cut other public services, such as the self-guided tours at the White House. I cannot imagine how much the self-guided

tours at the White House cost, but I do know it was cut when for almost every school student in America who comes to Washington, one of the things they would like to see is the White House. So I guess there is some immediate pain involved there, just like there has been pain involved at airports since Sunday.

The airline industry was not even told until late last week that this was going to happen. This has been mismanagement, and intentional mismanagement. As late as September 28, the Office of Management and Budget sent out a notice to the entire executive branch of the government that said: Spend your money—this is for the spending year that begins October 1—spend your money like the law will not be obeyed. Suddenly, 6 months into the spending year, the spending caps, the budget caps, the amount of money that had been appropriated beyond that—it is twice as big a problem as it would have been October 1. Then you have to give notice to people that they are going to be furloughed, if that is the option you have taken, and it is a bigger problem than it needed to be.

During his sworn testimony before Congress last week, FAA Administrator Michael Huerta admitted that the agency has the flexibility under current law to transfer up to 2 percent of funding from one activity to another without congressional action, and also they could ask to transfer up to 5 percent—setting priorities—by asking Congress. It would be 2 percent without even asking Congress and 5 percent by asking Congress that could be transferred.

There was a serious discussion and an amendment offered early this year in the continuing resolution debate to give the agencies the authority they needed to set priorities between now and September 30. But the administration clearly said it did not want to be able to set those priorities.

The idea that any reduction in Federal spending has to create the maximum amount of pain is offensive to me. I think it is offensive to most Americans.

The FAA currently spends $2.7 billion annually on nonpersonnel costs. The day they started this, saving $600 million by furloughing employees, they announced $474 million of new grants for sustainable and livable communities.

I am actually for sustainable and livable communities, but this is a new program. It is a program that I would bet a considerable amount of money that if the Department of Transportation would have come to Congress and said: Could we spend this $474 million on keeping the airlines and the airports working—the freight that goes all over the country, the people who go all over the country to do business and create jobs—I will bet you Congress would have said: Absolutely, take that $474 million. Do not announce those new grants that you have not told anybody they have yet and use it to solve this problem, while we work to see if there are better ways to solve this problem.

Last week, I introduced the Essential Services Act as a standalone bill. I introduced that same act, in fact, during the continuing resolution debate. We were able to get a part of it into the continuing resolution for food safety inspectors.

But what the Essential Services Act says is that people who are essential to public health and safety have to show up for work. The basis for that is President Clinton, in 1995, on August 22, issued a letter, an excerpt from which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 22, 1995.

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Alice M. Rivlin Director

SUBJECT: Agency Plans for Operations During Funding Hiatus

OMB Bulletin 80–14, dated August 28, 1980 (and amended by the OMB Director's memorandum of November 17, 1981) requires all agencies to maintain contingency plans to deal with a possible appropriations hiatus. The bulletin requires agency plans to be consistent with the January 16, 1981 opinion of the Attorney General on this subject.

The Office of Legal Counsel of the Department of Justice has issued an opinion dated August 16, 1995 that updates the 1981 opinion. A copy of the August 16th opinion is attached. You should review your plans in light of this opinion, make any changes necessary to conform to the opinion, and otherwise ensure your plan is up to date.

Please send a copy of your updated plan to your OMB program examiner no later than September 5, 1995. Any questions should be directed to your program examiner.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL,
Washington, DC, August 16, 1995.

MEMORANDUM FOR ALICE RIVLIN DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

From: Walter Dellinger, Assistant Attorney General

Re: Government Operations in the Event of a Lapse in Appropriations

This memorandum responds to your request to the Attorney General for advice regarding the permissible scope of government operations during a lapse in appropriations.

The Constitution provides that ''no money shall be drawn from the treasury, but in consequence of appropriations made by law.'' U.S. Const. art. I, §9, cl. 7. The treasury is further protected through the Antideficiency Act, which among other things prohibits all officers and employees of the federal government from entering into obligations in advance of appropriations and prohibits employing federal personnel except in emergencies, unless otherwise authorized by law. *See* 31 U.S.C. 1341 *et seq.*

In the early 1980s, Attorney General Civiletti issued two opinions with respect to the implications of the Antideficiency Act. *See* ''Applicability of the Antideficiency Act Upon A Lapse in an Agency's Appropriations,'' 4A Op. O.L.C. 16 (1980); ''Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations,'' 5 Op. O.L.C. 1 (1981) (1981 Opinion). The 1981 Opinion has frequently been cited in the ensuing years. Since that opinion was written, the Antideficiency Act has been amended in one respect, and we analyze the effect of that amendment below. The amendment amplified on the emergencies exception for employing federal personnel by providing that ''[a]s used in this section, the term 'emergencies involving the safety of human life or the protection of property' does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.'' 31 U.S.C. §1342.

With respect to the effects of this amendment, we continue to adhere to the view expressed to General Counsel Robert Damus of the Office of Management and Budget that ''the 1990 amendment to 31 U.S.C. §1342 does not detract from the Attorney General's earlier analyses; if anything, the amendment clarified that the Antideficiency Act's exception for emergencies is narrow and must be applied only when a threat to life or property is imminent.'' Letter from Walter Dellinger to Robert G. Damus, October 19, 1993. In order to ensure that the clarification of the 1990 amendment is not overlooked, we believe that one aspect of the 1981 Opinion's description of emergency governmental functions should be modified. Otherwise, the 1981 Opinion continues to be a sound analysis of the legal authorities respecting government operations when Congress has failed to enact regular appropriations bills or a continuing resolution to cover a hiatus between regular appropriations. . . .

Mr. BLUNT. That letter from Alice Rivlin, the Director of OMB, says: Here are the people who have to show up for work if the government shuts down. The government did shut down, we all remember, in 1995, and these people did show up for work.

On April 6, 2011, it appeared we might have another government shutdown, and the Obama administration put out a similar letter based on the same groups of people. These are not hard people to identify, as it turns out. On April 6, 2011, the examples they gave of essential employees who would have to work would be: FAA employees who would keep the air traffic control system open, FEMA disaster operations would continue, Social Security checks would be sent out to beneficiaries, the National Weather Service alerts and forecasts would be maintained, the U.S. Postal Service would continue to collect mail and deliver mail, the Customs and Border Protection activity would continue, and the food safety inspectors would show up.

There is a list. Mr. President, I ask unanimous consent to have this notice from the Obama administration printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

EMAIL GUIDANCE FROM OPM TO AGENCIES (APRIL 6, 2011)

Shutdown Contingency Planning

The Administration is committed to working out a compromise for funding the remainder of the fiscal year so that we can avoid a costly and disruptive shutdown that

would imperil our economic recovery. Yet, the Administration is preparing for all possible outcomes.

In the event of a Government shutdown, Federal departments, agencies, and the District of Columbia are legally prohibited from incurring further financial obligations for those activities that are funded by the annual appropriations that have lapsed—with the exception that an agency may incur those obligations that are necessary to carry out an orderly suspension of operations and to perform certain legally-defined ''excepted'' activities. Excepted activities include the safety of life and protection of property. (Since the general prohibition on incurring obligations relates to those activities that are funded by the annual appropriations that have lapsed, an agency may continue to carry out activities that are supported by other sources of funding which continue to remain available to the agency, such as existing balances of a multiyear appropriation.) Across the Federal Government, a shutdown would mean that many of the essential services that Americans rely on would be suspended or required to operate at lower levels, and many Federal employees would be furloughed and unable to work.

Below is a snapshot of how many major Federal activities would be affected. This is not a comprehensive list. For more details, please contact the relevant Federal agency directly.

EXAMPLES OF SERVICES THAT WOULD BE AFFECTED

The Federal Housing Administration (FHA) would not endorse any single-family mortgage loans or have staff available to process and approve new multifamily loans. FHA single-family lending represents a market share of more than 20 percent of overall loan volume (home purchases and re-financing).

No new approvals of SBA-guaranteed loans for business working capital, real estate investment or job creation activities would occur.

National Parks, National Forests, and the Smithsonian Institution would be closed.

Those filing paper tax returns would not receive tax refunds from the IRS, and many taxpayers would be unable to receive service from the IRS to help them meet their tax obligations. For example, 400 walk-in service centers would be closed.

The Mine Safety and Health Administration would not be able to conduct regular safety and health inspections.

Only emergency passport services would be open; normal processing would not.

Department of Commerce grant-making programs for economic development would cease, as would most payments by HUD's Community Development Block Grant program to State and local governments.

USDA would not be able to approve any grants, loans or loan guarantees for its rural housing, utilities, business, and community facilities programs.

Farm loans, farm payment, and enrollment in conservation programs would cease.

Agricultural export credit and other agricultural trade development and monitoring would stop.

The Community Development Financial Institutions Fund would suspend its grants and technical assistance to communities across the country, delaying investments that finance businesses and create jobs in distressed neighborhoods.

Inspections of stock brokers, receipt and publication of corporate financial disclosures, and routine oversight of financial markets by Federal agencies would cease.

Enforcement actions would be postponed in all but a few cases.

Certain FEMA flood mitigation and flood insurance operations would be suspended.

Agricultural export credit activity and other agricultural trade development and monitoring would cease.

Most of the Veterans Benefits Administration customer support services would be suspended.

Most Department of Defense budget planning and preparation would cease; military personnel would not receive paychecks during a funding lapse.

Customer service would be reduced across the federal government.

Department of Justice civil litigation activities, including civil rights enforcement and defensive litigation (where the U.S. government is a defendant), would mostly stop.

Freedom of Information Act (FOIA) processing would cease.

EXAMPLES OF SERVICES THAT WOULD REMAIN OPERATIONAL

The Federal Aviation Administration would keep the air traffic control system open and safe.

FEMA disaster operations would continue.

Social Security checks would be sent to beneficiaries.

National Weather Service alerts and forecasts, as well as volcano and earthquake monitoring by other agencies, would continue.

The U.S. Postal Service would continue mail collection, delivery, and other operations.

Customs and Border Protection activity would continue.

Military operations in Afghanistan, Libya, and Iraq would continue.

NASA satellite missions currently in operation would continue.

SNAP, WIC, and other child nutrition benefits would continue.

Most Federal Student Aid operations would continue.

Core Federal law enforcement, such as the FBI and U.S. Marshals, would continue, as would prison and detention operations.

Medical services for veterans would continue to be available.

FDA monitoring of drug imports would continue.

Meat and poultry inspection would continue.

Treasury's core payment and collection programs would remain operational.

OMB is working diligently with Agencies to finalize operational plans for all possible scenarios, including a Government shutdown. We will continue to make new information available to the media and general public as it is finalized.

Mr. BLUNT. This is not very complicated. All the Essential Services Act says is that the people whom the government said had to show up if there is no money to run the government would also be the people who would be prioritized and would be allowed to show up if there is a 2.5-percent cut. Who can argue with that?

People are told: The weather is really bad today. If you think you have some risk to your person to get to work, do not come in. But these people are told: If you can possibly get to work, get to work. If the food safety inspector does not get there, 500,000 Americans could not work that day if they did not show up at every food safety facility where that one Federal employee has to be there for everybody to work. If the air traffic controller does not get there, and the runways are cleared off and planes can land and planes can take off, that may not happen if the air traffic controller is not there.

This says those people would not be subject to furlough under the new Budget Control Act. They would have the same priority on a day when there is a reduction in the funding for a Department that they had in the day when there was no funding for the Department. If people are told they have to show up when there is no money to run the government, surely those same people need to show up if there is a 2.5-percent reduction.

The definitions set by President Clinton and President Obama in their administrations are fine with me for this purpose. Washington is living outside its means today. Federal spending has skyrocketed 19 percent since 2008. The Federal debt is approaching $17 trillion. Clearly, we have to do something about spending, and we can do that without interrupting people's lives. We can do that by prioritizing what the government should do.

Last week, we had Mr. Huerta before the Commerce Committee that Senator ROCKEFELLER chairs and Senator THUNE is the ranking Republican. I think it was on Wednesday. There was no discussion that on Sunday we are going to start furloughs of air traffic controllers.

In the legitimate oversight responsibility of our committee, we are to be told by the FAA Director: Our plans are drawn up. We are about to execute them. I am here to testify before the Congress. I think one of the things I should tell you is that all kinds of flights are going to be delayed on Sunday and Monday because of this plan. It was not mentioned. Plenty of questions, even questions about how you were going to furlough employees, but no answers.

I encourage Americans to visit our Web site: bitly.com/cutwasteful spending. Let's find the things we can cut rather than finding things that you cut—from the White House tours, to vaccines for kids, to air traffic controllers, to border security guards. I hope we will do the right thing. I encourage Senator REID to allow a vote on the Essential Services Act and prioritize the way we spend money.

Back to the start of my remarks, I am a proud cosponsor of the Marketplace Fairness Act. Senator PRYOR and I intend to offer an amendment on that to just clarify current law, that we are not taxing use of the Internet; we are just having a fair tax for products people buy over the Internet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. Mr. President, I rise in response to my good friend, the Senator from New Hampshire, who obviously feels very passionately about the bill, as do all of us who have worked for years and years to try to create a marketplace that is fair and equitable for so many people in this country, particularly our brick-and-mortar Main Street businesses.

I can certainly appreciate that remote sellers in New Hampshire who have, in fact, enjoyed a nice opportunity to move products into the marketplace free of any burden—unlike a Main Street business with any tax collection burden—that they do not want to lose that advantage they have. In many States that advantage can be quite significant.

I want to give you an example. Today, in our news conference we heard from a woman named Teresa Miller. Teresa Miller sells pet supplies both in her store and remotely. She operates out of the State of Missouri, and in many of the jurisdictions where she sells pet supplies, the tax rate can be as high as 9.5 percent. She has a trained sales force that listens to customers' concerns about their pets and what their pets need in terms of nutrition.

The customer will walk out of the store, never to return. It is pretty clear those customers are buying those products on the Internet having used the expertise of Ms. Miller's staff.

I would suggest that is exactly the situation that we are trying to address. The Senator from New Hampshire raised a fair number of points which, ironically, can all be responded to and can be addressed by simply reading the bill. The first point I want to make is the point that someone will have to deal with upwards of 9,600 different jurisdictions.

That is not true. In fact, this bill mandates that if you are going to expand your collection obligation to remote sellers, you need to participate as a State in a streamlined process either through the streamlined process that is already set up or you need to look at a bill or some kind of process in your State that will reduce those compliance burdens to simply 46 State jurisdictions.

The other concerns that have been raised—and I want to just take a moment. Sometimes too often we do not actually look at what we are debating. I want to take a moment and talk a little bit about page 3 of the bill. Page 3 provides that in order to qualify, a single entity within the State responsible for all State and local taxes and return processing and audits for remote sales needs to be sourced to the State. There is a single audit requirement and a single State or use tax return.

So these jurisdictions will be limited to simply one within the State. The bill clearly provides that. In discussing the certified software, talking about how that would provide additional burdens, again, understand this bill requires that certified software be provided for free to the remote seller. If the remote seller, in fact, does use the certified software, that certified software then gives them immunity from any future tax liability and audits and gives them basically the ability to say: I did my job. I did my due diligence. I used the software you told us to use. I do not expect that there is going to be an audit that could assess me any additional taxes having used that safe harbor.

The next issue the Senator from New Hampshire raised is the effect of this bill on nexus requirements. It gets a little tricky because in law we have an obligation in this body to regulate interstate commerce. But what we do not, I believe—and some people may disagree. I believe, as a lawyer who has litigated a lot of cases, this body does not have the authority to determine due process standards under the Constitution. To reiterate, it is clearly stated that nothing in this bill affects State nexus. So when the good Senator from New Hampshire suggests that this will change nexus standards, that is absolutely incorrect.

The final issue I want to touch on is the issue of the financial services tax. I want to make the point that in the bill itself it is clearly limited to imposing a sales and use tax obligation. It clearly states no other tax will be, in fact, affected by this bill. So I think frequently we get into discussions about what if. All of those discussions can be clearly clarified by simply reading the bill. That is what I would suggest. It is 11 pages. It is very straightforward. There has been a lot of work put into this piece of legislation over very many years, and a lot of accommodations, including an accommodation that you are only required to do this if you have $1 million in remote sales.

I am going to close with the words of Teresa Miller. When someone asked her how she would feel about this, because she also markets on the Internet, she said she would be thrilled to have this obligation because it would mean that her remote sales exceeded $1 million.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today in strong support of the Marketplace Fairness Act. I would like to thank Chairman ROCKEFELLER. I would like to thank the two major sponsors of this bill, Senator DURBIN and Senator ENZI, who have been working on this for years, and Senator HEITKAMP for her longtime knowledge and leadership on this bill, as well as Senator ALEXANDER.

I am proud to be a cosponsor of this important legislation. It has been very important for years for businesses in Minnesota, both big and small, and across the country, giving them the certainty they need. That is what this bill will do so they can succeed and grow.

I am encouraged to see the Senate coming together in a bipartisan way to create a level playing field for our businesses on Main Street to compete. That is all they want to do. They just want an even playing field to compete. The bipartisan support for the Marketplace Fairness Act is a reminder that when we put politics aside we can get things done, something the Presiding Officer from the State of West Virginia knows about very much.

During the budget debate, 75 Senators came together and we succeeded in passing an amendment that I cosponsored to the budget resolution that helped outline the broad support for a very simple idea: that all businesses need to play by the same set of rules.

When I go around my own State, as I know Chairman ROCKEFELLER does in his, I hear from small locally owned retailers, and competitive issues are raised all the time. We have small businesses—this gives a sense of what we are talking about—places such as the Uffda Gift Shop in Red Wing, MN. I hope all of you will visit there. I have been there and did Christmas shopping there. There is Mary's Morsels, which is a bakery in Eveleth, MN, on the Iron Range, northern Minnesota, where my dad grew up; Sleepy Eye Floral—I suggest all of you go to Sleepy Eye, MN, at some point in your life. You can then go and buy some flowers at Sleepy Eye Floral. You will find big support for this legislation, the Marketplace Fairness Act.

In my time in the Senate I have been committed to a competitive agenda that promotes long-term economic growth. Part of that agenda includes not only bringing our debt down in a balanced way, promoting exports, making sure that our workforce is trained for the jobs of today, but it also means an even playing field and making sure that all businesses can compete.

That is what America has been built on. I know our businesses in Minnesota want that level playing field. It is time we give it to them. That is exactly what this bill does. It allows brick-and-mortar retailers the ability to compete against out-of-State Internet retailers. States are currently unable to require out-of-State or online-only retailers to collect sales tax. It puts local mom-and-pop shops at a significant disadvantage.

Not only that but this loophole—by the way, this is not about adding a tax. That is why we have such strong bipartisan support. It is only about allowing those taxes to be collected, something most people support. I have to tell you that because these taxes are not being collected, it creates a loophole that is literally draining billions of dollars in lost revenue from State and local governments at a time when they need it for police officers, they need it for firefighters, and when they need it for our schools.

Some $23 billion last year alone was lost because these laws were not being enforced in an even way. My State lost

about $394 million in 2011 from out-of-State sales taxes that are legally due but not collected. This lost revenue translated into over 7 percent of Minnesota's general sales tax liability in 2011.

In our State, local brick-and-mortar retailers assess sales tax at a rate of 6.875 percent, while their online competitors typically assess no sales tax. That is simply not right. When this happens, city and State governments either have to find revenue from other sources, such as raising taxes, or they must cut critical services.

Let's also be clear about what the legislation that Senator HEITKAMP has so intelligently pointed out—let's be clear about what the legislation does and does not do. It does not create any taxes or increase existing taxes. It simply gives States the ability to enforce their own sales and use tax laws, which reduces the need to raise taxes.

It also relieves customers of the legal obligation to report to State tax departments the sales taxes they owe. One of the longstanding principles of tax fairness is that taxpayers who engage in similar economic transactions should face the same tax consequences.

Today, that is simply not the case. Minnesota is home to these thriving small businesses, but also to many large businesses that are in retail, such as Target and Best Buy. I have seen with my own eyes people go into Best Buy, spend half an hour with a very eager salesperson who is helping them in any way, looking at dozens of TVs, and then go back outside the store and buy it on the Internet.

That is not how things should work. We have to have fairness. That is why this bill is called the Marketplace Fairness Act. This bill has such strong support from business, such strong support in this Chamber. I am very excited about what is going on. We have been having this debate for over 10 years now. It is one of the first things I heard about when I got to the Senate 6 years ago. It is long past time to get this done.

I yield the floor.

Ms. HEITKAMP. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUESTRATION

Mr. REID. Madam President, my friend from Oklahoma is on the Senate floor. I would ask if he would be kind enough to wait while I say a few words and withhold offering the consent agreement to allow Senator SCHUMER to speak for 5 minutes. Following Senator SCHUMER, I will offer the consent agreement. Would that be appropriate for the Senator from Oklahoma?

Madam President, the arbitrary spending cuts in the Budget Control Act were designed to be painful—so painful that both parties would come together to find a bipartisan way to reduce the deficit. Thus far, it hasn't worked. We have reduced the debt by doing a number of different things by approximately $2.5 trillion. We have cooperated in that regard. The deep cuts required by the sequester failed to bring the Republicans to the negotiating table to find more savings or more revenue.

Even after both the House and the Senate passed budget resolutions, the House Republican leadership has refused to go to conference to work out our differences. Republicans have been telling us for a long time that they want regular order. When we come to regular order, they don't want regular order.

Republicans are afraid to even be seen considering a compromise with Democrats. I speak more strongly, as the Republicans here in the Senate are doing their objection here on going to conference more to protect the House. This applies much more to the House Republicans than it does to the Republicans in the Senate. The Republicans in the House are afraid to be seen considering a compromise with us.

Because Republicans have refused to negotiate a compromise, sequestration kicked in with devastating effect. We are just beginning to feel the impact of these deep cuts. Nationwide, the sequester will cut 750,000 jobs this year alone. More than 70,000 little boys and girls will be kicked off the Head Start Program. Programs funding medical research with Duke University, as I indicated on the floor yesterday, and scores of other programs that do the same and programs that help get homeless veterans off the streets are being decimated. Yesterday I spoke about Meals on Wheels. Meals on Wheels is one of the programs that are so helpful. Homebound seniors receive one meal a day, and it is usually only during the day. These are being significantly hammered. I have spoken about Head Start for young children, but education programs are being hit very hard. These are programs that deal with impoverished children.

We know the sequester is causing massive delays. I am from Las Vegas. I am from Nevada. No place in America is more desperate to have the flights on time than tourist-oriented Las Vegas. It is the same in Reno. These cuts are hurting tourism in Las Vegas and in all of the country.

It is not only the furloughs at the FAA, it is some of the programs I have spoken about and many more. We have seen the dire effects of these arbitrary budget cuts, and we have an obligation to stop them. That is why I am going to ask unanimous consent to take up and pass legislation that would block sequestration until the end of this fiscal year, until the first day of October. This would give us 5 months to sit down at the negotiating table and work out an agreement to reduce the deficit in a balanced way, in a way that doesn't punish the American people and our economy in the meantime.

The legislation I am proposing is simple, and it deserves quick approval. There is no reason to go back, even though I would agree to it through the Buffett rule.

Let's do some spending cuts, let's do some more cutting.

We tried that. It wouldn't work.

Let's try the flexibility.

That also won't work because we are dealing with the same amount of money.

I hope this simple solution I am offering will be supported by my Republican friends—establishing binding caps on the war spending. The wars are winding down, and currently there is $650 billion there. And as this bill proposes, the one on which I will ask consent, it will close that loophole and propose more than enough savings to offset the cost of delaying sequestration for 5 months.

Let's put a stop to the furloughs, delays, and a stop to the job losses. Let's put a stop to the devastating cuts to programs that keep our poor children from receiving an equal shot in life. Let's stop senior citizens and homeless veterans, who are the most vulnerable among us, from falling through the cracks. They may not be as transparent as what is happening at our airports, but these are devastating to human beings. Let's do it in a fiscally responsible way and do it now. Then let's get to work finding a broader agreement to strengthen our economy and reduce our long-term deficits.

I yield 5 minutes to my friend the Senator from New York as indicated with the tentative agreement I requested earlier. Then I will resume on the floor to ask for the consent, and my friend from Oklahoma will respond.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I rise in strong support of the proposal by our Democratic leader. We all know that sequestration was a blunt instrument, and now it is beginning to hurt. There is delay after delay at airports throughout the Nation.

This is not only a question of traveler inconvenience. Our economy in all likelihood will lose many more dollars in the next week or two than it costs to furlough the air traffic controllers when businesspeople can't travel, when tourists can't travel. I know my home city of New York is greatly affected. No one stays in the hotels, no one dines in restaurants, and no one attends the shows. This may be repeated in destination after destination throughout the country. If people are so uncertain of air travel that when they show up at the airport, they may wait 1 hour or they may wait 5 hours, they won't go. A good percentage will stop their trips.

So it doesn't make sense to go forward. I think we are in agreement. The problem is, how do we fix it? There aren't many ways to fix it because if

you simply say, give flexibility, the Transportation Department has very little flexibility because many of its funds are off limits. The highway trust fund, for instance, isn't affected by sequestration because those are our nickels and dimes that go into the gas tax per gallon, which wasn't affected by sequestration. An extremely high and disproportionate number of the Transportation Department's expenditures are air traffic controllers themselves.

We have this problem. As Leader REID pointed out, we have other problems—stopping cancer research and cutting back on NIH and NSF, which has always been our seed corn. NIH created a biopharmaceutical industry that is second to none and employs millions of people in your State and mine. NSF research basically created the Internet, which has created millions of jobs and makes the U.S. industry the envy of the world.

So we are cutting our seed corn, the kinds of programs for our homeless veterans, and the kinds of programs for our homebound seniors. The meat-ax approach of sequestration cuts those across the board.

My preference would be to close some tax loopholes to get rid of sequestration. I don't think we should give tax breaks to oil companies. We should not give tax breaks to companies that send jobs overseas. That would be my preference. But we know our friends on the other side of the aisle are against any revenue increases right now, so to put this on the floor immediately would be an exercise in futility.

The leader's plan is the right plan. It is ingenious. We have $600 billion on the budget that we know we won't spend the vast majority of because no one believes we will have troops in Iraq or Afghanistan 5 years from now. Yet that money is sitting there on our budget and preventing cancer research, air traffic controllers, and money for homeless vets from being used where it was supposed to be.

So the proposal to take a certain amount of money out of the OCO—the overseas contingency operations—which we know we won't spend, makes no sense. Now you say: Well, you know you won't spend it; it is a gimmick.

It is not a gimmick. It is sitting there in the budget occupying space and could be used by these other agencies. And to insist the OCO continue is causing real pain, causing our economy not to grow as quickly, causing vulnerable people to be hurt, and causing research—the seed corn of America—to decline.

Our colleagues on the other side of the aisle are saying that President Obama is to blame for these delays. He has very little choice if we don't change things, and this is a way to change things.

If we want to get rid of these delays, which we all on both sides of the aisle very much desire, I would propose to my colleagues that the solution proposed by the majority leader is the best way to go given the political necessities on the other side, the desire not to have any revenues—even closing certain tax loopholes.

So I would hope we could come together and vote on this solution. Cutting the OCO has been supported by Republicans. I remember Senator Kyl, a former Senator from Arizona, was advocating this late last year to deal with the doc fix, the DRGs, and other things. The people will come together on this. So I hope we can vote for this proposal, put the air traffic controllers back to work off their furloughs, get rid of these delays, and then come together in a grand agreement in time for the September budget.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—S. 788

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 788.

My friends on the other side have had this legislation for a short time, not a long time, but it is not that difficult to understand. I have tried to explain it the best I can.

I ask unanimous consent that the Senate proceed to the consideration of S. 788, the text of which is at the desk, which is a bill to suspend the fiscal year 2013 sequestration and offset that with funds from the Overseas Contingency Operations; that the bill be read three times and passed; and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Madam President, reserving the right to object, and I plan to object, I will take some time to explain why I object.

What is happening in the Senate is phenomenal, and I want the American people to see this. The Federal Government is 89 percent bigger than it was 10 years ago. We just heard the majority leader say flexibility can't work because we are already dealing with the same amount of money—89 percent more than we were 10 years ago.

I didn't vote for the Budget Control Act. I think sequester is a stupid way to cut spending. But I want us to understand exactly what is going on. This is a contrived situation because no effort—zero effort—by the FAA or the Department of Transportation has been made to have any flexibility in terms of how they spend their money. They have made no request for a reprogramming of funds within the FAA. They have over $500 million unobligated sitting in balances that aren't obligated, so none of this had to happen. This has been a created situation.

I want my colleagues to think for a minute about the number of people who didn't make it to their aunt's funeral yesterday because of a contrived situation; the number of people who may not get to the birth of a grandchild; the number of business meetings that aren't going to occur because we have created a contrived situation. Our problem is we are continuing to spend money we don't have.

So we have taken FAA, we have put the airlines at risk—and they are, by the way, suing the government because they haven't made a good-faith effort to do it in another way—and we have created a situation where we are going to discomfit and inconvenience hundreds of thousands of American people on a political point because we can't cut any spending in Washington.

Let me outline for my colleagues a moment what the FAA could do. They could save $105 million by cutting their overhead expenses for consultant supplies and travel by 15 percent. That is one-seventh or one-sixth of all the money they need to keep all their controllers on. They could save $41 million by eliminating funding the President has already recommended eliminating in terms of programs for airports that are on the national plan of integrated airports. They have already recommended doing that, but they are not doing that. They have the flexibility to do that but they are not doing it. That is another $41 million.

They can save $6 million on small community air service—flexible. They could reduce the Airport Improvement Program. They have plenty of flexibility there. That is up to $926 million. They could do that. They could reduce or eliminate—and they would have to have our help to do this—the Essential Air Service Program where at many airports across this country we are paying a $1,200 subsidy to fly less than 10 people a day out of an airport less than 90 miles away from a major airport. So to say there is no flexibility, they do not want any flexibility. And the fact is our country is headed toward bankruptcy.

Let me talk about OCO for a minute. It is true OCO money is in the budget, because we thought we were going to have to spend it. But every penny of that money will be borrowed money—borrowed money. So if we weren't going to spend it, we are saying now we are going to go over here and take care of sequestration? A 4-percent cut in the Federal budget—4 percent. It is only 89 percent bigger than it was 10 years ago and we can't find 4 percent within the FAA?

Let me outline a few other things going on at the FAA. They have posted requirements for nonessential employees since sequestration started. They have made no efforts at flexibility. They have made no efforts to do what they could do to keep the most number of controllers working.

This isn't going to happen. We are not going to borrow money anymore against the future of our kids when in fact we have other ways to do it.

I will make my final point. The President is the CEO of this country.

He can make this happen with the least amount of inconvenience for the American people. The question is: Will he or not? Will he or not? Will we play this political shell game with the lives and perhaps the safety and certainly the inconvenience of the traveling public in this country to make the point there is no way we are going to cut any spending out of the Federal Government when it is 89 percent bigger? And, by the way, it is 48 percent bigger under President Obama.

It is a real choice. America is going to get a real choice: Can we in fact respond in a prudent way to run this government in an efficient manner and eliminate low-priority items and put money for items such as NIH in a priority? We can. The question is: Do we have the will to do that?

What we are hearing from the majority leader is: No, we don't want to cut anything. We will take some funny money that doesn't really exist, and if we use it, we are going to borrow, and that will take all the pain away. There won't be any oversight, no streamlining, no priorities made in terms of how we spend money.

Every other American family and business has had to make those decisions. Yet we are refusing to do it. When we asked the President: Do you want the flexibility, he said no. He would veto the bill that gives him the flexibility to put high priorities up here and low priorities down here. That tells me it is all political. It doesn't have anything to do with the FAA; it has to do with creating an event so we won't do what is in the best long-term interests of the country.

With that, I object.

UNANIMOUS CONSENT REQUEST—S. 16

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 19, S. 16, the Inhofe-Toomey bill on flexibility, with an amendment that reflects the current changes for sequestration; that the bill be read three times and passed, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Objection is heard to the prior request.

Is there objection to the following request?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Madam President, earlier this year the Senate voted on dueling responses through the sequestration. Democrats had a balanced plan—half revenues, half spending. Republicans tried giving flexibility with, of course, no revenues whatsoever. The Senate voted both of these down. We know these plans won't work so there is absolutely no need to repeat what has already failed. So let us try to solve the problem.

I appreciate the mini lecture of my friend from Oklahoma, but it is wrong. It is good to go back and talk about what has happened. When President Bush took office—and I hate to keep bringing this up; his library is going to be dedicated in a few days—he had a surplus over 10 years of $7 trillion. When he left office, he had a debt of almost $2 trillion. Why? Was it because government got bigger? Well, it got bigger because we had two wars, paid for with the $7 trillion that should have been surplus, but it was all borrowed money. All borrowed money.

During the Clinton years, when Bush stepped into office, President Clinton had created 22 million jobs in 8 years. During President Bush's 8 years, we lost 8 million jobs and lost our entire surplus. So of course those two wars and the tax cuts that were unpaid really created some problems.

The Senator from Oklahoma complains about government is larger than it was 2 years ago. Well, I have talked about that. But one thing my friend fails to acknowledge is Simpson-Bowles. By the way, he voted against that—is that right?

Mr. COBURN. I voted for it.

Mr. REID. That is right. You were with Senator DURBIN and voted for that. Most Republicans voted against that. My liberal friend DICK DURBIN voted for that.

The reason I mention that is because Simpson-Bowles wanted to arrive at a savings of $4 trillion, as I understand it. We have already done $2½ trillion. It is not as if we haven't done anything.

I would also talk about my friend from Oklahoma. I know he is smart, and I understand that, but just because you are smart doesn't mean you are always right. We have a situation where this country has been driven by the tea party for the last number of years. When I was in school, I studied government and I learned about the anarchists. They were different from the tea party because they were violent. But they were anarchists because they did not believe in government at any level, and they acknowledged that. The tea party kind of hides that. They do not say we are against government, but that is what it amounts to. They are not doing physically destructive things to buildings and people directly, but they are doing everything they can to throw a monkey wrench into any form of government, whether it is local, State, or the Federal Government. That is what it is all about. So anything they can do to throw a monkey wrench into the wheels of government, they are happy doing that. And I am sorry to say my friend from Oklahoma is helping them, maybe not directly but indirectly, and that is wrong. Government is not inherently bad. Government is inherently good. That is why we have a Constitution, and we direct the activities of this government based upon that Constitution.

We have a situation here that is not good. We have programs being cut all over America. Rather than doing things with a meat cleaver, as my friend from New York said, we should be doing it with a scalpel—doing things that are fine-tuning and working to eliminate these programs.

My friend asks why doesn't the FAA cut other programs? Listen to this: He wants to cut airport improvement programs. These are job creating. They create jobs at airports—runways, terminals. These are programs that create jobs. Essential Air Service may not mean much to him, but we had a program where—I don't know if it was my friend from Oklahoma but some Republican Senator offered an amendment to get rid of Essential Air Service. One of the places they indicated should be cut is Ely, NV. I said okay, too much per passenger, I will go along with that. I could have stopped that but I didn't do it.

We have had this debate previously. Essential Air Service has been whacked on a number of occasions. There are places in America where Essential Air Service is just what it says, it is essential, to give those rural communities the ability to have an airplane come in there once in a while.

The Congressional Budget Office would give us credit—it wouldn't be toward the deficit—to do something for 5 months and take a little money out of Overseas Contingency Operations. We are going to cut money from that. We are not going to spend all that money that has been set aside to take care of the wars in Iraq and Afghanistan.

It is too bad we are right here with competing unanimous consent requests and the American people are going to continue to suffer—whether it is some little kid not able to go to a Head Start Program or some senior citizen who will miss his Meal on Wheels or the other programs—in addition to the devastation that is going to take place at airports.

Mrs. BOXER. Will my friend yield for a question?

Mr. REID. Sure.

Mrs. BOXER. Madam President, I appreciate Senator REID taking the leadership here, and as I understand it—and I want him to confirm it—what he has done is he has suggested the cuts that are hurting so many of our American citizens be restored and he is paying for that. He is not putting it on a credit card. He is paying for it by taking funds from the overseas account because we are winding down wars. Am I correct that what the Senator is doing is paying a price that equals the amount he is restoring of the sequester?

Mr. REID. That is true.

Mrs. BOXER. And I also want to say to my friend, I understand we are truly suffering in this country. I have examples of people who were turned away from cancer clinics. They can't get their chemotherapy. The Cancer Society—which is not a government entity—has said this is very dangerous.

Is my friend aware that patients are being turned away and not getting the

chemotherapy, grants are not being funded? I know he mentioned that. But I think the fact that patients who need chemotherapy who live—some are being denied this. Is my friend aware of that?

Mr. REID. In addition to that, I say to my friend from California, there is research dealing with dread diseases, in addition to cancer, which research is being curtailed.

Mrs. BOXER. I would also say, I wonder if my friend knew—and I take just a city from the Midwest. In Cincinnati, 200 children will be dropped or denied access to Head Start. Anita Wolf, a mother of two special needs children, said she may have to choose which child can remain in Head Start enrichment programs.

I say to my friend, we are here because this is hurting people. This isn't about statistics, and I am very disappointed we can't work together to restore this. How long does my friend restore these cuts?

Mr. REID. Five months.

Mrs. BOXER. I thank the Senator from Nevada for yielding, and I will listen to my colleagues from the other side.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, the reason patients can't get their chemotherapeutic treatments has nothing to do with the budget. It has everything to do with the administration's CMS and payment recognition. I have been working on this issue for 3 months. It has nothing to do with the sequester. It has to do with what the CMS has ruled in terms of appropriate payments.

The majority leader is a wonderful man. He has a different view of what it takes to get our country back in shape. He has actually split with the President this afternoon, because the President said the only way he would, in fact, turn off sequester is with a tax increase, and the only way this can be considered a tax increase is spending money we weren't ever going to spend anyway and acknowledging we are going to charge it to our children. So, in essence, it will be a tax increase—just not on us. It will be on every child.

It doesn't have to be this way. The President could agree for flexibility. His Secretaries could ask for reprogramming authority. But they have not done that. Why have they not done that? Because, in the President's own words, he wants sequester to hurt.

What a position for the CEO—the leader of this country—to say: I want to teach you a lesson. I am not going to use judgment and prioritize and categorize things that are most important and find things that are least important; I am going to reject all attempts at flexibility.

I wish to make one other point. The President keeps saying we have saved $2.5 trillion. The majority leader just said the same thing. What the American people ought to know is $1.2 trillion of that ''savings'' is for increases that were planned that aren't going to happen.

Let me say that again: $1.2 trillion of the savings is for spending increases that were planned that aren't going to happen.

Everybody who runs a family budget or runs a business knows that is no savings. You didn't save any money that you were going to spend but then didn't spend. It wasn't saved because you never spent it. But it is a wonderful way Washington accounts that is different than the way the rest of us have to live our lives.

So let's go back and review.

We as Republicans agree we ought to fund the most important functions of our government, and we believe there ought to be priorities to that. But we also believe we ought to save the future for our children.

The answer to that problem we found ourselves in—sequestration—is to give the administration the flexibility for making priority choices just like the rest of us do. If they don't want to use it, then they don't want to use it.

But the fact is we will not pass that. The same tools that we would all use ourselves, we will not pass that. Why is it we will not pass that, to order things in priority, to do what is most important first?

I would tell you the conferences and the amount of travel for which the FAA spends are a low priority compared to keeping controllers working. We haven't seen any cut in those programs—none. As a matter of fact, the President's budget recommended taking $800 million out of the airport improvement program—if you will read his budget. That was the President's recommendation. So now we are really at odds with the President because he says we can save that $800 million.

It is flabbergasting to think there is absolutely no common sense in Washington and that we will not do the things that are in the best long-term interests for the people of this country. So what we do is we create a situation that is going to tremendously impact our Nation—both the business and the common citizen who is traveling—and we do it for political gain to prove a point, not because we have to—because we are going to make sequester hurt.

The security the American people want is to know the future is OK. The future isn't OK with us operating the way we are operating. I know government isn't easy and I know it is messy, but there are some absolute truths. The absolute truth is we can't spend our way out of debt and we can't borrow our way out of debt, and we are taking $88 billion over the next year out of the $3.7 trillion budget. If we are not capable of doing that, none of us should be here, either party.

What we fail to recognize is what the real risk is for our country; and the risk is that we are running out of time and the ability to continue to borrow in the world. The only reason we look good today is because everybody else looks worse. We are the only rose in the bud vase that is not wilted right now, and that is going to change. When it does, the consequences for our kids, for our families, for our economy, for our GDP is going to totally change.

If we went back to historical interest rates today, when we quit printing money—which we will eventually have to do—it will add another $650 billion a year to our expenses. It does nothing for anybody.

So this small 4.5 percent that the administration refuses to even work on to make it less painful to the American public shows what kind of trouble we are in.

I am disappointed, as is I know the majority leader, that we can't work out a way to solve this problem. But there are two totally competing philosophies; one ensures a productive, successful America, the other shows an America drowning in debt. There has to be a point in time when we say: Can't we run this government more efficiently, more effectively, and do it in a way that preserves the future for our children?

I yield the floor.

Mr. REID. Madam President, there are a number of people on the floor who have been here for some time, and I thought I would try to add a little order to this.

I think Senator MANCHIN got here first. How much time does the Senator from West Virginia wish to take?

Mr. MANCHIN. I have no more than 15 minutes.

Mr. REID. How much time for the Senator from Alabama?

Mr. SESSIONS. I think 10 minutes would be sufficient.

Mr. REID. And Senator BOXER, 15 minutes, I understand.

Mr. SESSIONS. If I were allowed to go first, I would do 5 minutes.

Mr. REID. We have a deal. I ask unanimous consent that the Senator from Alabama be recognized for 5 minutes, the Senator from California be recognized for 10 minutes, and the Senator from West Virginia for whatever time he needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, the proposal of my friend the majority leader—and I know he has a tough job—is how the Nation goes broke, how the Nation loses the confidence of the people we serve.

In August of 2011, this Nation agreed to the Budget Control Act. My friend Senator REID said the Budget Control Act was as good as a budget. It is not, but it has some teeth to it. What it did that is indisputable, it limited the growth in spending.

We said we would raise the debt ceiling $2.1 trillion immediately, which has already almost been spent—we have run up that much debt since August 2011, another $2 trillion—but in addition, we would reduce spending over 10 years by $2.1 trillion.

The sequester involved $1.1 trillion of that if the committee didn't reach an agreement that would have specified cuts across the board. They are not wise cuts. We shouldn't have done it that way, but it was a reasonable amount of money for sure. So in the Budget Control Act that was passed, spending would have gone up from a flat $37 trillion over 10 years to $45 trillion over 10 years instead of going up to $47 trillion over 10 years. So the growth would be from 37 to 45 and not 37 to 47. That is not a real cut in spending. It is a reduction in the growth in spending.

Now the sequester comes along, and we have proposed many solutions where we could alter these cuts and give flexibility to the cuts so they are not as sharp and as unwise as the sequester called for, so long as the spending stays within that level.

We also agreed—and the President signed it and it was passed by both Houses and Democrats and Republicans and the leader voted for it—it had no tax increases. It was simply an agreement that would reduce spending a little bit over 10 years and that we would raise the debt ceiling by an equal amount. There were no tax increases in that.

Then the President submits a budget, and he wants to do away with the sequester and pay for it with tax increases. That is what the Democratic Senate budget did also. It had increases in taxes and increases in spending and a chunk of that was wiping out the sequester we just agreed to.

We told the American people: Look, we made a little reduction in the growth of spending, American people. Forgive us for raising the debt ceiling. A lot of people didn't want to raise the debt ceiling at all. But we promised we had done something good. We were proud of ourselves.

Before the ink was dry, the President in January submitted his budget on 2012 that wiped out those cuts and spent more money, and his budget and the Senate Democratic budget this year does the same thing.

How can we possibly ever get spending under control if we don't comply with what we promised?

The majority leader has said: The war costs are coming down in the future. We will just score that as savings and, therefore, we don't have to raise taxes. We will not have the sequester take effect. We will just spend all that money, and we will pretend we saved it by not fighting a war 10 years from now.

Let me tell you what experts have said about this gimmick.

Maya MacGuineas, with the Committee for a Responsible Federal Budget—and they worked very hard in a bipartisan way to deal with these issues—said this: ''This is such a glaring gimmick at such a serious moment.''

Robert Bixby of the Concord Coalition out of New Hampshire, a long-time respected bipartisan group, said this: ''The mother of all budget gimmicks.''

To pretend we are saving money because we are not spending emergency money on a war that ends, we could still be saving money on World War I at that rate.

Washington Post reporter Lori Montgomery said:

''Counting money not spent on wars that the nation is already planning to end is widely viewed as a budget gimmick.'' And it certainly is.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SESSIONS. Madam President, I ask unanimous consent for 1 additional moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Basically our colleagues say: We cannot even reduce spending growth, even that much. We cannot stand any of that. We refuse to lay out alternatives to make the cuts less painful. We want them to be as painful as possible so we can attack those and oppose even modest reductions in the growth of spending, and we are going to punish the American people because they dared to reduce the growth of spending.

They basically say, the Government is saying: It is not our fault we have a problem. It is yours, American people. You didn't send enough money. You send more money. You send more money. We refuse to reduce the growth of spending.

I yield the floor and thank Senator COBURN for objecting to the proposal of the majority leader.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I worked with my colleague from Alabama on a lot of issues. We do work together on occasion.

Mr. SESSION. We do.

Mrs. BOXER. But on this particular issue we see the world very differently, which is to be respected, and it is with full respect that I say this sequester is not necessary. These across-the-board cuts were put into place to be so difficult and so painful that both parties would come together and come up with a solution. The President has tried and tried. He said to both parties: Why don't we meet in the middle? Let's replace the sequester, these mindless cuts, with other cuts that make sense and are not painful, and the other half with tax reform, doing away with subsidies, tax loopholes such as the billions of dollars a year oil companies have been getting that don't make sense, since they are the most profitable companies probably in the world.

But Republicans' answer to that: We are not going to look at taking away these tax breaks from big companies. We are going to not look at trying to see whether millionaires or billionaires can pay anymore. We want to replace the sequester with more cuts.

I know it is a fast-moving country we live in. Lord knows you have gone through some difficult times in Massachusetts and I thank the Presiding Officer for her leadership. But we do not have that short a memory. We remember this awful recession that almost turned into a depression. We know because it is basic—I am an economics major; it was a long time ago—but there was a basic understanding that when times are tough the government doesn't turn to austerity. The government helps us by saying: You know what, maybe this is a good time to fix those bridges, to build those highways, to do the things we need to do because a great country needs an infrastructure and this is the time to do it—because we need the jobs, too.

We have no partners over there. Now Senator REID comes up with a very sensible plan and here is the plan: For the next 5 months we restore the sequester. We take away those mindless cuts, get us back to normalcy, try to find another solution, a long-term solution, but in the meantime, pay for stopping the sequester by cutting from an overseas war funding account. As we bring home our soldiers from Afghanistan and Iraq, we have an account that can be drawn down. So when our colleagues say Senator REID is raising taxes to do this, he is not raising taxes No. 1. He is cutting spending by taking savings out of this overseas war account.

It makes a lot of sense. The American people want to see the Afghanistan war come to an end. The American people want to see the Iraq war totally completed. We are saying take that money and how about spending it here?

Their answer today, which is so astounding, from Senator COBURN who objected to this very important bill—Senator COBURN said he has the answer. It is called flexibility. What does that mean? It means all of these cuts, these billions and billions of dollars in cuts, we will then tell the agency: Figure it out. You figure out where to fix it.

For example, in the FAA they have an airport improvement fund. They are saying we do not have to fire these air traffic controllers. Let's not do that. Take the money from the airport improvement fund.

If you know anything about the airport improvement fund, it is not an idle fund. It is a fund that is paid for by taxes that people pay so their airports will be improved, hence it is called the airport improvement fund. Whether it is making sure the runways are safe or making sure the terminals are secure—this is why we have airport improvement funds. You cannot rob Peter to pay Paul.

I want to say to my friend—he left the floor—and he is my friend, Senator COBURN: Flexibility is not the answer. If somebody comes to me, a colleague, and says: Senator BOXER, I left my wallet home and I am starving, can you lend me $10? And I say flexibility—what flexibility? He left his wallet home. Flexibility does not pay for air

traffic controllers. Flexibility does not pay for teachers. Flexibility does not pay for FBI agents. If we ever learned anything from the horror in Boston, it is the unbelievable first responders in addition to the citizens who rushed toward the blast. The people there, the professionals, the doctors who happened to be there—we pay those people.

Earth to the Senate: Not everybody lives off a trust fund.

People need to get paid. Flexibility does not do it. I cannot say, if I get a call from an air traffic controller: Oh, why don't you just volunteer on your day off? He will probably tell me he is going to figure out a way—on his day off that he is forced to have, his furlough—to make some money for his family.

Sometimes I wonder if we are in ''Alice in Wonderland'' around here. Nothing could be more true than today.

I want you to know that I have people in Los Angeles who are stuck on runways for hours and miss very important functions. How about one of my people in Los Angeles—I have his name. It is not important. He said he missed a funeral on Monday because his incoming flight was delayed. ''We had to cancel our whole trip because the funeral is tonight and we are not going to make it.''

Flexibility is not the answer. The answer is to restore the money from sequestration. The FAA announced plans to close 149 airport control towers nationwide, including many in my State.

How about people who are getting turned away who need chemotherapy and the American Cancer Society Action Network said that because of sequestration ''funding for cancer research and prevention programs are taking a dangerous hit.'' Again I say to my Republican friend, this is from the private sector on what is happening around here.

The National Breast and Cervical Cancer Early Detection Program will provide 32,000 fewer breast and cervical cancer screenings this year to women who have no other option for affordable, lifesaving screenings. These are lifesaving screenings. Do you want to tell that woman: Flexibility? That is not the answer. The answer is restore the funds from the sequester.

Head Start, about to lose 70,000 of its 1 million slots for children. Let me tell you, in Cincinnati, 200 children will be dropped or denied access to Head Start.

Anita Wolfe, a mother of two special needs children, said she may have to choose which child can remain in Head Start's enrichment program. This is a bad situation.

In Oakland, the housing authority is losing $11 million, and expects 800 to 900 fewer families will get housing assistance.

In Indiana Head Start programs in two towns resorted to a lottery system last month to determine which kids could remain in the program.

Riverbend Head Start in Illinois has had to cut its school year by 2 weeks, leaving its staff unemployed and its participating families without childcare for those two weeks.

The Santa Clara County Housing Authority has lost $21 million in funding and is considering pulling housing assistance vouchers from some of the 17,000 households it serves. Local resident and mother of two Alicia Diaz fears that she may become homeless as a result.

The Sacramento Housing and Redevelopment Agency expects to lose $13.9 million, affecting housing assistance to 1,700 families.

Many of the 24,000 Los Angeles families relying on Section 8 vouchers could lose all or part of their housing subsidy before the end of this year.

Customs and Border Patrol has furloughed 60,000 agents nationwide and restricted overtime. This is causing delays in cargo processing at the Ports of Hueneme, Long Beach and Los Angeles, which rely heavily on overtime because they are extremely busy ports.

More than 100 dockworkers in Port Hueneme were idled due to delays, and shipments had to wait to be inspected. Every minute of delay costs money for businesses receiving their products late. Customs and Border Patrol estimates that delays could become as long as 5 days.

We are seeing delays in our ports. We are seeing dock workers idled. With these delays, says one of my people, ''I have to hire the labor and pay them while I wait for Customs to clear the vessel.'' It is having an impact on our economy.

Just to finish up, Senator REID took the leadership today. I am so proud to stand with him. He found a place to get the money to put the funds back in and avert the sequester, stop the pain at the airports, stop the pain at the clinics, restore Meals on Wheels to our seniors—all the things I talked about, and he paid for it by going to the war fund that is winding down, and making sure we can fix this problem for 5 months.

It is shocking that my Republican friends would object to this when their constituency is feeling the same pain as the rest of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANCHIN. I rise today to speak in support of the Marketplace Fairness Act. I was a cosponsor of this important legislation in the 112th Congress and I am proud to be a cosponsor in the 113th Congress, because this is truly a matter of fairness. The Marketplace Fairness Act will allow local Main Street—we call them brick and mortar, but they are basically businesses, little stores with real people in them, working hard to make a real living. It will provide much-needed financial relief to State budgets that have been cut to the bone in recent years and are facing even more cuts in Federal assistance thanks to what we were just discussing here, the disastrous sequestration with the Draconian cuts.

This bill is not a Washington handout to businesses. It is not a special treatment. It is not a new tax. It is leveling the playing field. It is a leveling of the playing field. Every day we do not act to pass the bill is another day we risk another small business closing its doors—not only in West Virginia but all across this country.

There is always a lot of talk in Washington about helping small businesses, and rightly so, because small businesses, as you know in your State, account for more than 60 percent of all the private sector jobs. It is the small businesses, not the large businesses.

The Marketplace Fairness Act is a chance to do more than just talk about it for once. We have a chance to do something to show we care about small businesses. It levels the playing field and gives our Main Street businesses a fighting chance competing with Internet vendors that are not required to collect sales tax.

Let me give an example in a small rural State such as West Virginia. We are expanding, working very hard on the Internet, broadband high speed, trying to get to every little holler, up and down every nook and cranny. We are trying to help the people, and that is great. But it really puts more pressure on small businesses, because now, with the convenience, people will not travel. They may not go to the store. But if they want the service and they know the price is the same, there is no unfair advantage, there is a level playing field, the small businesses still have a chance. That is all we are asking for.

Business owners in West Virginia tell me all the time how unfair it is to watch their online competitors offer low prices on the exact same products. We have heard a lot of talk about that today. That is called showrooming and that is basically people shopping. They used to go shopping in the old days. They would go to one store and compare and then go to another store and compare and they worked back and forth and figured out where they had the best deal or where they thought they had the best deal with the best service. That does not happen on line.

First of all, in my State they have a 6-percent advantage because our State tax is 6 percent in all our counties, so that is a 6-percent advantage from the get-go, and in these hard economic times price is the driving force.

That is why this bill has so much bipartisan support: 74 votes. Mr. President, you have been here a short period of time, but you are very observant. You know that. You have watched and seen very few times that we have gotten that type of broad bipartisan support on anything, and that is what is refreshing to see. With all of my

friends who come from States that do not have the taxes, and friends on both sides—my own colleagues on the Democratic side and Republican side—what I understand, and what I know will happen, is first of all they do not collect the tax of in-State residents. If they buy it on the Internet, they will not collect that tax because they do not have a sales tax. If they say it is unfair because they are collecting it for me in my State, even though someone in West Virginia might buy from a State that doesn't have a sales tax but they have an Internet business, that is not going to cause undue pressure, I don't believe, or unfair competition in any way, shape, or form. They still need to use all the services in my State while selling their product in a State where they don't have a sales tax. They are going to use the roads to deliver that product to the customer in my State, they are going to use the people who have been educated through the school system in my State, and all I am asking for is the fair share: the fairness—we charge our own customers and our own businesses collect for us in our State—for those who are using my State as their business to do the same. I don't think that is unfair. I really don't. I think the majority of businesses don't think that is unfair, and a majority of Americans don't think that is unfair.

This is not a complicated piece of legislation. It is only 11 pages. It is pretty short compared to most of the bills we see around here. Basically, it just does what we said: It allows the States to collect sales tax on out-of-State sales, provided these States streamline their tax codes.

There are some restrictions that come with this. They must either voluntarily adopt the measures in the streamlined sales and use tax law, which 24 States have already done, including my little State of West Virginia—do my colleagues know we were the No. 3 State in the Nation to join in this fairness movement many years ago. And when I was Governor, we worked very hard to work with the other States, and we built up to 24 States that basically were acceptable toward tax code fairness. That is really what it is about. Or a State can meet five mandates. There are five mandates they can meet. They can notify retailers of rate changes, they can create a single organization for collecting sales tax, they can establish a uniform tax base, or they can use destination sourcing for sales tax rates and provide free software and hold harmless protection for retailers.

To simplify, what that means is some States might have different tax codes in different counties. Some counties have different taxes they add on to their State tax or they have a municipal tax, so they are saying there will be 9,600 different tax codes, which is almost impossible. For anyone to participate in this piece of legislation, they have to make a decision on one of those five criteria I just mentioned. That brings the tax code down to 46. It simplifies it. So that argument doesn't hold either, the complication of 9,600 jurisdictions I heard being used by my good friend from New Hampshire.

The beauty is if a State without a sales tax doesn't want to participate, they don't have to. That is the beauty of it. They don't have to. They don't have to participate. They don't have to collect the sales tax from their people, as I said earlier, so they have that option. I know all the arguments against the legislation, but, again, I will say they are just wrong.

Some critics say this is a tax increase. That is wrong. If I am paying 6 percent in West Virginia when I go to a store in Fairmont, Charleston, Huntington, Martinsburg, Greenbrier, or Lewisburg—wherever I go it is the same, 6 percent. The only thing we are saying is if a consumer buys on the Internet, the consumer will be charged the same 6 percent. It is not an increase. It is the same.

I think that makes it pretty simple also. It really does give our little stores, owned by the people who basically are the same people to whom we go to participate, give donations and contributions to the Little League—how many times do we see an Internet company giving to the Little League in our hometown or contributing to the chamber of commerce in our hometown, giving to any of the different fund drives there might be, such as the volunteer fire department. What we are saying is we have to do everything we can to keep them alive and healthy.

Some critics say online services don't use the local services that are paid for by the sales taxes, and they should be required to declare the sales taxes. That is wrong also, and I think we just talked about that. They also say whatever product a customer orders online—let's say it is a book from Amazon or shoes from Macy's or towels from Target—if it was delivered, it still has to get to the customer. It still has to use the infrastructure the State is responsible to invest into, and that is our sales tax.

Sales taxes, in all States that collect them, go into general revenue. General revenue supports a cadre of things—anything we can imagine—from schools to roads to programs people need to supporting senior citizens. The taxes support every aspect of life in the State.

When we look at the whole overall bill, including the fact that the little stores and online retailers sell identical products and use the same infrastructure to deliver those products, and collecting taxes owed on a purchase at the point of sale, whether they are relying on consumers to pay that tax voluntarily, as some critics have proposed, would mean $23 billion that is going uncollected. That is just the fairness we are adding to it. Just the fairness. But $23 billion is needed revenue in States that are having difficult times.

We have heard a lot of people give testimony here today that if their little State gets the amount of money it would get by having a fair, level playing field in their taxes, they could reduce their taxes. Well, that is a good opportunity in these difficult times. If West Virginia could have collected sales tax on out-of-State sales during fiscal year 2012 only—not new taxes, just those already owed to the State—if we took the sales done over the Internet, we could have put $103 million more in our State's budget—$103 million more. Our budget is around $4 billion. That is a good chunk of money.

We could have used it to do a couple of things. Let me give an example of what we could have done. With that extra money from Internet sales, we could have built 412 miles of new roads—412 miles. We could hire 2,000 schoolteachers with that money we didn't receive. We could have built 5 high schools. We could have built 7 middle schools or 10 new elementary schools.

Now, we talk about jobs. We talk about infrastructure. We talk about basically investing back into the State, that is money we weren't able to do that with, and that would have helped us.

When we talk about the e-commerce growth, if we look at the growth of business being done online versus business being done in retail stores, we will see quite a disparity, and it is going to continue to grow and put more pressure on businesses. We think this is not going to interfere with the Internet sales, and the reason we say that is because of our busy lifestyles. If that is the way a person wants to shop, that is fine. But they just would not be able to say, well, I can save money because I don't have to pay the sales tax. It might make somebody think they might go down to John's Hardware Store. I know them, and they do a heck of a job. They have a fighting chance now. I want to stay in my local community. They have a fighting chance now.

Trust me, we would not put any Internet businesses out of business. That will not happen. In 2000, the U.S. economy supported $27 billion in e-commerce, which constituted only 9 percent of all retail sales. Over the next 12 years, e-commerce grew tenfold, totaling $224 billion, which is equal to 7 percent of all retail sales: Seven percent now of all retail sales, 10 years ago, 1 percent. One market analysis projects that online retail sales in the United States will grow by 10 percent annually through 2017—10 percent annually. So when we look at that, from $224 billion in 2012, that will be over $370 billion in the next 4 years.

I will just told my colleagues in 2012 what our little State lost and what we could have done with it. Think of all the missed opportunities we are going to have not just in my State but in States all over the Nation.

So just look at how the Internet use has soared in the United States since

2000. Some 240 million Americans are online today compared to half that amount when the century began. So a little over 10 years ago we only had about 120 million. We are going to have full integration of our Internet, which is good. I think it is good. I just want to make sure it is fair, that is all, just fair.

As broadband speeds grow, home and mobile Internet mobile users will spend more time online, and that means more time online shopping. That is fine too. They just will not be able to say: I am going to save 6 percent. They can't say that upfront. That means they are going to shop around a little bit more, and that means we have a chance. If I have a little store in Farmington, WV, where I came from, I have a chance to survive. It gives me a chance. I don't start out in the hole. I don't start out with my hands in my pocket and 6 percent behind to begin with.

Google researchers have found that already 97 percent of Americans look for local products online. So, clearly, the businesses back home are at a huge disadvantage in competing with online retailers if tax requirements are unequal. This makes sense. State governments are losing billions of dollars in uncollected sales taxes that could build the infrastructure we all need.

I have heard from so many businesses back home in West Virginia, and I can tell my colleagues there is overwhelming support for this legislation, and there has been from day one, since we became one of the first States to enter into this streamlined compact. That was in 2003. It started with three States, up to 24 States now, and we have a pathway for all the States to have equalization.

''I own a small business that encourages local people to support local West Virginal artists.'' This is what a lady who wrote to me said. She is a small business owner. Her name is Parween Mascari. She says:

> I own a small business that encourages people to support local West Virginia artists. Because we sell from a physical storefront, we must collect and remit sales tax from our customers. Online merchants do not currently have to collect or remit a comparable tax on sales they make online. That is not only fundamentally unfair, but seriously impairs our ability to be competitive in the market when we have to charge our customers a tax that they don't have to pay when they shop online.

I wish to commend Senator DURBIN and Senator ENZI and my senior Senator ROCKEFELLER for taking leadership on this important issue and for introducing the Marketplace Fairness Act. I am a proud cosponsor of it because I believe it is fair and good for America. I believe this legislation restores fairness and balance to our tax system and strengthens our businesses and revitalizes our downtowns. It creates jobs and helps States struggling to provide the services their citizens expect.

This measure has broad support in both parties, as we have seen by the votes we have already taken. It is backed not only by mom-and-pop stores and Main Street merchants, but also by giant online retailers such as Amazon. I urge Senators to act without any further delay.

I thank my colleagues and, again, I say this is a matter of fairness. It is a matter that I think restores the fairness in American retail.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, my friend from West Virginia says this bill is important for his State. I understand that, but this is a bill that doesn't work for my State of New Hampshire. His suggestion that if States don't like it they have the option not to participate just doesn't work because the businesses in my State of New Hampshire are going to be affected.

This is a proposal that fundamentally violates State sovereignty. It enables one State to impose the enforcement of its laws on the 49 other States and territories without their approval. This legislation would impose new burdens on small businesses not only in New Hampshire but actually across the country.

I represent a State that does not have a sales tax. There are still some States in this country that don't have sales taxes. So my colleagues can understand why I oppose this measure, because this legislation will hurt small, online, family-owned businesses in New Hampshire—businesses that have no experience collecting sales taxes whatsoever.

The proponents of this legislation have said small businesses will not be affected, thanks to the exemption for businesses with less than $1 million in revenue. That is just not true. This legislation creates a disincentive for Internet firms to grow and create jobs for American workers. We know that the margins for so many small online retailers are very slim. I will give you an example.

I have heard from a small business owner in Hudson, NH. Hudson is down along the border of Massachusetts. I know the Acting President pro tempore knows it well. This small business owner's business is approaching $1 million in revenues, and he has about six employees—just six employees.

Now, under the Internet sales tax legislation before us, this company would be considered a large business—revenues over $1 million—because they are almost there. But if this legislation passes, the company's plans to grow will be in doubt. They are going to be forced to reconsider whether they are going to continue to grow, continue to hire more employees, because this arbitrary threshold creates a real disincentive for them to grow.

Now, e-commerce has been a real boon to small businesses in New Hampshire and across the country. It has helped companies find new markets. It has helped them add new revenues. But for companies looking to grow through online sales, this legislation represents a real ceiling for growth.

That is why I have joined with a number of my colleagues to call on the Senate to rethink this legislation. We need to think through its unintended consequences. Small businesses across the country—not just in non-sales tax States, such as New Hampshire, but small businesses across the country—will see their tax burdens increase. I want to give just a few examples of the new burdens that are going to come with this legislation.

First, as I mentioned, each State has different sales and use taxes, so businesses would need new software to figure out how to collect and remit the right taxes. It is my understanding that the States, under this legislation, would be responsible for providing that software to the businesses in their State. I think this creates an unfunded mandate, for the State of New Hampshire to have to provide that software for the small businesses in the State that would be affected.

Small businesses would also need to collect personal information from each buyer to make sure they are complying with all State and local sales taxes.

These small businesses would also have to deal with audit and enforcement actions from out of State. In other words, they would have to answer to taxing authorities in places where they have no representation whatsoever. And as States and localities consider new taxes, these small businesses would have no voice in that process because they have no representation in those jurisdictions.

So these are just a few examples of the many unintended consequences this legislation would create.

I intend to join with a number of my colleagues in filing amendments to improve this bill, including ways that we can protect States rights and small businesses. If the State of New Hampshire does not want to participate because we have no sales tax and we do not think our businesses should be forced to collect Massachusetts sales taxes or Maine sales taxes or Vermont sales taxes online, then it seems to me we ought to be able to opt out of this legislation.

The citizens and small businesses in New Hampshire that will be affected by this legislation deserve a full hearing on these issues, and I urge my colleagues to join us in addressing these defects before we pass this bill.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Marketplace Fairness Act. This bill would level the playing field between brick and mortar retailers and their online counterparts by allowing States the right to collect sales taxes on remote Internet purchases.

The current system of collecting online sales taxes puts brick and mortar retailers at a significant disadvantage. Mom-and-pop stores invest in office

space, inventory, and hire salespeople in order to provide service to their customers.

Increasingly, those efforts are falling victim to a practice known as show rooming, where potential customers enter the physical store, take up the salesperson's time, then make their purchases at home online at a discount because no sales tax is collected.

I have witnessed this firsthand. Imagine you are in the women's shoe department of a nice retail store. An attentive salesperson spends a considerable amount of time with a potential customer finding the right size, trying several pairs of shoes, and answering the customer's questions.

Then the customer pulls out their phone and orders the same pair of shoes online at a lower price, in effect bilking the salesperson for the time spent with the customer. Some people are brazen about doing this.

Effectively, brick and mortar retailers are providing services to online retailers at no charge.

This bill simply brings State sales and use tax collection into the 21st century. When the Supreme Court first considered the issue of collecting out of State online sales taxes, it was in the early 1990's and there were only a trivial amount of online sales.

The ensuing two decades have brought sweeping changes to the online marketplace and the technology that facilitates online sales tax collection.

Online sales continue to increase relative to conventional retail sales. And applications exist that allow retailers to easily collect taxes on out of State sales.

The Marketplace Fairness Act would level the playing field by doing the following:

Allow States the option to collect remote sales taxes; require States to set up a streamlined tax collection process in order to simplify remittance for online businesses, require States to provide the tax collection software to retailers free of charge, and exempt online retailers with less than $1 million in remote sales from having to collect and remit online sales taxes.

It is important to note that many States are already moving to collect sales taxes on remote sales. Just last year, California came to an agreement with amazon.com that required the online sales giant to start collecting sales taxes on purchases made in California.

Furthermore, State laws currently require the collection of online sales taxes. However, rather than the retailer being in charge of collection, it is up to individual taxpayers to calculate and remit the sales taxes they owe on online purchases.

It is estimated that only 1.4 percent of Californians actually remit sales taxes from online purchases, a number roughly in line with other States. State and local governments, which rely in part on sales taxes to fund local schools and infrastructure, are increasingly burdened by their inability to collect sales taxes on online purchases that are lawfully owed.

So this is not a new tax. It is not overly burdensome on small businesses. And it accounts for the fact that more and more retail sales will be taking place online.

The Marketplace Fairness Act puts every business on a level playing field and ensures that tax loopholes do not create unfair advantages for certain retailers. It is time that our tax policy reflects fundamental changes in the retail marketplace, and I strongly encourage my colleagues to support this bill.

I thank the Chair.

I 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. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVENTION AGAINST TORTURE

Mr. UDALL of Colorado. Mr. President, I rise to recognize an important anniversary—the 25th anniversary of the signing of the Convention Against Torture—and would like to do so in the context of the recent publication of an important report on the U.S. policies and programs put in place following the terrorist attacks of September 11, 2001.

After 9/11, Americans came together and set aside their differences. Those terrible events unified this country in a common desire to bring to justice those responsible and to do whatever was necessary to prevent future attacks.

We have spent over a decade successfully reducing al Qaida's ranks, and—until last week—doing so without another major attack on U.S. soil. Yet there have been countless mistakes and costs incurred in the pursuit of these goals.

One of these key mistakes is the program that the Central Intelligence Agency initiated after 9/11 to detain and interrogate terrorist subjects. The details of how this program came to be and how it was conducted are outlined in the Senate Intelligence Committee's 6,000-page report on the CIA's detention and interrogation program—based on a documentary review of over 6 million pages of CIA and other records and including 35,000 footnotes. In December I voted with a majority of my colleagues on the committee to report out the study and to send it to the CIA for its review and comments.

I believe that the CIA's detention and interrogation program was severely flawed. It was mismanaged. The ''enhanced interrogation techniques'' were brutal. And perhaps most importantly, the program did not work. Nonetheless, it was portrayed to the White House, the Department of Justice, the Congress, and the media as a program that resulted in unique information that ''saved lives.''

At his confirmation hearing, I urged CIA Director John Brennan to lead in correcting the false public record about the CIA's program and in instituting the necessary reforms to restore the CIA's reputation for integrity and analytical rigor. I firmly believe that the CIA cannot be its best until its leadership faces the serious and grievous mistakes of this program.

Some say that by looking backward, we are focusing on ''archaeology'' to the exclusion of our national security interests today. I would argue that acknowledging the flaws of this program is essential for the CIA's long-term institutional integrity—as well as for the legitimacy of ongoing sensitive programs. The findings of this report directly relate to how other CIA programs are managed today.

The CIA, the White House, and other agencies continue their review of the committee's report on the CIA's detention and interrogation program, and the Senate Intelligence Committee expects to see an official response soon. But this is not a report I can talk much about or share, since it remains classified.

That is why I am thankful for the release of a report by the Constitution Project's Task Force on Detainee Treatment. The task force was led by former Representative Asa Hutchison and former representative and retired Ambassador James Jones and made up of former high-ranking officials and experts from across the political spectrum. This was a 2-year effort, based on an examination of available public records as well as interviews with over 100 former detainees, military and intelligence officers, interrogators, and policymakers.

In a news article on the report, Mr. Hutchison—who served in several roles in the Bush administration, including as undersecretary of the Department of Homeland Security—said that after researching this issue for nearly 2 years, ''he had no doubts about what the United States did.'' He concluded that ''it's incredibly important to have an accurate account not just of what happened but of how decisions were made.'' He added, ''The United States has a historic and unique character, and part of that character is that we do not torture.''

I couldn't agree more with his sentiments. As one of the task force's contributors, former Ambassador Thomas

Pickering, states in a Washington Post opinion piece I will ask to have printed in the RECORD, ''Admitting our mistakes is the only legitimate basis on which we can reassure the world that America remains committed to the rule of law and to upholding human rights and democratic values.''

I commend the report of the Constitution Project's Task Force to my colleagues. I also urge the administration to work closely with the Senate Intelligence Committee as it conducts its review of the Committee's report.

In marking the 25th anniversary of President Reagan's signing of the international Convention Against Torture, I remind my colleagues and this administration that the government has an obligation to the American people to face its mistakes transparently, help the public understand the nature of those mistakes, and correct them. Director Brennan and this administration have an important task ahead in this regard.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objective the material was printed in the RECORD, as follows:

[From the Washington Post, Apr. 16, 2013]

AMERICA MUST ATONE FOR THE TORTURE IT INFLICTED

(By Thomas R. Pickering)

Thomas R. Pickering is a member of the Constitution Project's Task Force on Detainee Treatment. He was undersecretary of state for political affairs from 1997 to 2001 and served as ambassador and representative to the United Nations from 1989 to 1992.

It's never easy in this volatile world to advance America's strategic aims. For more than four decades, in the service of Democratic and Republican presidents, it was often my job to persuade foreign governments to adhere to international law and observe the highest standards of conduct in human rights—including the strict prohibition of torture. A report released Tuesday by an independent task force on detainee treatment (to which I contributed) makes it clear that U.S. officials could have used the same advice.

Unfortunately, the U.S. government's use of torture against suspected terrorist, and its failure to fully acknowledge and condemn it, has made the exercise of diplomacy far more daunting. By authorizing and permitting torture in response to a global terrorist threat, U.S. leaders committed a grave error that has undermined our values, principles and moral stature; eroded our global influence; and placed our soldiers, diplomats and intelligence officers in even greater jeopardy.

It's not just the Bush-Cheney administration that bears responsibility for diminished U.S. standing, although the worst abuses undeniably took place in the years immediately after the Sept. 11, 2001, attacks. The Obama administration also has failed to be as open and accountable on such fundamental questions of law, morality and principle as a great power that widely supports human rights needs to be.

What can be done to mitigate the damage and set this country on a better course? First and foremost, Americans need to confront the truth. Let's stop resorting to euphemisms and call ''enhanced interrogation techniques''—including but not limited to waterboarding—what they actually are: torture. Torturing detainees flies in the face of principles and practices established in the founding of our republic, and it violates U.S. law and international treaties to which we are a party. Subjecting detainees to torture, no matter how despicable their alleged crimes, runs counter to the values embodied in the U.S. Constitution.

Too much information about the abuse of detainees remains hidden from the American people. Specifically, the Obama administration's ongoing concealment of the details about our use of torture has made it impossible for the United States to comply with its legal obligations under the U.N. Convention Against Torture and has contributed to a disturbing level of public support for torturing suspected terrorists.

President Obama should direct relevant officials to declassify as many related documents as possible as quickly as possible—starting with the more than 6 million pages of classified documents that were the basis for the Senate intelligence committee's recent report on the CIA's interrogation program, and the still-secret report itself—so that the American people may finally learn what was done in our name. Admitting our mistakes is the only legitimate basis on which we can reassure the world that America remains committed to the rule of law and to upholding human rights and democratic values.

Second, Congress needs to work with the administration to close the loopholes that allowed torture to occur under a pretense of legality. In 2009, Obama signed an executive order giving interrogators clear instructions about permissible techniques. But future presidents could reverse course with the stroke of a pen—and no public notice.

To ensure that cannot happen, the federal Anti-Torture Statute should be amended to make clear that the deliberate infliction of severe pain and suffering is torture—regardless of the duration of the torment being inflicted. The War Crimes Act should be amended to make clear that cruel, inhuman or degrading treatment of detainees is a federal crime even when it falls short of torture. Instead of being told to rely on secret legal memos or doctors' unethical monitoring of brutal interrogation sessions, interrogators should be given unambiguous orders that all detainees are to be treated in strict compliance with Common Article 3 of the Geneva Conventions, which is the basic provision of international law outlawing torture. And there should be clear, public rules ensuring prompt access to detainees by the International Committee of the Red Cross.

Third, the United States must not transfer detainees to torture in other countries. Such transfers, known as ''renditions,'' have occurred under Presidents Bill Clinton, George W. Bush and Obama—despite the fact that they violate the Convention Against Torture. In part, this is because of a policy of reliance on ''diplomatic assurances'' from other countries that detainees would not be tortured, despite clear evidence that these assurances were not credible. In part, this is because the United States has refused to acknowledge that the prohibition against transfers to torture is legally binding outside of U.S. territory. Both must change.

Democracy and torture cannot peacefully coexist in the same body politic. Successful human rights diplomacy and torture can't either. Our country and its place in the world—as well as the Americans bravely serving in military, intelligence and diplomatic posts around the globe—deserve nothing less.

ADDITIONAL STATEMENTS

ALASKA RESCUE COORDINATION CENTER

• Mr. BEGICH. Mr. President, I would like to take the time today to congratulate the Alaska Rescue Coordination Center, RCC, for completing their 5,000th mission since July 1, 1994.

The Alaska Rescue Coordination Center has operated in Alaska since 1961, but since July 1, 1994, the RCC has been staffed solely by Alaska Air National Guardsmen under the operational active-duty commander of the 11th Air Force. Since that time, the men and women of the Alaska Air National Guard have kept watch 24 hours a day, seven days a week, coordinating an average of more than five missions a week for nearly 19 years.

The 12 Alaska Air National Guard members who work in the RCC on a rotating schedule all have a background in either rescue operations as a member of the Alaska Air National Guard's 210th, 211th or 212th Rescue Squadrons, or are command and control specialists with experience in rescue control operations.

On March, 27, 2013, the RCC coordinated the Alaska Air National Guard's successful recovery of a pilot who crashed a Super Cub aircraft near the Bering River northeast of Cordova, AK, completing their 5,000th mission.

The RCC relies heavily on the support of other agencies during search-and-rescue missions. Aside from the Alaska Air National Guard and Alaska Army National Guard, during a mission, these agencies can also be called upon: Alaska State Troopers, U.S. Coast Guard District 17, Civil Air Patrol, National Park Service, North Slope Arctic Borough Search and Rescue, Alaska Mountain Rescue, SEADOGS K–9 Search and Rescue Team, Anchorage Nordic Ski Patrol and various other volunteer search groups.

Their busy season follows the weather trends with an increase in search-and-rescue missions toward the end of summer into the fall hunting season. Ask anyone in the rescue business, and you will hear that no two search-and-rescue cases are alike. Throughout the years, there have been many high-profile missions adding up to the 5,000 missions and Alaskans are thankful for their knowledge, dedication, and expertise.

Thank you for allowing me to take a moment to recognize the heroic efforts of the Alaska Rescue Coordination Center and their 5,000 missions.•

TRIBUTE TO ARLENE MULDER

• Mr. KIRK. Mr. President, today I wish to honor Arlington Heights Mayor Arlene Mulder. After 20 years of service to the village as mayor, she is taking a well-deserved retirement.

For 34 years, Mayor Mulder has been a tireless public servant—from park

district commissioner to village trustee and eventually mayor. She has served on countless boards and commissions, but the title that I was most grateful for was that of ''friend''.

I have known Arlene since the days I was a congressional staffer for Congressman John Porter. Arlene was a ''get things done'' mayor. It is why she was tapped by both Democrats and Republicans to partner on issues. When I first took office as Congressman for the 10th Congressional District, Arlene quickly became my go-to mayor for a host of issues.

Whenever we wanted to schedule a townhall meeting in the northwest suburbs, Arlene was my first call. I remember during the health care debate we had a townhall meeting at the village building. When hundreds of citizens showed up and it was clear our room would not be large enough to hold everyone, Arlene immediately went into action and helped us have not one townhall meeting, but two back-to-back. Her resourcefulness ensured that we could communicate with twice the number of constituents on a very important issue.

While we Senators may feel as if we have a full workload between constituent and committee meetings, votes and briefings, Arlene's membership in outside organizations is enough to make even the best multitasker dizzy. She has served on more than a dozen outside boards, commissions, and committees, many focused on the importance of transportation. As a member of Metra's board of directors, she became an advocate for thousands of suburban commuters who rely on commuter rail to get to their jobs. As chair of the O'Hare Noise Compatibility Commission, she led efforts to ensure a balance between the economic development role of O'Hare International Airport and the impact on surrounding communities.

But what I will miss most is our time at the Arlington Heights Memorial Day Parade. Each year, we would honor a local veteran with a military award that was earned but never received. It was always a moving day, and while she will not be the mayor at future ceremonies, I know I will see her there for many years to come.

While I am honored to serve as Arlene's Senator, I am more proud that Arlene was my mayor. Her dedication to the village and people of Arlington Heights will not be forgotten. I wish Arlene and her husband Al and their entire family all the best as she begins the next phase of her public service. Arlington Heights and the State of Illinois were lucky to have her. Thank you, Arlene for all that you have done for us.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:42 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1246. An act to amend the District of Columbia Home Rule Act to provide that the District of Columbia Treasurer or one of the Deputy Chief Financial Officers of the Office of the Chief Financial Officer of the District of Columbia may perform the functions and duties of the Office in an acting capacity if there is a vacancy in the Office.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 788. A bill to suspend the fiscal year 2013 sequester and establish limits on war-related spending.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BAUCUS for the Committee on Finance.

*Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND (for herself, Mr. BEGICH, Mr. BLUMENTHAL, Mrs. BOXER, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. LAUTENBERG, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 777. A bill to restore the previous policy regarding restrictions on use of Department of Defense medical facilities; to the Committee on Armed Services.

By Mr. BURR (for himself and Mr. BEGICH):

S. 778. A bill to authorize the Secretary of Veterans Affairs to issue cards to veterans that identify them as veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURR (for himself, Mr. COBURN, and Mr. THUNE):

S. 779. A bill to amend the Internal Revenue Code of 1986 to provide for reporting and disclosure by State and local public employee retirement pension plans; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. HATCH):

S. 780. A bill to amend title 35, United States Code, to provide for an exception from infringement for certain component parts of motor vehicles; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 781. A bill to modify the boundary of Yosemite National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself, Mr. TOOMEY, and Mr. KING):

S. 782. A bill to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 783. A bill to amend the Helium Act to improve helium stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. JOHANNS):

S. 784. A bill to expand agricultural opportunities for military veterans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL:

S. 785. A bill to amend title 5, United States Code, to eliminate the use of official time by Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS:

S. 786. A bill to require agencies to quantify costs associated with proposed economically significant regulations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS:

S. 787. A bill to require agencies to set forth reasons for determining that a proposed regulatory action is significant; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID:

S. 788. A bill to suspend the fiscal year 2013 sequester and establish limits on war-related spending; read the first time.

By Mr. BAUCUS (for himself, Mr. INHOFE, Mr. BURR, and Mr. TESTER):

S. 789. A bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MCCASKILL (for herself, Mr. PORTMAN, Mr. COATS, Mr. COBURN, Mr. TOOMEY, Mr. VITTER, Mr. FLAKE, Mr. LEE, and Mr. JOHNSON of Wisconsin):

S. 790. A bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 791. A bill to amend the Federal Election Campaign Act of 1971 and the Internal Revenue Code of 1986 to require the disclosure of contributions and expenditures for independent Federal election-related activity, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. LAUTENBERG):

S. 792. A bill to strengthen the enforcement of background checks with respect to the use of explosive materials; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REED (for himself, Mr. ENZI, Mr. MERKLEY, Mr. CRAPO, Mr. JOHNSON of South Dakota, Mr. BARRASSO, Mrs. MURRAY, Mr. COCHRAN, Mr. CARDIN, Mr. WICKER, Mrs. HAGAN, Mr. BLUNT, Mr. DURBIN, Ms. WARREN, Mr. FRANKEN, Mr. COONS, Mr. BAUCUS, Mr. JOHNSON of Wisconsin, Mr. BROWN, Mr. LAUTENBERG, Mr. WARNER, and Ms. LANDRIEU):

S. Res. 105. A resolution designating April 2013 as ''Financial Literacy Month''; considered and agreed to.

By Mr. CASEY (for himself and Mr. CHAMBLISS):

S. Res. 106. A resolution commending rehabilitation counselors and supporting the goals and ideals of National Rehabilitation Counselors Appreciation Day; considered and agreed to.

By Mrs. MURRAY (for herself, Ms. AYOTTE, Ms. LANDRIEU, Mr. HELLER, Mr. MANCHIN, Mrs. BOXER, Mr. BAUCUS, Mr. PRYOR, Mrs. HAGAN, Mr. WHITEHOUSE, Mr. CARDIN, Mr. MENENDEZ, Mr. SCHATZ, Mr. WARNER, Ms. MIKULSKI, Mr. SANDERS, Ms. WARREN, Mrs. GILLIBRAND, and Mr. CHAMBLISS):

S. Res. 107. A resolution honoring military children during the National Month of the Military Child; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. BURR):

S. Res. 108. A resolution designating April 2013 as ''National 9–1–1 Education Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. BARRASSO, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 258, a bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

S. 327

At the request of Mr. BARRASSO, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 327, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S. 345

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 345, a bill to reform the Federal sugar program, and for other purposes.

S. 369

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 369, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 403

At the request of Mr. CASEY, the names of the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Ms. HIRONO), the Senator from North Carolina (Mrs. HAGAN), the Senator from Oregon (Mr. WYDEN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 471

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 471, a bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes.

S. 486

At the request of Mr. BURR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 486, a bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes.

S. 545

At the request of Ms. MURKOWSKI, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 545, a bill to improve hydropower, and for other purposes.

S. 571

At the request of Mr. KIRK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 571, a bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 633

At the request of Mr. TESTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 633, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel in connection with certain special disabilities rehabilitation, and for other purposes.

S. 635

At the request of Mr. BROWN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 687

At the request of Mr. MORAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 687, a bill to prohibit the closing of air traffic control towers, and for other purposes.

S. 695

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 695, a bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes.

S. 724

At the request of Mr. BLUNT, the names of the Senator from Kansas (Mr. MORAN), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Mr. BEGICH) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 724, a bill to provide flexibility to agencies on determining what employees are essential personnel in implementing the sequester.

S. 728

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 728, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 742

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 742, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 743

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 751

At the request of Mr. COATS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 751, a bill to amend the Food, Conservation, and Energy Act of 2008 to authorize producers on a farm to produce fruits and vegetables for processing on the base acres of the farm.

S. 758

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 758, a bill to establish a comprehensive literacy program.

S. 759

At the request of Mr. CASEY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 759, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 767

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 767, a bill to amend title II of the Social Security Act to provide for Congressional oversight and approval of totalization agreements.

S. RES. 65

At the request of Mr. GRAHAM, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 783. A bill to amend the Helium Act to improve helium stewardship, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today Senator MURKOWSKI and I are introducing the Helium Stewardship Act of 2013. This legislation is designed to establish a responsible management strategy for the Federal Helium Reserve that will prevent the disruption of the entire helium supply chain that impacts major parts of the U.S. economy.

Helium is a valuable national resource that is used for a wide range of applications such as a coolant for magnetic resonance imagining machines, semiconductor manufacturing, military aviation, aerospace, and Federal R&D; pressurizing and purging systems; leak detection; welding; and breathing mixtures. Helium uses are diverse. Substitutes are often unavailable. The current global supply is constrained.

The Federal Government has long been in the helium business. In the 1920s, helium was used to float blimps or national defense purposes. Since that time the Federal Government has continued to play a significant role in the production, refining, and storing of helium. This has included establishing a U.S. underground stockpile known as the Federal Helium Reserve located just outside of Amarillo, TX. The Reserve currently supplies 40 percent of the domestic and 30 percent of global helium demand. Eventually, the helium supplies in the Reserve will become too depleted to be used, but for now they provide a critical source of supply.

Current law requires the Federal government to sell off the crude helium remaining in the Federal Helium Reserve in order to repay the U.S. Treasury the $1.3 billion debt incurred creating it. That debt will be fully repaid this fiscal year. As a result, the helium program will terminate in October absent Congressional action. The result, if Congress does not extend operation of the Reserve, will be significant disruption in sector after sector of economy—everything from medical imaging to semiconductor manufacturing.

We need to act. It is important that we act now.

Our bottom line goal is to keep the Federal Helium Reserve open, until new sources of supply can be developed, and prevent significant disruptions to a number of critical U.S. industries.

This bipartisan bill has two primary objective; one is to ensure helium market stability for end-users, and to ensure a fair return on this Federal asset to American taxpayers. We believe that it is essential that there be an adequate price discovery mechanism for the sale price of helium to nongovernmental organizations. Our bill would require the Secretary of Interior to establish an auction process to ensure that government prices for helium reflect its value in the marketplace based on an initial auction of 10 percent of supply and increasing that amount by an additional 10 percent a year. But it is also important to keep in mind that the Reserve currently provides major shares of the domestic and global helium supply and we do not want this legislation to disrupt the many industrial and heath care activities that are dependent on helium.

I believe this legislation strikes the right balance. The bill provides for an orderly, gradual transition among three phases, resulting in minimal market disruption to end users. It introduces a price discovery mechanism and transparency measures that will increase the taxpayer return and stimulate investment in private-sector sources. It further gives priority to meeting the needs of Federal users at Federal agencies, national laboratories, and universities. This legislation maintains access to crude helium for Federal users to perform the experiments that lead to the discoveries that drive economic growth, while requiring the development of a long-term plan for Federal helium purchases.

Helium may not be the most high profile natural resources, but it is one resource that is central to our economy. This legislation is urgent, critical, and necessary to ensure that we continue on a trajectory for economic growth that protects the jobs of domestic manufacturers and industrial partners as well as Federal users across the Nation.

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. 783

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 ''Helium Stewardship Act of 2013''.

SEC. 2. DEFINITIONS.

Section 2 of the Helium Act (50 U.S.C. 167) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) CLIFFSIDE FIELD.—The term 'Cliffside Field' means the helium storage reservoir in which the Federal Helium Reserve is stored.

''(2) FEDERAL HELIUM PIPELINE.—The term 'Federal Helium Pipeline' means the federally owned pipeline system through which the Federal Helium Reserve may be transported.

''(3) FEDERAL HELIUM RESERVE.—The term 'Federal Helium Reserve' means helium reserves owned by the United States.

''(4) FEDERAL HELIUM SYSTEM.—The term 'Federal Helium System' means—

''(A) the Federal Helium Reserve;

''(B) the Cliffside Field;

''(C) the Federal Helium Pipeline; and

''(D) all other infrastructure owned, leased, or managed under contract by the Secretary for the storage, transportation, withdrawal, purification, or management of helium.

''(5) FEDERAL USER.—The term 'Federal user' means a Federal agency or extramural holder of 1 or more Federal research grants using helium.

''(6) LOW-BTU GAS.—The term 'low-Btu gas' means a fuel gas with a heating value of less than 250 Btu per standard cubic foot measured as the higher heating value resulting from the inclusion of noncombustible gases, including nitrogen, helium, argon, and carbon dioxide.

''(7) PERSON.—The term 'person' means any individual, corporation, partnership, firm,

association, trust, estate, public or private institution, or State or political subdivision.

''(8) PRIORITY PIPELINE ACCESS.—The term 'priority pipeline access' means the first priority of delivery of crude helium under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

''(9) QUALIFIED BIDDER.—

''(A) IN GENERAL.—The term 'qualified bidder' means a person the Secretary determines is seeking to purchase helium for their own use, refining, or redelivery to users

''(B) EXCLUSION.—The term 'qualified bidder' does not include a person who was previously determined to be a qualified bidder if the Secretary determines that the person did not meet the requirements of a qualified bidder under this Act.

''(10) QUALIFYING DOMESTIC HELIUM TRANSACTION.—The term 'qualifying domestic helium transaction' means any agreement entered into or renegotiated agreement during the preceding 1-year period in the United States for the purchase or sale of at least 20,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the Secretary for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

''(11) REFINER.—The term 'refiner' means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.''.

SEC. 3. AUTHORITY OF SECRETARY.

Section 3 of the Helium Act (50 U.S.C. 167a) is amended by adding at the end the following:

''(c) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LAND.—All amounts received by the Secretary from the sale or disposition of helium on Federal land shall be credited to the Helium Production Fund established under section 6(d).''.

SEC. 4. STORAGE, WITHDRAWAL AND TRANSPORTATION.

Section 5 of the Helium Act (50 U.S.C. 167c) is amended to read as follows:

''SEC. 5. STORAGE, WITHDRAWAL AND TRANSPORTATION.

''(a) IN GENERAL.—If the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person that accurately reflects the economic value of those services.

''(b) MINIMUM FEES.—The fees charged under subsection (a) shall be not less than the amount required to reimburse the Secretary for the full costs of providing storage, withdrawal, or transportation services.

''(c) SCHEDULE OF FEES.—Prior to sale or auction under subsection (a), (b), or (c) of section 6, the Secretary shall annually publish a standardized schedule of fees that the Secretary will charge under this section.

''(d) TREATMENT.—All fees received by the Secretary under this section shall be credited to the Helium Production Fund established under section 6(d).

''(e) NEW STORAGE.—In accordance with this section, the Secretary shall allow any person or qualified bidder to which crude helium is sold or auctioned under section 6 to store that helium in the Federal Helium Reserve.''.

SEC. 5. SALE OF CRUDE HELIUM.

Section 6 of the Helium Act (50 U.S.C. 167d) is amended to read as follows:

''SEC. 6. SALE OF CRUDE HELIUM.

''(a) PHASE A: ALLOCATION TRANSITION.—

''(1) IN GENERAL.—The Secretary shall offer crude helium for sale in such quantities, at such times, at not less than the minimum price established under subsection (b)(7), and under such terms and conditions as the Secretary determines necessary to carry out this subsection with minimum market disruption.

''(2) FEDERAL PURCHASES.—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium from the Secretary.

''(3) DURATION.—This subsection applies during the period—

''(A) beginning on the date of enactment of the Helium Stewardship Act of 2013; and

''(B) ending on September 30, 2014.

''(b) PHASE B: AUCTION IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall offer crude helium for sale in quantities not subject to auction under paragraph (2), at such times, at not less than the minimum price established under paragraph (7), and under such terms and conditions as the Secretary determines necessary—

''(A) to maximize total recovery of helium from the Federal Helium Reserve over the long term;

''(B) to maximize the total financial return to the taxpayer;

''(C) to manage crude helium sales according to the ability of the Secretary to extract and produce helium from the Federal Helium Reserve;

''(D) to give priority to meeting the helium demand of Federal users in the event of any disruption to the Federal Helium Reserve; and

''(E) to carry out this subsection with minimum market disruption.

''(2) AUCTION QUANTITIES.—For the period described in paragraph (4) and consistent with the conditions described in paragraph (8), the Secretary shall annually auction to any qualified bidder a quantity of crude helium in the Federal Helium Reserve equal to—

''(A) for fiscal year 2015, 10 percent of the total volume of crude helium made available for that fiscal year; and

''(B) for each subsequent fiscal year, a percentage of the total volume of crude helium that is 10 percentage points greater than the percentage available for the previous fiscal year, but not to exceed 100 percent.

''(3) FEDERAL PURCHASES.—Federal users may purchase refined helium-with priority pipeline access and at the in-kind price under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium from the Secretary.

''(4) DURATION.—This subsection applies during the period—

''(A) beginning on October 1, 2014; and

''(B) ending on the date on which the volume of recoverable crude helium at the Federal Helium Reserve (other than privately owned quantities of crude helium stored temporarily at the Federal Helium Reserve under section 5 and this section) is 3,000,000,000 standard cubic feet.

''(5) SAFETY VALVE.—The Secretary may adjust the quantities specified in paragraph (2)—

''(A) downward, if the Secretary determines the adjustment necessary—

''(i) to minimize market disruptions that pose a threat to the economic well-being of the United States; and

''(ii) only after submitting a written justification of the adjustment to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; or

''(B) upward, if the Secretary determines the adjustment necessary to increase participation in crude helium auctions or returns to the taxpayer.

''(6) AUCTION FORMAT.—The Secretary shall conduct each auction using a method that maximizes revenue to the Federal Government.

''(7) PRICES.—The Secretary shall annually establish, as applicable, sale and minimum auction prices under subsection (a)(1) and paragraphs (1) and (2) using, if applicable and in the following order of priority:

''(A) The sale price of crude helium in auctions held by the Secretary under paragraph (2).

''(B) Price recommendations and disaggregated data from a qualified, independent third party who has no conflict of interest, who shall conduct a confidential survey of qualifying domestic helium transactions.

''(C) The volume-weighted average price of all crude helium and pure helium purchased, sold, or processed by persons in all qualifying domestic helium transactions.

''(D) The volume-weighted average cost of converting gaseous crude helium into pure helium.

''(8) TERMS AND CONDITIONS.—

''(A) IN GENERAL.—The Secretary shall require all persons that are parties to a contract with the Secretary for the withdrawal, acceptance, storage, transportation, delivery, or redelivery of crude helium to disclose, on a strictly confidential basis—

''(i) the volumes and associated prices in dollars per thousand cubic feet of all crude and pure helium purchased, sold, or processed by persons in qualifying domestic helium transactions;

''(ii) the volumes and associated costs in dollars per thousand cubic feet of converting crude helium into pure helium; and

''(iii) refinery capacity and future capacity estimates.

''(B) CONDITION.—As a condition of sale or auction to a refiner under subsection (a)(1) and paragraphs (1) and (2), effective beginning 90 days after the date of enactment of the Helium Stewardship Act of 2013, the refiner shall make excess refining capacity of helium available at commercially reasonable rates to—

''(i) any person prevailing in auctions under paragraph (2); and

''(ii) any person that has acquired crude helium from the Secretary from the Federal Helium Reserve by means other than an auction under paragraph (2) after the date of enactment of the Helium Stewardship Act of 2013.

''(9) USE OF INFORMATION.—The Secretary may use the information collected under this Act—

''(A) to approximate crude helium prices; and

''(B) to ensure the recovery of fair value for the taxpayers of the United States from sales of crude helium.

''(10) PROTECTION OF CONFIDENTIALITY.—The Secretary shall adopt such administrative policies and procedures as the Secretary considers necessary and reasonable to ensure the confidentiality of information submitted pursuant to this Act.

''(c) PHASE C: CONTINUED ACCESS FOR FEDERAL USERS.—

''(1) IN GENERAL.—The Secretary shall offer crude helium for sale to Federal users in such quantities, at such times, at not less than the minimum price established under subsection (b)(7), and under such terms and conditions as the Secretary determines necessary to carry out this subsection.

''(2) FEDERAL PURCHASES.—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable

contracts to purchase an equivalent quantity of crude helium from the Secretary.

''(3) EFFECTIVE DATE.—This subsection applies beginning on the day after the date described in subsection (b)(4)(B).

''(d) HELIUM PRODUCTION FUND.—

''(1) IN GENERAL.—All amounts received under this Act, including amounts from the sale or auction of crude helium, shall be credited to the Helium Production Fund, which shall be available without fiscal year limitation for purposes considered necessary by the Secretary to carry out this Act (other than sections 16, 17, and 18), including capital investments in upgrades and maintenance at the Federal Helium System, including—

''(A) well head maintenance at the Cliffside Field;

''(B) capital investments in maintenance and upgrades of facilities that pressurize the Cliffside Field;

''(C) capital investments in maintenance and upgrades of equipment related to the storage, withdrawal, transportation, purification, and sale of crude helium from the Federal Helium Reserve;

''(D) entering into purchase, lease, or other agreements to drill new or uncap existing wells to maximize the recovery of crude helium from the Federal Helium System if the Secretary determines the actions to be cost-effective; and

''(E) any other scheduled or unscheduled maintenance of the Federal Helium System.

''(2) EXCESS FUNDS.—Any amounts in the Helium Production Fund described in paragraph (1) that exceed the amounts that the Secretary determines to be necessary to carry out paragraph (1) shall be deposited in the general fund of the Treasury.

''(e) MINIMUM QUANTITY.—The Secretary shall offer for sale or auction during each fiscal year under subsections (a), (b), and (c) a quantity of crude helium that is the lesser of —

''(1) the quantity of crude helium offered for sale by the Secretary during fiscal year 2012; and

''(2) the maximum total production capacity of the Federal Helium System.

''(f) MAINTENANCE OF HELIUM SUPPLY.—The Secretary shall minimize disruption in the supply of helium from the Federal Helium System during the transition between phases of helium sales under subsections (a), (b), and (c).''.

SEC. 6. INFORMATION, ASSESSMENT, RESEARCH, AND STRATEGY.

The Helium Act (50 U.S.C. 167 et seq.) is amended—

(1) by repealing section 15 (50 U.S.C. 167m);

(2) by redesignating section 17 (50 U.S.C. 167 note) as section 20; and

(3) by inserting after section 14 (50 U.S.C. 167l) the following:

''SEC. 15. INFORMATION.

''(a) TRANSPARENCY.—The Secretary, acting through the Bureau of Land Management, shall make available on the Internet information relating to the Federal Helium System that includes—

''(1) continued publication of an open market and in-kind price;

''(2) aggregated projections of excess refining capacity;

''(3) ownership of helium held in the Federal Helium Reserve;

''(4) the volume of helium delivered to persons through the Federal Helium Pipeline;

''(5) pressure constraints of the Federal Helium Pipeline;

''(6) an estimate of the projected date when 3,000,000,000 standard cubic feet of crude helium will remain in the Federal Helium Reserve and the final phase described in section 6(c) will begin;

''(7) the amount of the fees charged under section 5;

''(8) the scheduling of crude helium deliveries through the Federal Helium Pipeline; and

''(9) other factors that will increase transparency.

''(b) REPORTING.—Not later than 90 days after the date of enactment of the Helium Stewardship Act of 2013, to provide the market with appropriate and timely information affecting the helium resource, the Director of the Bureau of Land Management shall establish a timely and public reporting process to provide data that affects the helium industry, including—

''(1) annual maintenance schedules and quarterly updates, that shall include—

''(A) the date and duration of planned shutdowns of the Federal Helium Pipeline;

''(B) the nature of work to be undertaken on the Federal Helium System, whether routine, extended, or extraordinary;

''(C) the anticipated impact of the work on the helium supply;

''(D) the efforts being made to minimize any impact on the supply chain; and

''(E) any concerns regarding maintenance of the Federal Helium Pipeline, including the pressure of the pipeline or deviation from normal operation of the pipeline;

''(2) for each unplanned outage, a description of—

''(A) the beginning of the outage;

''(B) the expected duration of the outage;

''(C) the nature of the problem;

''(D) the estimated impact on helium supply;

''(E) a plan to correct problems, including an estimate of the potential timeframe for correction and the likelihood of plan success within the timeframe;

''(F) efforts to minimize negative impacts on the helium supply chain; and

''(G) updates on repair status and the anticipated online date;

''(3) monthly summaries of meetings and communications between the Bureau of Land Management and the Cliffside Refiners Limited Partnership, including a list of participants and an indication of any actions taken as a result of the meetings or communications; and

''(4) current predictions of the lifespan of the Federal Helium System, including how much longer the crude helium supply will be available based on current and forecasted demand and the projected maximum production capacity of the Federal Helium System for the following fiscal year.

''SEC. 16. HELIUM GAS RESOURCE ASSESSMENT.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Helium Stewardship Act of 2013, the Secretary, acting through the Director of the United States Geological Survey, shall—

''(1) in coordination with appropriate heads of State geological surveys—

''(A) complete a national helium gas assessment that identifies and quantifies the quantity of helium, including the isotope helium-3, in each reservoir, including assessments of the constituent gases found in each helium resource, such as carbon dioxide, nitrogen, and natural gas; and

''(B) make available the modern seismic and geophysical log data for characterization of the Bush Dome Reservoir;

''(2) in coordination with appropriate international agencies and the global geology community, complete a global helium gas assessment that identifies and quantifies the quantity of the helium, including the isotope helium-3, in each reservoir;

''(3) in coordination with the Secretary of Energy, acting through the Administrator of the Energy Information Administration, complete—

''(A) an assessment of trends in global demand for helium, including the isotope helium-3;

''(B) a 10-year forecast of domestic demand for helium across all sectors, including scientific and medical research, commercial, manufacturing, space technologies, cryogenics, and national defense; and

''(C) an inventory of medical, scientific, industrial, commercial, and other uses of helium in the United States, including Federal uses, that identifies the nature of the helium use, the amounts required, the technical and commercial viability of helium recapture and recycling in that use, and the availability of material substitutes wherever possible; and

''(4) 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 describing the results of the assessments required under this paragraph.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as are necessary.

''SEC. 17. LOW-BTU GAS SEPARATION AND HELIUM CONSERVATION.

''(a) AUTHORIZATION.—The Secretary of Energy shall support programs of research, development, commercial application, and conservation (including the programs described in subsection (b))—

''(1) to expand the domestic production of low-Btu gas and helium resources;

''(2) to separate and capture helium from natural gas streams; and

''(3) to reduce the venting of helium and helium-bearing low-Btu gas during natural gas exploration and production.

''(b) PROGRAMS.—

''(1) MEMBRANE TECHNOLOGY RESEARCH.—The Secretary of Energy, in consultation with other appropriate agencies, shall support a civilian research program to develop advanced membrane technology that is used in the separation of low-Btu gases, including technologies that remove helium and other constituent gases that lower the Btu content of natural gas.

''(2) HELIUM SEPARATION TECHNOLOGY.—The Secretary of Energy shall support a research program to develop technologies for separating, gathering, and processing helium in low concentrations that occur naturally in geological reservoirs or formations, including—

''(A) low-Btu gas production streams; and

''(B) technologies that minimize the atmospheric venting of helium gas during natural gas production.

''(3) INDUSTRIAL HELIUM PROGRAM.—The Secretary of Energy, working through the Advanced Manufacturing Office of the Department of Energy, shall carry out a research program—

''(A) to develop low-cost technologies and technology systems for recycling, reprocessing, and reusing helium for all medical, scientific, industrial, commercial, aerospace, and other uses of helium in the United States, including Federal uses; and

''(B) to develop industrial gathering technologies to capture helium from other chemical processing, including ammonia processing.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as are necessary.

''SEC. 18. HELIUM-3 SEPARATION.

''(a) INTERAGENCY COOPERATION.—The Secretary shall cooperate with the Secretary of Energy, or a designee, on any assessment or

research relating to the extraction and refining of the isotope helium-3 from crude helium at the Federal Helium Reserve or along the Federal Helium Pipeline, including—

''(1) gas analysis;

''(2) infrastructure studies; and

''(3) cooperation with refiners.

''(b) FEASIBILITY STUDY.—The Secretary, in consultation with the Secretary of Energy, or a designee, may carry out a study to assess the feasibility of establishing a facility to separate the isotope helium-3 from crude helium at—

''(1) the Federal Helium Reserve; or

''(2) an existing helium separation or purification facility connected to the Federal Helium Pipeline.

''(c) REPORT.—Not later than 1 year after the date of enactment of the Helium Stewardship Act of 2013, 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 a description of the results of the assessments conducted under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as are necessary.

''SEC. 19. FEDERAL AGENCY HELIUM ACQUISITION STRATEGY.

''Not later than 2 years after the date of enactment of the Helium Stewardship Act of 2013, the Secretary (in consultation with the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, and the Director of the National Institutes of Health) shall submit to Congress a report that provides for Federal users—

''(1) an assessment of the consumption of, and projected demand for, crude and refined helium;

''(2) a description of a 20-year Federal strategy for securing access to crude helium;

''(3) an assessment of the effects of increases in the price of refined helium and methods and polices for mitigating any determined effects; and

''(4) a description of a process for prioritization of uses that accounts for diminished availability of helium supplies that may occur over time.''.

SEC. 7. CONFORMING AMENDMENTS.

(a) Section 4 of the Helium Act (50 U.S.C. 167b) is amended by striking ''section 6(f)'' each place it appears in subsections (c)(3), (c)(4), and (d)(2) and inserting ''section 6(d)''.

(b) Section 8 of the Helium Act (50 U.S.C. 167f) is repealed.

SEC. 8. EXISTING AGREEMENTS.

This Act and the amendments made by this Act shall not in any manner affect or diminish the rights and obligations of the Secretary of the Interior and private parties under agreements in existence on the date of enactment of this Act, except to the extent that the agreements are renewed or extended after that date.

SEC. 9. REGULATIONS.

The Secretary of the Interior shall promulgate such regulations as are necessary to carry out this Act and the amendments made by this Act, including regulations necessary to prevent unfair acts and practices.

By Mr. BAUCUS (for himself and Mr. JOHANNS):

S. 784. A bill to expand agricultural opportunities for military veterans, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BAUCUS. Mr. President, in 1787, Thomas Jefferson wrote a letter to George Washington in which he wrote ''Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.''

Those words remain true for our farmers and ranchers today but they also ring true to for veterans who are returning from service and returning to the land.

Our veteran unemployment rate is shameful, and it really hits home in rural States like Montana where so many folks volunteer for service. I believe we must think outside the box and look for ways to boost jobs for our veterans in everything we do. Which has me turning to the Farm bill.

Today I, with my colleague Senator JOHANNS, have introduced the Agricultural Opportunities for Military Veterans Act which will help create new opportunities for our veteran populations hoping to become involved in farming and ranching.

With over 45 percent of those who serve in the military coming from rural communities Congress must ensure our returning servicemembers have a variety of resources at their disposal.

My bill will help boost veteran employment through the Farm bill. It would create a veteran preference in programs that make it cheaper and easier to institute best practices in farming and ranching.

The bill also creates a new Military Liaison Office to assist veterans at the U.S. Department of Agriculture and expands outreach programs to help make sure veterans are aware of the resources available to them.

I urge my colleagues to join myself and Senator JOHANNS in supporting veterans through our programs at the U.S. Department of Agriculture.

By Mr. REID:

S. 788. A bill to suspend the fiscal year 2013 sequester and establish limits on war-related spending; read the first time.

Mr. REID. 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. 788

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

SECTION 1. SUSPENSION OF THE 2013 SEQUESTER.

Notwithstanding the sequestration order issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A)), there shall be available for the Federal Government for fiscal year 2013 the amount that would have been made available for the Federal Government for fiscal year 2013 but for sections 251 and 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 and 901a), sections 3001 and 3004 of the Consolidated and Further Continuing Appropriations Act, 2013, and any sequestration order issued by the President.

SEC. 2. AMENDMENT TO OCO ADJUSTMENTS.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) ELIMINATING A BREACH.—

''(A) IN GENERAL.—Each nonexempt account within a category shall be reduced by a dollar amount calculated by multiplying the enacted level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate a breach within that category.

''(B) OVERSEAS CONTINGENCIES.—Any amount of budget authority for overseas contingency operations and related activities for fiscal years 2014 through 2016 in excess of the levels set in subsection 251(b)(2)(E) shall be counted in determining whether a breach has occurred in the security category.''; and

(2) in subsection (b)(2)—

(A) in subparagraph (A)(ii), by inserting ''for fiscal years 2017 through 2021,'' before ''the Congress''; and

(B) by inserting at the end the following:

''(E) OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM.—If, for fiscal years 2014 through 2016, appropriations for discretionary accounts are enacted that Congress designates for Overseas Contingency Operations/Global War on Terrorism in statute on an account by account basis, the adjustment for the fiscal year shall be the total of such appropriations for the fiscal year in discretionary accounts designated as being for Overseas Contingency Operations/Global War on Terrorism, but not to exceed—

''(i) for fiscal year 2014, $92,289,000,000 in additional new budget authority;

''(ii) for fiscal year 2015, $37,283,000,000 in additional new budget authority; and

''(iii) for fiscal year 2016, $37,283,000,000 in additional new budget authority.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—DESIGNATING APRIL 2013 AS ''FINANCIAL LITERACY MONTH''

Mr. REED (for himself, Mr. ENZI, Mr. MERKLEY, Mr. CRAPO, Mr. JOHNSON of South Dakota, Mr. BARRASSO, Mrs. MURRAY, Mr. COCHRAN, Mr. CARDIN, Mr. WICKER, Mrs. HAGAN, Mr. BLUNT, Mr. DURBIN, Ms. WARREN, Mr. FRANKEN, Mr. COONS, Mr. BAUCUS, Mr. JOHNSON of Wisconsin, Mr. BROWN, Mr. LAUTENBERG, Mr. WARNER, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas, according to the Federal Deposit Insurance Corporation (referred to in this preamble as the ''FDIC''), at least 28.3 percent of households in the United States, or nearly 34,000,000 households with approximately 67,888,000 adults, are unbanked or underbanked and therefore have not had the opportunity to access savings, lending, and other basic financial services;

Whereas, according to the FDIC, approximately 30 percent of banks reported in 2011 that consumers lacked understanding of the financial products and services banks offered;

Whereas, according to the 2012 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling—

(1) approximately 42 percent of, or nearly 98,000,000, adults in the United States gave themselves a grade of C, D, or F on their

knowledge of personal finance, and 4 out of every 5 adults admitted that they could benefit from additional advice and answers to everyday financial questions from a professional;

(2) the number of adults in the United States who admit to not paying their bills on time has increased from 28 percent in 2011 to 33 percent, or nearly 77,000,000, in 2012;

(3) only 43 percent of adults in the United States keep close track of their spending, and more than 13,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending; and

(4) 2 out of every 5 adults in the United States, or more than 93,000,000, are saving less than they did in 2011, and approximately 39 percent of adults report that they have no non-retirement savings;

Whereas the 2012 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that—

(1) only 14 percent of workers were ''very confident'' about having enough money for a comfortable retirement, which is a sharp decline in worker confidence from the 27 percent of workers who were ''very confident'' in 2007; and

(2) approximately 56 percent of workers say they or their spouses have not calculated the amount of money they need to save for retirement;

Whereas, according to a 2012 ''Flow of Funds'' report by the Board of Governors of the Federal Reserve System, aggregate household debt in the United States was $12,800,000,000 at the end of the fourth quarter of 2012;

Whereas, according to the Survey of the States 2011: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, a biennial report by the Council for Economic Education—

(1) only 22 States require students to take an economics course as a high school graduation requirement;

(2) only 16 States require testing student knowledge of economics; and

(3) only 12 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas, according to the Gallup-Operation HOPE Financial Literacy Index, only 54 percent of students in the United States have money in a bank or credit union account;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of household, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress determined that coordinating Federal financial literacy efforts and formulating a national strategy is important; and

Whereas, in light of that determination, Congress passed the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), establishing the Financial Literacy and Education Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2013 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe Financial Literacy Month with appropriate programs and activities.

SENATE RESOLUTION 106—COMMENDING REHABILITATION COUNSELORS AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. CASEY (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas rehabilitation counselors conduct assessments, provide counseling, support families, and plan and implement rehabilitation programs for individuals in need of rehabilitation;

Whereas the purpose of professional organizations for rehabilitation counseling and education is to promote the improvement of rehabilitation services available to individuals with disabilities through quality education for counselors and rehabilitation research;

Whereas various professional organizations have vigorously advocated up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education, including—

(1) the National Rehabilitation Association;

(2) the Rehabilitation Counselors and Educators Association;

(3) the National Council on Rehabilitation Education;

(4) the National Rehabilitation Counseling Association;

(5) the American Rehabilitation Counseling Association;

(6) the Commission on Rehabilitation Counselor Certification;

(7) the Council of State Administrators of Vocational Rehabilitation; and

(8) the Council on Rehabilitation Education;

Whereas, on March 22, 1983, Martha Walker of Kent State University, who was President of the National Council on Rehabilitation Education, testified before the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives, and was instrumental in bringing the need for qualified rehabilitation counselors to the attention of Congress;

Whereas the efforts of Martha Walker led to the enactment of laws that require rehabilitation counselors to have proper credentials, in order to provide a higher quality of service to those in need of rehabilitation; and

Whereas March 22 is National Rehabilitation Counselors Appreciation Day: Now, therefore, be it

Resolved, That the Senate—

(1) commends—

(A) rehabilitation counselors, for the dedication and hard work rehabilitation counselors provide to individuals in need of rehabilitation; and

(B) professional organizations, for the efforts professional organizations have made to assist those who require rehabilitation; and

(2) supports the goals and ideals of National Rehabilitation Counselors Appreciation Day.

SENATE RESOLUTION 107—HONORING MILITARY CHILDREN DURING THE NATIONAL MONTH OF THE MILITARY CHILD

Mrs. MURRAY (for herself, Ms. AYOTTE, Ms. LANDRIEU, Mr. HELLER, Mr. MANCHIN, Mrs. BOXER, Mr. BAUCUS, Mr. PRYOR, Mrs. HAGAN, Mr. WHITEHOUSE, Mr. CARDIN, Mr. MENENDEZ, Mr. SCHATZ, Mr. WARNER, Ms. MIKULSKI, Mr. SANDERS, Ms. WARREN, Mrs. GILLIBRAND, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas more than 2,000,000 men and women are demonstrating their courage and commitment to freedom by serving in the Armed Forces of the United States;

Whereas 43.9 percent of members of the Armed Forces, when deployed away from their permanent duty stations, leave families with children behind;

Whereas no one feels the effect of deployments more than the children of deployed members of the Armed Forces;

Whereas, as of March 2013, 4,802 children had lost a parent serving in Operation Iraqi Freedom and Operation Enduring Freedom;

Whereas the daily struggles and personal sacrifices of children of members of the Armed Forces too often go unnoticed;

Whereas countless children live with a parent who is a member of the Armed Forces and who bears a visible or invisible wound of war;

Whereas the children of members of the Armed Forces are a source of pride and honor to the people of the United States and it is fitting that the United States recognize their contributions and celebrate their spirit;

Whereas the National Month of the Military Child, observed in April each year, recognizes military children for their sacrifices and contributes to demonstrating the unconditional support of the United States for members of the Armed Forces;

Whereas, in addition to programs of the Department of Defense to support military families and military children, various programs and campaigns have been established in the private sector to honor, support, and thank military children by fostering awareness and appreciation for the sacrifices and the challenges they face; and

Whereas a month-long salute to military children will encourage support for those organizations and campaigns established to provide direct support for military children and families: Now, therefore, be it

Resolved, That the Senate—

(1) joins the Secretary of Defense in honoring the children of members of the Armed Forces and recognizes that those children also share in the burden of protecting the United States; and

(2) urges the people of the United States to join with the military community in observing the National Month of the Military Child with appropriate ceremonies and activities that honor, support, and thank military children.

SENATE RESOLUTION 108—DESIGNATING APRIL 2013 AS ''NATIONAL 9-1-1 EDUCATION MONTH''

Ms. KLOBUCHAR (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 108

Whereas 9-1-1 is recognized throughout the United States as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas, in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a ''single number should be established'' nationwide for reporting emergency situations, and various Federal Government agencies and governmental officials supported and encouraged the recommendation;

Whereas, in 1968, the American Telephone and Telegraph Company (commonly known as ''AT&T'') announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas Congress designated 9-1-1 as the national emergency call number in the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be ''a high national priority'' and part of ''our Nation's homeland security and public safety'';

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the 9-1-1 system works, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population of the United States, including individuals who are deaf, hard of hearing, or deaf-blind, or have speech disabilities, is increasingly communicating with nontraditional text, video, and instant messaging communications services and expects those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other ''N-1-1'' and 800 number services exist for nonemergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the population of the United States each year, and visitors and immigrants may have limited knowledge of the emergency calling system in the United States;

Whereas people of all ages use 9-1-1 and it is critical to educate people on the proper use of 9-1-1;

Whereas senior citizens are highly likely to need to access 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children early in life about 9-1-1;

Whereas the 9-1-1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9-1-1 education for children, but can do so only after first being educated themselves;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association make vital contributions to the education of children about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas the United States should strive to host at least 1 educational event regarding the proper use of 9-1-1 in every school in the country every year;

Whereas programs to promote proper use of 9-1-1 during National 9-1-1 Education Month could include—

(1) public awareness events, including conferences, media outreach, and training activities for parents, teachers, school administrators, other caregivers, and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9-1-1 system designed to educate people of all ages on the importance and proper use of 9-1-1; and

Whereas the people of the United States deserve the best education regarding the use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2013 as ''National 9-1-1 Education Month''; and

(2) urges governmental officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 740. Mr. PRYOR (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 740. Mr. PRYOR (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. EXTENSION OF INTERNET TAX FREEDOM ACT.

(a) IN GENERAL. Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''November 1, 2014'' and inserting ''November 1, 2024''.

(b) GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.—Section 1104(a)(2)(A) of such Act is amended by striking ''November 1, 2014'' and inserting ''November 1, 2024''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CLAIRE MCCASKILL, intend to object to proceeding to the nomination of Lt. Gen. Susan J. Helms to be Lieutenant General in the U.S. Air Force, dated April 23, 2013.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 23, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 23, 2013, at 10 a.m. to conduct a hearing entitled ''The Consumer Financial Protection Bureau's Semi-Annual Report to Congress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 23, 2013, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 23, 2013, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 23, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The

Antwone Fisher Story as a Case Study for Child Welfare.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Successful Primary Care Programs: Creating the Workforce We Need'' on April 23, 2013, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 23, 2013, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''The Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 23, 2013, at 4 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Drone Wars: The Constitutional and Counterterrorim Implications of Targeted Killing.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 23, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 23, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on April 23, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Challenges and Opportunities for Human Space Exploration.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES AND THE COAST GUARD

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on April 23, 2013, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Oversight of the President's Fiscal Year 2014 Budget Requests for Coast Guard and NOAA.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Augustus Ilag, an intern for the Finance Committee, be allowed on the Senate floor for the remainder of this calendar year.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that Molly Crawford, who is on detail to the Committee on Commerce, Science, and Transportation, from the Federal Trade Commission, be granted floor privileges for the duration of the consideration of S. 743, the Marketplace Fairness Act of 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. DURBIN. I ask unanimous consent that on Wednesday, April 24, at 10:30 a.m., the Senate proceed to executive session to consider Calendar No. 60 and Calendar No. 64; that there be 90 minutes for debate equally divided in the usual form: the time from 10:30 a.m to 11 a.m. on Calendar No. 60 and the time from 11 a.m. to 12 noon on Calendar No. 64; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed, with 2 minutes for debate equally divided in the usual form between the votes; that the second vote be 10 minutes in length; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 475

Mr. DURBIN. Mr. President, I ask unanimous consent that if the Senate receives H.R. 475 from the House of Representatives and the bill is identical to the text which is at the desk, then the bill be read three times and the Senate proceed to a vote at a time to be determined by the majority leader, in consultation with the minority leader, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following resolutions, which were submitted earlier today: S. Res. 105, S. Res. 106, S. Res. 107, and S. Res. 108.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DURBIN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 788

Mr. DURBIN. Mr. President, I understand that S. 788, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 788) to suspend the fiscal year 2013 sequester and establish limits on war-related spending.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be read for the second time on the next legislative day.

APPOINTMENTS

The ACTING PRESIDENT pro tempore. The Chair announces, on behalf of the President pro tempore, pursuant to Public Law 110–315, the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity: Senator Bill Armstrong of Colorado, vice Wilfred M. McClay, and Mr. Rick O'Donnell of Texas, vice Bruce Cole.

The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101–509, the reappointment of Thomas Mackey, of Kentucky,

to the Advisory Committee on the Records of Congress.

ORDERS FOR WEDNESDAY, APRIL 24, 2013

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, April 24, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate proceed to executive session, under the previous order; and that when the Senate resumes legislative session, the Senate resume consideration of the motion to proceed to Calendar No. 41, S. 743, the Marketplace Fairness Act, and immediately proceed to vote on adoption of the motion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, there will be two rollcall votes at noon tomorrow on confirmation of the Kelly and Burwell nominations.

Additional votes in relation to the Marketplace Fairness Act are possible on Wednesday. We have urged all Senators with amendments to bring them forward to the floor in an expedited fashion so we can consider them in a timely way.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Wednesday, April 24, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERTO R. HERENCIA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2015. (REAPPOINTMENT)

DEPARTMENT OF STATE

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (ENERGY RESOURCES), VICE JOHN STERN WOLF.

UNITED STATES POSTAL SERVICE

DAVID MICHAEL BENNETT, OF NORTH CAROLINA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2018, VICE THURGOOD MARSHALL, JR., TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

YVETTE ROUBIDEAUX, OF MARYLAND, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

IN THE COAST GUARD

PURSUANT TO SECTION 53(B), TITLE 14, U.S. CODE, THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE DIRECTOR OF THE COAST GUARD RESERVE IN THE GRADE INDICATED:

To be rear admiral

REAR ADM. STEVEN E. DAY, USCGR

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID L. GOLDFEIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DOUGLAS J. ROBB

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD J. TORRES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL DILLARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DONALD E. JACKSON, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM A. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

MARK I. FOX

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MATTHEW J. GERVAIS

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

THOMAS G. BEHLING
GARY D. COFFEY
JAKIE R. DAVIS, JR.
DAVID D. FARR
RAYMOND G. STRAWBRIDGE

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

LATANYA A. ONEAL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ERIC WASHINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEANNE E. PRICER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TIMOTHY E. JOHNSON
ROBERT L. MARK II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MATTHEW R. BUTKIS
HANS HARTWIG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL S. DORRIS
JOYCE F. RICHARDSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

PATRICK W. MCNALLY
SCOTT M. MILLER
RON A. STEINER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RONALD R. SHAW, JR.
ANGELA H. WALKER
KEITH E. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN A. DAUGHETY
DAVID M. HERSCHEL
RICHARD O. TOLLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAULA D. DUNN
TODD A. MARTIN
JERALD A. ROSTAD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARY A. GWOREK
CHRISTOPHER P. MURPHY
MATTHEW G. REARDON
LAURA M. SCOTTY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GLENN E. MURRAY
INGRID M. RADER
MARK T. SMITH
VICTOR A. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BRYANT E. HEPSTALL
NORMAN C. OWEN
KIMBERLY J. SCHULZ
ERIC J. SIMON
JOHN F. ZREMBSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DOUGLAS J. BROWN
MATTHEW A. CARR
JOHN M. FREYMANN
WESLEY S. HUEY
JEFFREY S. MCPHERSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL L. DOUGLAS
WILLIAM J. EKBLAD
SEAN R. HERITAGE
JOEY J. JOHNSON
WILLIAM A. LINTZ
DOUGLAS R. SCHELB

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

EDWARD R. CARROLL
RICHARD F. COLEMAN
NEIL A. DABOUL
WILLIAM S. FEDOR
DAVID J. GLASS
JORGE E. GRACIA
ANDREW MURRAY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN S. CRANSTON
BRETT T. FULLERTON
MARK A. IMBLUM
JOHN R. MORRIS
BRENT D. SADLER
SAM J. VALENCIA
WILLIAM C. WHITSITT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KIM C. BRICHACEK
ROBERT A. DEWS, JR.
STEVEN F. FRILOUX
WISTAR A. HARDISON
RALITA S. HILDEBRAND
MERY A. S. KATSON
KATHLEEN A. KERRIGAN
CAROL M. KUSHMIER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ALFRED D. ANDERSON
JAMES D. CRAYCRAFT
JAMES L. HANLEY
LUIS A. HERNANDEZ
EDWARD D. KATZ
CHARLES M. PHILLIP
HUGH RANKIN
JOHN B. VLIET

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THOMAS A. HAGOOD, JR.
TIMOTHY R. HALLADAY
LEONARD D. LAFORTEZA
HUAN T. NGUYEN
EUGENE P. OFALLON
EUGENE A. RAMOS
GURPARTAP S. SANDHOO
NICHOLAS H. TAYLOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS C. CECIL
ROBERT D. CROXSON
JOSEPH B. HORNBUCKLE
ROBERT G. JOHNSON
ANDREW J. MCFARLAND
JAMES M. MUSE
WILLIAM J. PALERMO
TODD D. STLAURENT
KYLE T. TURCO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DON E. CHERAMIE
SCOTT V. CHESBROUGH
JENNIFER K. EAVES
MARK A. GERSCHOFFER
LAURA R. HATCHER
THOMAS M. HENDERSCHEDT
SEAN P. KELLEY
FREDERICK W. MOSENFELDER
MARA A. MOTHERWAY
CHRISTINA L. SIMINGTON
RALPH R. SMITH III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

HERMAN L. ARCHIBALD
VINCENT A. AUGELLI
EUGENE R. BAILEY
ERIC R. JOHNSON
MATTHEW R. LEAR
BRADLEY F. MAAS
ERIC S. MCCARTNEY
SHAWN P. MURPHY
MARGARET M. SCHULT
ARLENE J. SHOULTS
RAMBERTO A. TORRUELLA
MATTHEW H. WELSH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN A. BEALS
BRUCE A. BEAM, JR.
JOHN J. BELLINO
ELLEN M. CHANG
DAVID J. DACYCZYN
MATTHEW K. DAVENPORT
PATRICIA A. ENRIGHT
KATHLEEN H. HAWK
RICHARD D. KILDOW, JR.
MATTHEW J. LITTLETON
KEVIN J. LOWELL
KIRK T. LUKER
JOHN S. SCHLOTTERER
MARVIN L. SLUSSER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BENITO E. BAYLOSIS
KEVIN R. GALLAGHER
JOHN D. GERKEN
ANDREW S. GIBBONS
CHRISTOPHER J. HANSON
WILLIAM L. HARDMAN
ANDREW P. JOHNSON
DANIEL L. LANNAMANN
PHILIP E. MALONE
HOWARD B. MARKLE
GERALD R. PRENDERGAST
JACK S. RAMSEY, JR.
JOHN P. ROBINSON II
TIMOTHY C. SPICER
MICHAEL E. TAYLOR
KAI O. TORKELSON
GUSTAVO J. VERGARA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JENKS D. BRITT
ANGEL C. CRUZ
GREGORY P. DAVIS
WENDELL S. EARGLE
JAY A. GAGNE
JEFFREY D. GRANT
WAYNE D. GUNTHER
SCOTT V. HANNA
GERALD T. HEYNE
MARK A. HOFMANN
DOUGLAS HOWELL
STEVEN D. HULL
JOHN L. KROUSE
MATTHEW M. MCGONIGLE
ALEKXANDER MCGUINNESS
KENNETH MCNEILL
KIMBERLY MILLER
ALBERT M. V. ORGAIN
GREGORY P. REILLY
MICHAEL J. STEFFEN
RICHARD B. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL H. ADAMS
JAMES C. ALLEN
ANGUS E. ANDERSON
ROBERT A. ARSENEAULT
JAMES B. BACA
CRAIG E. BARTON
STEVEN J. BLATUS
RANDOLPH W. BORGES III
KEITH A. BRANNER
BOBBY J. BRAY, JR.
CHRISTOPHER P. BRIGGS
KEVIN D. CANTRELL
DEMETRI C. CAPETANOPOULOS
RACHEL E. CLOUSER
GREGORY R. COLLINS
GEOFFREY T. COLPITTS
BETH A. CREIGHTON
CANDACE C. ECKERT
STEPHEN J. ERON
DALE A. EYMANN
DEREK K. FELD
DAVID W. FLANAGAN
THOMAS R. GESELL
BRIAN M. GILK
GREGORY F. GRANIERI
CHARLES E. GRDINA
ERIC T. GUNN
MARK F. HAIGIS
ANDREW S. HAMILTON
JOSEPH A. HANRAHAN
ROBERT P. HARDEGEN
DAVID W. HARROD
MARK E. HECKEL
BRIAN L. HEYM
TIMOTHY E. HIBBETTS
CORDELL D. HONRADO
MICHAEL B. KALINA
MARC S. LEDERER
DAVID LUM
ALASTAIR M. MACGREGOR
MAUREEN M. MAGNAN
DEPINILLOS J. MARTINEZ
BRIAN J. MCDEVITT
HUGH J. MCFARLANE
SHAWN M. MCGEHEE
ROB R. MCGREGOR
MARK E. MILIUS
JOHN P. MOONEY, JR.
RICHARD M. NELMS, JR.
CHRISTOPHER M. NERNEY
TIMOTHY F. NOONAN
CHRISTOPHER W. OGDEN
BRIAN K. PAUL
DANA W. PERKINS
SIGURD T. PETERSON
DONALD M. PLUMMER
JOHN F. PRICKETT
JESUS RIVAS
ROBERT C. ROWLAND
MARK J. SAVIN
CURTIS J. SNEDDON
SCOT P. SOMES
KRISTA P. STURBOIS
PATRICK B. TAGLAVORE
JEFFREY D. VANSICLEN
ALBERT C. WEAVER III
KURT E. WEIDMAN
BENJAMIN J. WILLKIE
KENNETH L. WORTHY
STEFAN M. WUSSTIG
JONATHAN D. YOUNG
WILLIAM M. ZACHMAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KEVIN T. AANESTAD
DOUGLAS J. ADAMS
GEORGE R. AGUILAR
CHRISTOPHER D. ALEXANDER
RICHARD B. ALSOP
WAYNE W. ANDERSON, JR.
CHARLES H. ANDREWS
ANTHONY J. ANGLIN
GEORGE R. ARNOLD II
THOMAS D. BARBER
JOHN J. BARRY III
TROY D. BAUDER
JAMES A. BELZ
JEFFREY A. BENNETT II
CHRISTOPHER BERGEN
JAMES M. BILOTTA
MARK J. BOLLONG
CHRISTOPHER J. BOYLE
KEVIN M. BRAND
PATRICK T. BRITT
JAMES E. BROWN
THOMAS R. BUCHANAN
NICHOLIE T. BUFKIN
WILLIAM A. BULLARD III
VORRICE J. BURKS
JOSEPH F. CAHILL III
PAUL F. CAMPAGNA
PAUL A. CARELLI
CURTIS C. CARROLL
CHRISTOPHER J. CASSIDY
CHRISTOPHER J. CAVANAUGH
MAXIMILIAN CLARK
BRETT W. COFFEY
BRAD J. COLLINS
TIMOTHY M. COOPER
ANTHONY P. CORAPI
WILLARD J. COX III
WILLIAM T. COX, JR.
JEFFREY A. CRAIG
MICHAEL A. CRARY
BRETT E. CROZIER
PAUL A. CRUMP
DAVID C. CULPEPPER
SCOTT B. CURTIS
WILLIAM R. DALY
MARK E. DAY
DENNIS A. DEBOBES
BRIEN W. DICKSON
PAUL L. DINIUS
MICHAEL D. DOHERTY
DONALD J. DONEGAN
JOHN W. DOOLITTLE
GEORGE B. DOYON, JR.
JEFFREY J. DRAEGER
CURTIS B. DUNCAN
BRYAN W. DURKEE
DAVID V. EDGARTON
JEFFREY W. EGGERS
STEPHEN S. ERB
JEFFREY N. FARAH
SCOTT T. FARR
RICHARD J. FIELD
BRIAN J. FINMAN
PATRICK V. FOEGE
RONALD A. FOY
THOMAS A. FROSCH
STEPHEN F. FULLER
BRADLEY R. GARBER
JAMES P. GARDNER
JOHN A. GEARHART
BRIAN A. GEBO
MICHAEL J. GIANNETTI
DANIEL J. GILLEN
DARREN W. GLASER
DOUGLAS V. GORDON
MICHAEL J. GRABOWSKI
GUSTAVO GUTIERREZ
KAVON HAKIMZADEH
SEAN P. HALEY
DAVID B. HALLORAN
JASON G. HAMMOND
MATTHEW J. HARRISON
JASPER C. HARTSFIELD
JAMES D. HAWKINS
CHARLES J. HAYDEN III
CHRISTOPHER D. HAYES
STEVEN T. HEJMANOWSKI
GERALD C. HENNESSEY, JR.

JOHN C. HENSEL II
TIMOTHY M. HILL
JOHN C. HOWARD
CORY R. HOWES
PETER W. HUDSON, JR.
THOMAS R. HUERTER
ANTONIO D. HULL
MICHAEL E. HUTCHENS
ADOLFO H. IBARRA
MARK E. JOHNSON
DONALD E. KENNEDY
KEVIN M. KENNEDY
GREGORY R. KERCHER
PATRICK E. KEYES
SCOTT H. KRAFT
PATRICK E. KULAKOWSKI
DOUGLAS W. KUNZMAN
ROBERT T. LACY
MARK A. LAKAMP
GEORGE M. LANDIS III
HUNG B. LE
MARK S. LEAVITT
JEAN M. LEBLANC
FITZHUGH S. LEE
MATTHEW J. LEHMAN
LANCE L. LESHER
ANDREW C. LYNCH
LEONARD M. LYON
CHRISTOPHER T. MARTIN
TODD R. MARZANO
ROBERT W. MATHEWSON
EDWARD D. MCCABE
JAMES A. MCCALL III
LARRY G. MCCULLEN
RICHARD C. MCDANIEL
SEAN P. MCDERMOTT
JOHN E. MCGUNNIGLE, JR.
DARREN G. MCPHERSON
KEVIN A. MELODY
MARK A. MELSON
ROGER E. MEYER
BRETT W. MIETUS
MICHAEL V. MISIEWICZ
LEIF E. MOLLO
GEOFFREY C. MOORE
KYLE S. MOSES
JOHN B. MOULTON
SHELBY A. MOUNTS
BRETT D. MOYES
SCOTT T. MULVEHILL
DAVID T. MUNDY
DEAN A. MURIANO
BRENDAN J. MURPHY
ROBERT C. MUSE
DANA A. NELSON
EUGENE J. NEMETH
STEPHEN L. NEWLUND
JEFFREY L. OAKEY
TERRY L. OBERMEYER
FRANK B. OGDEN II
ROBERT N. OLIVIER
VALERIE R. OVERSTREET
DANIEL L. PACKER, JR.
MATTHEW C. PARADISE
ROBERT W. PATRICK, JR.
RODNEY M. PATTON
SIL A. PERRELLA
AARON S. PETERS
CHRISTOPHER T. PETROCK
RICHARD W. PREST
MICHAEL G. QUAN
KEVIN M. QUARDERER
RUSS C. RAINES
ROLANDO RAMIREZ
BENJAMIN G. REYNOLDS
JAMES W. ROBINSON, JR.
JOHN C. RUDELLA
ROME RUIZ
TIMOTHY A. SALTER
MILTON J. SANDS III
WALLACE E. SCHLAUDER
JOHN R. SCHMIDT
EDWARD A. SCHRADER
RICHARD E. SEIF, JR.
HANS E. SHOLLEY
MAXWELL J. SHUMAN
LARRY A. SIDBURY
WARREN E. SISSON
BRIAN L. SITTLOW
CRAIG M. SNYDER
ERIC A. SODERBERG
DAVID S. SOLDOW
JOSEPH M. STAUD
JAY M. STEINGOLD
KENNETH A. STRONG
DANIEL J. SULLIVAN IV
DANIEL D. SUNVOLD
SCOTT A. TAIT
MICHAEL B. TATSCH
MATTHEW D. TERWILLIGER
AARON M. THIEME
JOSEPH C. THOMAS
NICHOLAS R. TILBROOK
RONALD W. TOLAND, JR.
BRENT A. TRICKEL
DEREK A. TRINQUE
TODD D. VANDEGRIFT
DAVID A. VARNER
DENNIS VELEZ
JASON A. VOGT
JEFFREY M. VORCE
JASON D. WARTELL
KIRK A. WEATHERLY
TODD S. WEEKS
ADAM J. WELTER
MICHAEL T. WESTBROOK
ROBERT D. WESTENDORFF
DAVID J. WICKERSHAM
THOMAS R. WILLIAMS II
MICHAEL S. WOSJE
WALTER C. WRYE IV
PAUL D. YOUNG

EXTENSIONS OF REMARKS

IN RECOGNITION OF WORLD WAR II VETERANS LT. LARRY CRANDELL, COL. JAMES PATILLO, STAFF SGT. JACK PATTERSON AND LT. BOB SCOTT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mrs. CAPPS. Mr. Speaker, today I rise to recognize World War II Veterans Lt. Larry Crandell, Col. James Patillo, Staff Sgt. Jack Patterson and Lt. Bob Scott from the 24th Congressional District.

Last week, these veterans were recognized for their service to our country at the luncheon and symposium "70 Years On . . . Celebrating the 'Bomber Boys' of World War II" presented in collaboration by the Pierre Claeyssens Veterans Museum and the Channel City Club & Committee on Foreign Relations in Santa Barbara, California.

The stories these men shared at this event are an important contribution to our country's rich oral history and will serve to edify younger generations in our local community and across the nation. Their narratives are critical in creating a bond of gratitude and respect between the Greatest Generation and its descendants.

I join my Central Coast neighbors and colleagues in recognizing these exemplary individuals. These men and their stories of service are esteemed and cherished by the members of our community.

I extend my deepest gratitude to them for their willingness to share their experiences and for their service and sacrifice on behalf of our country.

CYBER INTELLIGENCE SHARING AND PROTECTION ACT

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2013

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 624) to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes:

Mrs. LOWEY. Madam Chair, I rise in reluctant opposition to the bill. It is imperative that Congress take substantial action to bolster cybersecurity. The last major cyber bill to become law was the Federal Information Security Management Act in 2002, which was generations ago in the technology realm.

I would very much like to support legislation that would bolster our defenses and improve information sharing. But CISPA falls short of taking the necessary steps to protect our computer and communications networks.

Public and private sector networks are constantly bombarded by cyber attacks. Instead of compelling those administering critical infrastructure to share information that would mitigate the consequences of those attacks, the bill sets up a voluntary framework that provides liability protections regardless of whether or not a business or operator of critical infrastructure provides the government with any information. I cannot support a bill that provides immunity to those who fail to take reasonable measures to protect networks.

Additionally, the bill does not require the private sector to remove irrelevant personal information before sharing information with the government and between private businesses. Government agencies receiving information from the private sector should not be given personally identifiable information that is of no security value. Yet, amendments to prevent this practice, which raises serious privacy concerns, were defeated in committee and prevented from being offered on the House floor.

In February, President Obama issued an executive order expanding information-sharing from the Department of Homeland Security and Department of Justice to private sector operators of critical infrastructure. It is important that Congress take action to expand upon the executive order to better protect our networks. Unfortunately, CISPA would not adequately protect our cyber networks, and privacy concerns remain in this legislation.

I look forward to working with my colleagues to advance improved cybersecurity legislation.

IN SPECIAL RECOGNITION OF NIKOLAS WOLFORD ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding student from Ohio's Fifth Congressional District. I am pleased to announce that Nikolas Wolford of Van Wert, Ohio has accepted an offer of appointment to the United States Military Academy in West Point, New York.

Nikolas' offer of appointment poises him to attend the United States Military Academy this fall with the incoming Class of 2017. Attending one of our Nation's military academies not only offers the opportunity to serve our country but also guarantees a world-class education, while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Nikolas brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending Van Wert High School in Van Wert, Ohio, Nikolas was on the Honor Roll and earned Academic Letters and Scholar Athlete awards each of his 4 years.

Throughout high school, Nikolas was a member of his school's football and basketball teams and earned varsity letters in both sports. He was also captain of the football team his senior year. In addition, Nikolas was a member of the German Club, Beta Club and Fellowship of Christian Athletes. I am confident that Nikolas will carry the lessons of his student and athletic leadership to the Military Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Nikolas Wolford on the acceptance of his appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Nikolas will excel during his career at the Military Academy, and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING JUDITH FRAZIER-THOMPSON

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. HOYER. Mr. Speaker, I rise today to recognize the long and influential career of Judith Frazier-Thompson as she retires after 45 years of Federal service, with 40 of them years spent at the Congressional Research Service.

Judith was born and raised in Washington, D.C., and graduated from Eastern High School in 1967. While in high school, she began her service to the local government working part-time for the District of Columbia Recreation Department. While an undergraduate at Howard University, Judith worked part-time for the Library of Congress, variously as an order clerk, deck attendant and issue desk assistant. During that time she met and came to know the author Alex Haley, who frequently used the Library of Congress for research. After graduating from Howard University in 1973, she accepted a full-time position working for the Congressional Research Service, where she has worked ever since. Judith began pursuing a Masters Degree from the University of Maryland at College Park while rising through the ranks at the Library of Congress, where she was accepted into the CRS Crossover Program.

During her tenure in the Congressional Research Service, Judith has worked closely with the House of Representatives, assisting Members and staff with all manner of tasks. She has worked on the Government and Law Team of the Congressional Research Division, helping various organizations perform research on such issues as voting rights, and campaign finance reform. Through her years of dedication, Judith has been recognized for her work with many awards, including numerous Library of Congress Special Achievement Awards, and a Congressional Research Employees Association Presidential Certificate of Merit.

Judith plans to retire from her current position as a liaison between the CRS and the House of Representatives on May 3, 2013, and hopes to spend more time with her husband golfing and traveling.

I am honored to pay tribute today to Judith Frazier-Thompson and her long and distinguished career in service to his great Nation. She will be greatly missed on Capitol Hill, and I join in wishing her the best in her retirement.

PROTECTING ACCESS TO HIGH QUALITY AND COST EFFECTIVE HEALTHCARE SERVICES

HON. MARK E. AMODEI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. AMODEI. Mr. Speaker, true healthcare reform will lower costs, improve care, provide greater patient choice, and increase access to care for all Americans. Congress missed an opportunity in 2010 to achieve these goals in the extensive legislation enacted by Democrats. As a result, we must go back to the drawing board and consider real options to address the rising costs in our healthcare system. As we pursue these goals, we should look to solutions that have already been effective in reducing costs and meeting the needs of patients.

Skilled home healthcare is one example of the type of effective care that Congress should protect. In 1972, the US Department of Veterans Affairs established the Home Based Primary Care Program (HBPC) in order to meet the needs of its growing population of chronically ill veterans. This program established a novel and creative model of care for the VA's growing population of chronically ill Veterans—providing skilled and high quality care to these patients, and promoting their independence by providing this care to patients in their own homes.

The results of this program have been remarkable. Studies show that this program has provided high quality care and resulted in great satisfaction among patients. What is truly impressive, though, is that this program resulted in a substantial reduction in nursing home stays and hospitalizations for its program participants. The HBPC has achieved a 62 percent reduction in inpatient hospital days and an 88 percent reduction in nursing home days, achieving a 24 percent REDUCTION IN TOTAL COSTS.

I am not aware of any reform to our healthcare system or to Medicare that has ever achieved similar results. We must reform the Medicare program because it is not solvent in its current form, and will reach insolvency by 2024. As we consider reform to the Medicare program, I believe that we should be incentivizing cost-effective and high quality services that show results. I urge my colleagues to look to the success of the HBPC at the Veterans Administration as a possible model for how Medicare can provide high quality care and lower costs.

Forty years of data from the HBPC program proves that many medical treatments that were once offered only in a hospital or a physician's office are now being safely, effectively, and much more cost-efficiently provided in patients' homes. These services are typically less expensive, more convenient, and as effective as care provided in a hospital or skilled nursing facility. The success of the Home Based Primary Care program at the VA is evidence that skilled home healthcare not only is good for seniors, but also good for taxpayers. Mr. Speaker, skilled home healthcare is an asset that we need to fully utilize in order to further reduce costs in our Nation's healthcare system. As Congress works to improve our healthcare delivery system, we should avoid changes to the Medicare program that would limit patient access to proven and cost effective services like skilled home healthcare.

RECOGNIZING THE 50TH ANNIVERSARY OF THE SAN LUIS OBISPO COUNTY COMMUNITY COLLEGE DISTRICT'S CUESTA COLLEGE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mrs. CAPPS. Mr. Speaker, today I rise to commemorate the 50th Anniversary of the San Luis Obispo County Community College District's Cuesta College.

On April 16, 1963, the San Luis Obispo Community College District was established by local voters to serve the residents of the Central Coast. Its first classes were provided in 1964, and it became a fully operational campus and was given the name Cuesta College in 1965. Ground was broken for Cuesta's first permanent buildings in 1970, and since that time, the San Luis Obispo campus has flourished into a high–quality, well–equipped and dynamic institution of higher learning.

Cuesta College expanded to include a North County Campus in Paso Robles in 1998 and now offers off–campus evening instruction at its South County Center in Arroyo Grande. In addition to its academic course offerings, Cuesta provides technical, vocational, and continuing education programs to better serve a variety of students throughout the county. Cuesta College now serves more than 11,000 students among all its campuses.

Cuesta College is a source of great pride for San Luis Obispo County and the entire Central Coast. I commend its faculty, administration and other teaching staff for their commitment to excellence and dedication to the students they serve.

Today, I congratulate Cuesta on 50 successful years in providing high–quality educational resources to Central Coast students. I am honored to represent such an esteemed institution and look forward to seeing the important and innovative resources Cuesta will continue to provide to our local students in the years to come.

HONORING GRADUATING HIGH SCHOOL SENIORS FOR THEIR DECISION TO SERVE THE UNITED STATES OF AMERICA AS A MEMBER OF THE ARMED FORCES

HON. PATRICK MURPHY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. MURPHY of Florida. Mr Speaker, I rise today to honor 117 high school seniors and members of the JROTC from the Treasure Coast and Palm Beaches for their commendable decision to enlist in the United States Armed Forces. Of these 117 enlistees, 71 are Army enlistees, 12 are Navy enlistees, 21 are Marine Corps enlistees, and 13 are Air Force enlistees. These young men and women have shown bravery and courage in their dedication to defend our country. It is important they know that they have the full support of the United States House of Representatives and the American people. It is the dedication of these individuals which reminds us that though diverse problems may lie ahead, the United States remains a shining example of strength and freedom in an often divided world.

The service of these young men and women must not go unrecognized. I want to personally thank these 117 local graduating seniors for their selflessness and commitment to our Nation by naming them here today: Charles Ballard, Joshua Blair, Colin Cervinsky, Kyle Crouch, Tyler Stone, Christopher Wentz, Johan Yardan, Frank Fuggetta, Mikayla Sulzer, Rodrigo Chong, Ricardo Ortega, Cory Dougherty, Joseph Evens, Robert Oliver, Kalib Perkins, Nathan White, Romahd Holman, Oscar Caceres, Cody Clendenin, Vanessa Dorrington, Miranda Egan, Samuel Hsu, Troy Macmillan, Kyleb Schenck, Anthony Tate, Michael Vanderburg, Tyler Wahl, Holsinger Kauffman, Alexander Lugo, Kyle Noel, Colton Picazio, Thomas Burns, Kyle Hale, Christien Lashinsky, John Sawtell, Andrew Schwier, Brittany Block, Irving Cintron, Randy Fernandez, Kevin Gama, Michell Holsinger, Michael Masters, Nicholas Morris, Delgado Ojeda, Anthony Rodriguez, Venezya Synakorn, Ronald Ferriera, Antoinette Johnson, Dyonn Lawrence, Delvaughn Marshall, Christian Prados, Traveon Stewart, Victoria Faulkner, Amanda Parsons, Scarlet Maldonado, Hayde Mickley, Cody Ehrland, Justin Thomas, Sergio Duque, Dominic Gardner, Yesenia Munoz, Audrey Wila, Lion Rojo, Meaghan Parish, Aaron Humyn, Brian Borgman, Joseph Riggio, Helena Thompson, Jairo Herrera, Nathan Smith, Shawn Gaines, Taphawah Thompson, Carlos Cabrera, Andres Chajud, Bradley Harpster, Matthew Cancino, Richard Jean Baptiste, Austin Mena, Matthew Cancino, Dany Salazar, Austin Sullivan, Juan Pepper, Julian Vazquez, Issac Velasquez, Matthew Colson, Kelsey Canapary, Connor John O'Donnell, Bryan Keoskie, Joseph Mazza, Anthony Armeli, Jamie Miller, Elena Jovanov, Shamsiddine El-Nil, Daniel Rubino, Deanne Collins, Yoshpal Harrow, Andrew Mills, Justin Kaufman, James Dixon, Cadlynne Dunhill, David Quintero, Dontrail Durden, Zachary Mccourt, Francisco Bacilio, Shivon Brijnath, Christopher Lopresti, Marcos Pinon, Zachary Porter, Breyer Bullock, Luis Damian, Katrina Williams, Shaklia Housen, Alex Slusher, Aaliyah Jackson, Ameen Sardar, Jason Audette, and Henry Paulk III. All will be recognized on May 9th at the Our Community Salutes event in Palm Beach Gardens.

These young men and women have shown bravery and courage in their dedication to defend our country. It is important they know that they have the full support of the United States House of Representatives and the American people. It is the dedication of these individuals which reminds us that though diverse problems may lie ahead, the United States remains a shining example of strength and freedom in an often divided world.

Mr. Speaker, we owe a debt of gratitude to each and every one of them and to all who defend our freedom by serving in the United States Armed Forces. It is my honor to recognize these young leaders here today.

HONORING THE SERVICE OF HUGH M. FLANAGAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. COSTA. Mr. Speaker, I rise today to honor Judge Hugh Michael Flanagan who will retire from the Merced County Superior Court after thirteen years of service. His service and dedication to the people of central California is to be commended.

Judge Flanagan was raised in Fortville, Indiana where he completed his grammar and high school education. He received his Bachelor's degree in Engineering from Purdue University and his Master's degree in Engineering from Michigan State University. Judge Flanagan is also a graduate with distinction from the U.S. Naval War College in Newport, Rhode Island.

While in the United States Navy, Judge Flanagan worked as a Senior Systems Engineer with the Deep Submarine Rescue Vehicle Program and the Omega Navigation System. He completed his career with the United States Navy as a Captain, JAGC, USNR. Following his service in the military, Judge Flanagan earned his law degree from Loyola Law School in Los Angeles. He worked as a lawyer for five years in Los Angeles before opening his private practice law firm in Merced in 1975, which he maintained for 25 years. He was elected to the Merced County Superior Court in 2000, where he was able to continue his lifelong tradition of public service.

Being an active member of his community is something of utmost importance to Judge Flanagan. He is a Past President of the Merced County Bar Association and the Merced Rotary Club and has been active in numerous other civic organizations and fundraising activities. His invaluable service to our community illustrates his helpful nature and commitment to the betterment of Merced County.

In 1962, Judge Flanagan married his beautiful wife, Norma Colegrove Flanagan in Champaign, Illinois. Together, they have four grown, married sons and six grandchildren.

Mr. Speaker, I ask that my colleagues join me in honoring Judge Hugh Michael Flanagan for his efforts and dedication to the Superior Court of California and the County of Merced. He exemplifies the best of what our nation has to offer and his dedication to justice is truly admirable.

TRASH REDUCTION ACT OF 2013

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. MORAN. Mr. Speaker, our 315 million American citizens throw away nearly 496 billion pounds of trash each year, a staggering amount by any analysis. And a sizable contribution is from disposable items, including plastic and paper bags. That's why today, one day after Earth Day, I am introducing the ''Trash Reduction Act of 2013'' along with my colleagues Representatives ELEANOR HOLMES NORTON, EARL BLUMENAUER and JOHN GARAMENDI.

The legislation is modeled after the District of Columbia's ''bag tax.'' Five cents would be levied on each disposable paper or plastic bag. Revenue from the tax would support the Land and Water Conservation Fund.

Just how bad is the trash problem? According to the U.S. EPA, the average American throws away about 4.4 pounds of trash each day or 1,600 pounds per year. That's nearly 248 million tons of American garbage each year. To put that in perspective, it's enough trash to fill a football-field-sized hole over 93 miles deep. Or create a similar-sized stack of garbage that reaches low earth orbit. This amount of trash could cover the state of Texas two and a half times or fill enough trash trucks to form a line to the moon.

We consume an estimated 12 million barrels of oil and copious amounts of natural gas annually to make plastic bags that are used once or twice, then tossed into the garbage. The U.S. International Trade Commission reported in 2009 that 102 billion plastic bags were used in the U.S. Much of the oil and natural gas used in those bags comes from foreign countries and it's all non-renewable. Once it's used for plastic bags and thrown away, that energy is gone forever.

Disposable paper bags are no better. In 1999, 14 million trees were cut to produce the 10 billion paper grocery bags used by Americans that year alone. Paper and paperboard products made up 28.5 percent of the municipal waste discarded in 2010—more than any other type of refuse measured by tonnage. According to the Environmental Paper Network, the pulp and paper industry is the fourth largest emitter of greenhouse gases among manufacturing industries, contributing 9 percent of total manufacturing-related carbon dioxide emissions. Most of energy use comes from powering paper mills.

There is no doubt that disposable retail plastic and paper bags are bad for the environment. Both paper and plastic bags consume valuable natural resources, generate profuse waste, and pollute the environment. They keep us dependent on nonrenewable resources like foreign oil and impose burdens that Americans bear in the form of higher garbage costs, visual blight, and the destruction of wildlife. Millions of animals are entangled in or ingest plastic waste. That same waste leaches toxins into the ground and our drinking water.

While recycling efforts should be applauded, recycling rates are dismally low. Only between one and three percent of all plastic bags are recycled, with a slightly higher ten to 15 percent paper-bag-recycling rate. Plus, the recycling process uses energy, water, and generates additional greenhouse gasses.

But we can do something about this gargantuan garbage nightmare. We can reduce the number of bags we use with market-based incentives. Requiring shoppers to internalize the costs of disposable bags has been shown to dramatically reduce their use and substantially increase reusable bag utilization. For example, after placing a fee on plastic bags, Ireland reportedly reduced consumption by 90 percent. China, after banning the use of ultra-thin plastic bags, is estimated to have eliminated 40 billion bags in the first year.

Critics have called this a regressive tax that falls on poor communities. This is simply untrue. Wealthy Americans consume substantially more resources and disposable shopping bags than the poor. Additionally, Americans of all incomes can purchase or be given a reusable bag and avoid this fee altogether. Plus, this fee is good for business. Business will be able to recoup their investment of time and effort through a tax credit and profits from reusable bag sales.

One need look no further than the District of Columbia to measure success. In 2009 the District imposed a five-cent tax on plastic bags that led to spectacular reductions in disposable bag use. The number of plastic bags dropped from the 2009 monthly average of 22.5 million to just 3 million per month by the end of 2010. River cleanup volunteers reported over a 60 percent decrease in the volume of plastic bags they collected during cleanup activities—and this was only three months after the fee took effect.

D.C. businesses approve of the fee as well. 78 percent of businesses interviewed report either a positive or neutral impact on their business. People keep shopping and keep buying. 58 percent of D.C. business owners say the law has not affected their sales. And it's those dire predictions of falling sales that were used to scare business owners into opposing the fee. It's one of the many false predictions of bag-fee opponents like the American Chemistry Council.

The public and many elected officials are not always in sync with what we need to do to improve this great country. High-pressure lobbying by powerful chemical interests sometimes stops us from doing what's right. While we can be proud of our environmental achievements and landmark laws, we need to do more to reduce our mountains of trash madness. Nothing is more fitting for this year's Earth Day celebration than helping reduce garbage.

This small disposable bag charge helps people understand that paper and plastic bags are not without cost. They impact the environment, support foreign dictators, and make Everest's of trash. Our bill begins to shift America away from its current disposable culture back to a simpler time when Americans understood the value of reusing what they bought.

IN HONOR OF THE SIXTH GRADE CLASS OF LAUREL SPRINGS SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the efforts of the sixth grade class of Laurel Springs School. These students took it upon themselves to honor the centennial of their hometown by writing and performing in a historical play last week.

The sixth graders involved with putting on the play to honor the history of their town are Olivia Baldino, Kejsi Bocaj, William Brandley, Elizabeth Brown, Joelle Burns, Craig Caruso,

Alijah Caul, Hannah Crane, Gabrielle Daniels, Joseph DeBlasio, Madison Dempsey, Leya Erdman, John Fox, Samantha Gross, Zachary Knight, Briana Lucha, Rachel Mai, Jarred Matchett, Joshua Matchett, Hannah McLaughlin, Stephen McLaughlin, Matthew Michielli, Riley Molway, Minas Nicoludis, Anthony Nocito, Briana Novoa, Cain Pipitone, Dominic Rattell, Melanie Schmidt, Alexandra Simber, Gian Sinfuego, Taylor Swan, Christopher Thatcher, Daniel Trantas, Sophia Troilo, and William Waer. The director is Mrs. Lucinda Garvey and the scenes were all handpainted by Mrs. Kristen Laurenzi and Mrs. Pam Laurenzi.

The students from the class also interviewed Mr. Rich Zimmerman, a longtime resident of Laurel Springs. After gathering information about the town, they wrote their play based on Mr. Zimmerman's knowledge. These exceptional students were very excited to celebrate Laurel Spring's history and to sing happy birthday to the town after the play. The class' efforts to commemorate their town exemplify a strong dedication to learning and an outstanding commitment to their community. I urge them to continue to practice civic engagement and academic curiosity as they grow older.

IN RECOGNITION OF THE 300TH ANNIVERSARY OF FATHER JUNÍPERO SERRA'S BIRTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mrs. CAPPS. Mr. Speaker, today I rise to commemorate the 300th anniversary of Father Junípero Serra's birth.

Father Serra was born in Petra, Mallorca, Spain in 1713. After studying theology and being ordained to the Catholic priesthood, Serra left his beloved homeland in Mallorca and journeyed across continents and oceans in order to reach the New World.

Upon Serra's arrival on the West Coast of North America in 1769, he began founding a chain of missions that would eventually stretch from San Diego in the south to Solano in the north. This chain of 21 missions has developed into some of the central cities and towns of modern day California.

In what is now my Congressional district, Father Serra founded Mission San Luis Obispo de Tolosa. Since its establishment in 1772, this small Spanish outpost has grown into the beautiful city of San Luis Obispo.

Today, Father Serra's legacy is still present in San Luis Obispo and throughout California. The cultural and spiritual heritage of Serra continues as an enduring, living tradition and has shaped various aspects of Californian life up to the present day. Indeed, a statue of Father Serra now stands in the United States Capitol's Statuary Hall in Washington, DC, attesting to his profound influence in the shaping of American history.

This week, Palma de Mallorca, Spain will host a festival commemorating the occasion titled "300 años de Junip Serra (300 Years of Junípero Serra)." I send my best wishes for a wonderful celebration as Spain recognizes Father Serra's significant contribution to American and Spanish history and reflects on his cultural and spiritual legacy.

IN HONOR OF KELLOGG MIDDLE SCHOOL FOR THEIR 50TH ANNIVERSARY

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. WALZ. Mr. Speaker, I rise today to pay tribute to Kellogg Middle School in Rochester, Minnesota.

Named after the Honorable Frank Kellogg, a citizen of Rochester who served as Secretary of State under President Coolidge, Kellogg Middle School celebrates its 50th year of existence in 2013.

As a social studies teacher at Mankato West, I know how important it is to develop our next generation of leaders. The shared dedication of teachers, staff, and parents at Kellogg Middle School has produced grade-A education for the past half-century and will continue to nurture students for years to come.

Secretary Kellogg devoted his life to the cause of peace and was awarded the Nobel Peace Prize in 1929. Kellogg Middle School carries on his legacy by teaching students to work together so everyone can achieve their full potential. That's a lesson for us all.

Over the last half century, the Frank B. Kellogg Middle School has instilled its proud tradition of education and excellence into their students today. The Kellogg Middle School is the oldest middle school in Rochester, and remains to this day the choice for students, parents, and teachers alike.

Just as Secretary Kellogg serves as an inspiration for southern Minnesotans, I am confident that Kellogg Middle School provides its graduates with the skills they need to succeed and maybe even one day win a Nobel Prize.

Mr. Speaker, please join me in honoring Kellogg Middle School for its 50 years of service to the students of Rochester.

CELEBRATING THE ESTABLISHMENT OF FT. SHERMAN TOWNSHIP

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. HALL. Mr. Speaker, I rise to celebrate the establishment of Ft. Sherman Township, a community of about 200 people, and to applaud the efforts of Titus County Historical Preservation Society, Titus County Historical Commission, Bob Sandlin State Park, and Texas Parks and Wildlife Department in working together to protect and preserve the location and rich history of Ft. Sherman.

Established in 1838, Ft. Sherman was the first community in southwest Titus County. It was built by Captain William Stout and members of the Red River Mounted Rangers, who are now considered to be Early Texas Rangers. Ft. Sherman was named in honor of Colonel Sidney Sherman, the Commander of the Left Wing of the Republic of Texas Army at the Battle of San Jacinto. Ft. Sherman's namesake famously originated the Battle Cry, "Remember the Alamo!"

The Fort served many purposes during its early years, functioning as a refuge for families against Indian attacks and a resting place for early Texas Ranger units from 1838–1841, a voting place for several elections between 1842 and 1846, and a military waypoint during the War with Mexico in 1846.

Today, I am pleased to join the Titus County Historical Preservation Society and Titus County Historical Commission in honoring the early Texas families and military units for their self-reliance, independence, and role in Ft. Sherman's history. Yesterday, these organizations' efforts to have the Titus Commissioners Court approve a resolution were rewarded, and Saturday, June 8, 2013 has been declared "Fort Sherman Day."

I join my constituents of Titus County in celebrating Historic Ft. Sherman and its founding nearly 175 years ago, and I ask my colleagues to join me in celebrating Titus County's historical preservation efforts of Ft. Sherman.

IN HONOR OF THE DELAWARE COUNTY VETERANS MEMORIAL

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. MEEHAN. Mr. Speaker, I rise to recognize the Delaware County Veterans Memorial in my home state of Pennsylvania and the tremendous work done by Memorial's Board of Directors and its founding member, Claude de Botton and his daughter, Nicole de Botton Robinson, to make their vision a reality. The memorial, opening to the public next month, is a fitting tribute to the veterans of Delaware County. Engraved in the memorial's columns are the names of the Delaware County men and women who gave their lives in defense of American liberty. Our nation owes a debt of gratitude to its veterans that can never be repaid, but the Delaware County Veterans' Memorial will honor our veterans and ensure their sacrifices will always be remembered by future generations of Delaware County families.

THE IMPORTANCE OF A US–MOROCCAN RELATIONSHIP

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. DIAZ–BALART. Mr. Speaker, I rise today to reflect on the importance of US–Morocco bilateral relations—a friendship that has strongly endured for over 225 years because of shared interests and mutual respect. At a time when recent reports suggest that the relationship has come under some strain, we must remember that our relationship with Morocco is more important than ever and it will not be jeopardized. The Maghreb and Sahel are increasingly threatened by instability and insecurity emanating from the terrorist groups operating in Northern Mali and elsewhere, the United States' relationships with key allies in the region becomes all the more important. US–Morocco relations remain strong, based on a shared commitment to promoting peace, security, and human rights throughout North Africa and the wider Middle East. The US

must continue to recognize the importance of this relationship—and strengthen it—as it works to combat terrorism and promote regional cooperation throughout the region.

As a stable, democratizing, and steadfast ally, Morocco has made important achievements over the last decade on issues ranging from security and counterterrorism to economic development, political and social reforms, advancement of human rights, and cross-cultural tolerance and respect. There has always been strong bipartisan support for a strong US–Morocco bilateral relationship in the US Congress and we must continue to support these developments and work with Morocco to address our common interests and shared values concerning the most important issues in the Middle East and North Africa. We have been strong partners, friends, and allies for more than 225 years. That is a unique history that has solidified our strong relations with Morocco since the origins of our nation and one which will certainly endure and strengthen in the future because of the importance both countries place on our partnership.

COMMENDING THE BULLITT FOUNDATION UPON COMPLETION OF THE ''GREENEST OFFICE BUILDING ON THE PLANET''

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. McDERMOTT. Mr. Speaker, I would like to commend Denis Hayes and the Bullitt Foundation for developing the world's most environmentally-friendly and self-sustaining buildings right here in Seattle. The Bullitt Center represents a deep commitment to environmental stewardship and redefines our ideas about sustainable development in dense urban areas. By creating the greenest office building on the planet, you have provided the world an example leading the way to our future. The building is an inspiration and represents a milestone in our efforts to leave a smaller carbon footprint for future generations.

Each aspect of the Bullitt Center was meticulously planned and evaluated with its striking technical aspects. From its rainwater cistern and photovoltaic panels to its energy transparency and 250 year life span, the Bullitt Center is and will remain a marked departure from what has been previously achieved in large-scale architecture.

Your vision reveals the environmental innovation that can be attained and the completion of this building draws attention to the viability for such projects. The Bullitt Foundation's pledge to construct a complex with so many far-reaching goals in sustainability reflects its hard work, determination and resolve.

The development of the Bullitt Center stands as an example for Seattle, the United States and beyond as a viable solution to our continued efforts to go green and commit to furthered environmentally sound projects. Through your dedication, conviction and perseverance to establish such a groundbreaking commercial workspace you have set a new standard of achievement for environmental sustainability.

HONORING THE LIFE OF EUGENE S. ''GENE'' CUNY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. HALL. Mr. Speaker, I rise today to honor the life of Eugene S. ''Gene'' Cuny Jr., who passed away on February 13, 2013. Gene was a very dear friend of mine, and he was blessed with an exciting life that allowed him to work a variety of fascinating jobs with interesting people. I know he will be missed by all who knew him.

Gene was born in Houston, TX. From an early age, he demonstrated leadership and a strong work ethic. As a youth, Gene achieved the rank of Eagle Scout. After high school, he attended the University of Houston, where he received a bachelor's degree and graduated with Honors. Upon graduation, he received a scholarship to Colorado State University where he studied theater.

He married his beautiful wife, Charlotte Walser, and they moved to New York City where Gene performed in the Broadway production of ''The Pirate,'' featuring actress Lynn Fontanne, in 1942. He also worked as the stage manager at Radio City Music Hall, and studied drama at Yale University as a Rockefeller Foundation fellow. He then went on to teach speech and English at New Haven Junior College in Connecticut.

Following his education and career in theater, Gene returned to Houston, where he worked for an advertisement agency writing copy for radio commercials and soap operas. Cuny went on to work as a general manager for radio stations in Louisiana, and after moving to Dallas in 1951, worked for KRLD–TV (now KDFW). He held the responsibilities of program director, national sales manager, and director of community affairs before he retired after 35 years. He also produced the Dallas press club's Gridiron Show, a spoof on news events, for many years.

In addition to his successful career, Gene was also an active leader in his community. He was a press club board member, leader of the Dallas Advertising League, and president of the downtown Dallas Exchange Club. He was also a 32nd degree Knight Commander of Court of Honour Mason, a Dallas leader of the Scottish Rite, and a Rotarian, volunteering as a court-appointed special advocate for neglected or abused children. Gene also helped deliver Meals on Wheels all the way into his 90's.

Gene is also preceded in death by his son Fred, who lost his life when he became deeply involved in international relief work. Fred was the leader of one of the most successful refuge assistance programs in recent decades, working abroad to help literally millions of refugees, whether in Africa, Southeast Asia, Kurdistan, Bosnia, or in Chechnya. Many think Fred was murdered during his effort to support Chechens in their resistance to a Russian attack. His body was never found. Gene is also survived by his wife Charlotte; their sons Chris, Phillip, and Eugene III; as well as eight grandchildren and six great-grandchildren.

Gene's verve for life and compassion for others are qualities we should all strive toward. I ask those here today to join me in honoring Eugene S. ''Gene'' Cuny.

HONORING LUIS DIAZ

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. HAHN. Mr. Speaker, I rise to honor Luis ''Louie'' Diaz, a distinguished labor organizer and community leader, who is receiving the renowned South County ''San Foley'' 2013 Labor Leader of the Year Award. Raised in San Pedro, Louie at a young age was exposed to the hardworking environment of this port community. Louie became a member of Teamsters Local 692, representing Marine Terminal Operators, and held the positions of Organizer, Business Agent, and Recording Secretary. In 2001, he was elected Vice President of Local 692. He currently serves as Vice President for Local 848.

For the last 23 years, Louie has continued to support his union brothers and sisters by serving as a member of the Board of the Teamsters Hispanic Caucus California Chapter, the National Hispanic Caucus, and the Maritime Trades Department, Southern California Ports Council. He is also the Coordinator of the Los Angeles/Long Beach Harbor Labor Coalition, which conducts one of the largest Labor Day parade and barbecue in the nation.

Louie's exemplary service to his fellow community and union members has earned him this distinct honor. I am proud to recognize such an accomplished leader.

IN SPECIAL RECOGNITION OF SARA PISARSKI ON HER OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MERCHANT MARINE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding student from Ohio's Fifth Congressional District. I am pleased to announce that Sara Pisarski of Bowling Green, Ohio has been offered an appointment to the United States Merchant Marine Academy in Kings Point, New York.

Sara's offer of appointment poises her to attend the United States Merchant Marine Academy this fall with the incoming Class of 2017. Attending one of our nation's military academies not only offers the opportunity to serve our country but also guarantees a world-class education, while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Sara brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending Bowling Green Senior High School in Bowling Green, Ohio, Sara was on the Honor Roll and was a member of the National Honor Society and the National Society of High School Scholars.

Throughout high school, Sara was a member of her school's basketball team and earned a varsity letter. In addition, Sara was a section leader in the marching band and the symphonic band and was the Lt. Governor of

Ohio's Division 1 District Key Club. I am confident that Sara will carry the lessons of her student and athletic leadership to the Merchant Marine Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Sara Pisarski on the offer of her appointment to the United States Merchant Marine Academy. Our service academies offer the finest military training and education available. I am positive that Sara will excel during her career at the Merchant Marine Academy, and I ask my colleagues to join me in extending their best wishes to her as she begins her service to the Nation.

IN HONOR OF RICHARD DONOHUE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. MARKEY. Mr. Speaker, in the early morning of Friday, April 19, 2013, after a week of searching for suspects in the Boston Marathon bombings, and just hours after an MIT officer had been assassinated, Massachusetts law enforcement spotted and engaged the two brothers who were accused of committing the bombings.

The officers who exchanged fire with the two brothers were met with heavy resistance by the suspects. 200 or more rounds of ammunition are reported to have been fired on the corner of Dexter and Laurel Streets in Watertown, Massachusetts, in my district. The bombers also hurled explosives at the officers, turning a city street into a battlefield.

One officer of the MBTA police force, Richard Donohue, Jr., was struck in the leg during the firefight. He likely did not know then, but his academy classmate and friend, Sean Collier of the MIT police force, was the officer felled by the bombing suspects hours earlier.

Officer Donohue of Woburn in my congressional district raced to help his fellow officers—not a surprise for an officer known as an avid runner and a dedicated public servant. His family notes that his great-great-grandfather even won the Boston Marathon, where Officer Donohue started his week working a shift at this iconic race.

Officer Donohue is currently still in critical condition at Mount Auburn Hospital. His family has been at his side, and a Massachusetts family of citizens remains forever in his debt for putting his life on the line to keep us safe.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,787,451,118,147.32. We've added $6,160,574,069,234.24 to our debt in 4 years. This is $6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING WAYNE BROWN

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Mr. Wayne Brown, Superintendent of the Stanislaus Union School District, who is retiring after many years of outstanding service to our community.

Mr. Brown is highly accomplished in the field of education. He worked with staff to raise Stanislaus Union School District's API average to 800, in addition to initiating a full-day Kindergarten program. He developed a long-range Facility Master Plan that included running and successfully passing a bond campaign to include a comprehensive renovation/modernization of Prescott Junior High School. Wayne helped enhance significant technology infrastructure district-wide and pilot ''blended'' online and interactive programs in both GATE and in an innovative, full-day Independent Study Program. He supported the development of a Performing and Fine Arts Charter School in Monterey County and an Arts and Technology Academy in Stanislaus Union School District. He had the honor of being the Principal of a California Distinguished School and Superintendent of another, Mary Lou Dieterich Elementary. By using the ''Caught in the Middle'' concepts, he helped plan and collaboratively transition a junior high school into a progressive middle school in Monterey County. He is also a Program Quality Review and WASC Accreditation Trainer, and he is credited with creating the highly successful Middle Schools Consortium in Monterey County.

Wayne Brown has dedicated 37 years of his life to the education community. He was a teacher for 11 years, served the same amount of time as a principal at K–6, 6–8 and 9–12 levels, and 15 years as Superintendent. He served as one of the few consolidated superintendents in California with two separate districts and two school boards at one time. He also served as a Teacher Supervisor and part-time professor for Chapman College, Monterey Campus. After working in Monterey County for 31 years, he tired of temperate weather, magnificent vistas, sunny coast and world class golf courses and relocated to the Central Valley.

Mr. Brown is married to Cathy, who is a special education teacher with Patterson Unified School District; and together, they have four children. He was the first family member to attend college; and now, he officially has the lowest undergraduate GPA of any of the six members in his family.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to education and the Stanislaus County community by Superintendent Wayne Brown and hereby wish him continued success in his retirement.

IN SPECIAL RECOGNITION OF CALEB LIPSCOMB ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Caleb Lipscomb of Perrysburg, Ohio, has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Caleb's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming Class of 2017. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Caleb brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending Perrysburg High School, in Perrysburg, Ohio, Caleb was on the High Honor Roll and was a member of the National Honor Society.

Throughout high school, Caleb was a member of his school's wrestling and football teams and earned varsity letters in both sports. In addition, Caleb participated in several mission trips in Ohio and West Virginia and served as Master Counselor for Demolay International. I am confident that Caleb will carry the lessons of his student and athletic leadership to the Naval Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Caleb Lipscomb on the acceptance of his appointment to the United States Naval Academy. Our service academies offer the finest military training and education available. I am positive that Caleb will excel during his career at the Naval Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING THE LIFE OF RUBY MOORE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. HALL. Mr. Speaker, I rise today to honor the life of Ruby Moore, who passed away on April 10, 2013. Ruby was a wonderful, kind woman, and a very dear friend of mine. I know she will be greatly missed by her family and by all those who knew her.

Ruby Thomas was born on February 21, 1920 in Bonham, TX. She was married to Choice Moore on December 27, 1950. Ruby worked for 20 plus years as a dental assistant for the Sam Rayburn Medical Veterans Center, and also served on the Fannin Bank Board, on which her husband was a founding member. For 28 years while Choice served as Fannin County Judge, Ruby served as the first lady of Fannin County. She was also a member of the Texas Society of County Judges

Wives, and a member of the Windom Book Club and the First Baptist Church of Windom.

I served as County Judge of Rockwall County when Choice served as such in Fannin County. Our wives were friends—both beautiful, kind, and supportive—and as first ladies of our counties they graced the many meetings of the Texas County Judges and Commissioners Association held throughout the 254 counties in Texas. During the time we served, our Congressman, Speaker Sam Rayburn, befriended us and our counties. I have never known a finer judge, and will always remember his mate, the beautiful Ruby Thomas Moore.

Ruby is preceded in her death by her husband, her parents, and three brothers and a sister. Her absence will be felt throughout the community, but her service will not be forgotten. As we adjourn today, let us do so in honor of the life of Ruby Moore.

HONORING SAM E. ROACH FOR HIS DEDICATED SERVICE TO COLLIN COLLEGE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to honor my personal friend and esteemed community leader, Mr. Sam E. Roach on his lasting impact on the educational community in Collin County. For the past 21 years, Sam Roach has faithfully served on the Collin College Board of Trustees where he acted as chairman for three terms. Under his leadership, Collin College has experienced historic expansion with an increase in enrollment of nearly 32,000 students each year. He was instrumental in developing the core values and mission statement for the college while simultaneously creating a new master plan for expansion. During his service, he also helped to launch the university pre–admission program as well as work to secure the largest gift from an individual donor in Collin College history. Needless to say, Sam Roach has been a powerful force and an influential leader in education and our community as a whole.

In addition to his incredible accomplishments as chairman of the Board of Trustees, Mr. Roach chaired Board committees for Budget & Finance, Campus Facilities & Construction, and served as the Board's representative for Frisco TIF #2. Not only has he tirelessly committed his hard work and time to the college, he also has consistently and generously donated his finances to endowed scholarships for students, giving more students an opportunity of a bright future.

Mr. Roach's commitment to education has not just been for the past 21 years, but has been a lifetime of dedication. As a Frisco native, he graduated valedictorian of Frisco High School and continued on to receive an engineering degree from The University of Texas at Austin. Later, he became president of the Frisco Independent School District Board, chair of the Frisco Economic Development Corporation, and a member of the Frisco Chamber of Commerce. Words simply cannot express Mr. Roach's incredible impact and influence. Not only does he posses great vision, but he posses great commitment. He sees the potential in America's youth today and actively empowers them. He encourages the growth of young minds, the exploration of new ideas by providing the resources for students to accomplish their goals. More than just a dedicated board member, he is an advocate for students to become the people they aspire to be.

Thank you, Mr. Sam E. Roach, for your tireless efforts on behalf of the students of Collin County. Although your presence on the Board of Collin College will be dearly missed, your legacy lives on. It is a pleasure to know you and call you my friend. I wish you the very best in the years to come. God bless you.

IN MEMORY OF SEAN COLLIER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. MARKEY. Mr. Speaker, in the seconds, hours, and days following the Boston Marathon bombings, Massachusetts and the nation witnessed the courage, dedication, and sacrifice of law enforcement officers and other first responders.

One officer, Sean Collier of Wilmington, Massachusetts, gave his life, the ultimate sacrifice, during this ordeal. Sean was an outstanding officer of the MIT police force on his way to a position on the Somerville police force.

Officer Collier was on his regular shift, protecting the students at MIT, when he was assassinated by two twisted individuals as Officer Collier sat in his police cruiser.

We mourn his loss, along with his family, the MIT community, Massachusetts, and Americans everywhere.

Officer Collier was known by his family, friends, and co-workers as a generous, kind, and dedicated individual and officer. His friends say he was always armed with a sense of humor, and his roommate who trained with him at the academy said his only fault was that he was too brave.

Officer Collier represents the best of Massachusetts and of law enforcement. We honor his memory and know that his life of service and sacrifice will never be forgotten by Massachusetts or the nation.

PERSONAL EXPLANATION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. CHU. Mr. Speaker, on Thursday, April 18, I was unavoidably detained due to a meeting with constituents from my district. Had I been present on the House floor, I would have voted "aye" on rollcall No. 116, the motion to recommit H.R. 624, the Cyber Intelligence Sharing and Protection Act, to the House Permanent Select Committee on Intelligence.

HONORING THE LIFE OF REV. HERMAN C. MCCRAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay to tribute the life of the Rev. Herman C. McCray, who died on April 16, 2013, at the age of 72. Rev. McCray was a resident of Riviera Beach, Florida and a 1959 graduate of Roosevelt High School. He was a civil rights leader and founder of McCray's Backyard BBQ. Additionally, he was a veteran of the United States Air Force, and an assistant pastor at Greater Bethel Primitive Baptist Church in Riviera Beach.

Education was very important to Rev. McCray. He worked very hard to try to prevent the closing of Roosevelt High School in 1970, when it became a Middle School.

Rev. McCray will be remembered by his friends and family as "a good talker and a good listener," and someone who "wanted everyone treated equally." Furthermore, in 2010, the bridge on Congress Avenue that connects Riviera Beach to West Palm Beach was dedicated in his honor.

Mr. Speaker, Rev. McCray was truly loved by his family and friends. He is survived by his wife, Lillian, a retired schoolteacher, his sons, Derrick McCray, Sr., Demetrius McCray and Herman McCray III and a sister, Cynthia Morrow.

He is somebody who loved his community, and fought all of his life for the betterment of humanity. Rev. McCray was a great friend to me, and will be dearly missed.

HONORING DR. JOHN WELTY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. COSTA. Mr. Speaker, I rise today along with my colleague Mr. NUNES to recognize Dr. John Welty as he is honored for his nearly 22 years of service as President at California State University, Fresno (Fresno State). His hard work and dedication on behalf of the students, staff, and faculty must be commended.

John Welty grew up on a small farm in North Central Illinois. From a young age, his parents always stressed the importance of education and literacy. Tragically, when John was only ten years old, his father passed away. As the eldest of six children, he strived to make his father and the rest of his family proud, so his studies became a top priority.

In 1965, John became the first person in his family to graduate from college with a bachelor's in Social Science from Western Illinois University, Macomb. John continued his education at Michigan State University by obtaining his master's in College Student Personnel Services, and in 1974, Mr. Welty became Dr. Welty when he graduated from Indiana University, Bloomington, with a doctorate in Administration of Higher Education.

Prior to his tenure at Fresno State, Dr. Welty held several other positions in university administration. He was an Admissions Counselor at Michigan State University and Assistant Vice President for Student Affairs at

Southwest State University. Dr. Welty also served at the State University of New York as Director of Residences, Associate Dean for Student Affairs, and Assistant Professor of Counseling and Student Development. Additionally, he served as Vice President for Student and University Affairs at the Indiana University of Pennsylvania, and subsequently served as the President for seven years. Dr. Welty's many years of experience and expertise prepared him well to serve as President at Fresno State.

To say that Dr. Welty made a difference around the Fresno State campus is a vast understatement. With the help of faculty and staff, he truly changed Fresno State for the better, and we must express our gratitude for all of his efforts. In the last 22 years, Dr. Welty has increased enrollment, and each year reduced the number of students that drop out. The university currently offers 62 bachelor degrees, 45 master degrees, and three doctoral subject areas. Students from all over the nation are drawn to Fresno State for a number of reasons, including the Smittcamp Family Honors College within the university, an honors programs created with Dr. Welty at the helm.

Dr. Welty's leadership ensured that students of all cultures and socio-economic backgrounds knew that there was a place for them at Fresno State—by doing this he served as a catalyst for the success of our Valley and the enrichment of the university environment. Two-thirds of the students enrolled at Fresno State will be the first in their family to graduate from college. Furthermore, Women's athletics and women's intercollegiate sports program have grown and flourished under Dr. Welty's time as university president. His legacy at Fresno State will live on for years to come because of his commitment to student success.

Additionally, several institutes and centers at Fresno State have been created during Dr. Welty's tenure, including the Lyles Center for Innovation and Entrepreneurship, the Central Valley Educational Leadership Institute, the Central Valley Health Policy Institute, and the Maddy Institute. These centers provide students with imperative resources and knowledge in their respective fields.

With Dr. Welty and dedicated staff at the helm, the university received private gifts totaling more than $360 million which supported innovative programs, scholarships, faculty chairs, and research facilities. The Campaign for Fresno State surpassed its goal and raised $214.2 million to help offset declining state resources.

In addition to all of his successes at Fresno State, Dr. Welty has accomplished many feats within the California State University, CSU, System, and he has served in various capacities to help in educational improvements nationwide. He is the former chair of the Western Association of Schools and Colleges senior accrediting commission, and former chair of the American Association of State Colleges and Universities board.

Dr. Welty has previously served on advisory groups to the United State Departments of Agriculture and Education, and formerly chaired the Renaissance Group, a national organization of universities dedicated to improved teacher education programs. Dr. Welty is also the current Chair of the Cal State Online Advisory Board, as well as the CSU Gender Equity Monitoring Committee. Furthermore, he has worked diligently on a nationwide effort to reduce substance abuse and improve prevention on college campuses.

Mr. Speaker, I ask my colleagues to join Mr. NUNES and myself in recognizing Dr. John Welty for his great service and commitment to Fresno State and its surrounding community. As a Fresno State alumnus, I am extremely proud of the accomplishments that have been made under Dr. Welty's guidance, and I thank him for his many contributions toward improving California State University, Fresno.

CONGRATULATING THE TELACU EDUCATION FOUNDATION ON THEIR 30TH ANNIVERSARY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate the TELACU Education Foundation, a non-profit organization based in my 40th Congressional District, on the celebration of their 30th anniversary.

TELACU, which stands for The East Los Angeles Community Union, is a pioneer in empowering and revitalizing communities in our great state of California and throughout our nation. In response to crisis-level dropout rates for Latino students in college, TELACU created the TELACU Education Foundation 25 years ago. Working in partnership with a vast network of colleges, universities, corporations and individuals, the TELACU Education Foundation has awarded millions of dollars in scholarships to thousands of deserving students.

As the centerpiece of the foundation, the TELACU Scholarship Program annually provides scholarships to 500 college and graduate students who are the first in their families to access higher education. Realizing that financial resources alone cannot fully meet these students' needs, the program provides the scholars with comprehensive academic and career guidance to ensure that all of them graduate.

The foundation also serves an additional 1,600 middle and high school students, nursing school students, and veterans. Through comprehensive educational programs, these scholars are not only inspired to pursue higher education, but are also equipped to meet the rigorous expectations of college. As a result, 100 percent of TELACU's high school students earn their high school diploma and continue on to pursue post-secondary education and 100 percent of the TELACU college students graduate.

TELACU scholars are recruited from the poorest neighborhoods of Southern California, Chicago, Texas, and New York. In many of these neighborhoods, young African Americans and Latinos are more likely to have been arrested by their 18th birthday than to graduate high school. Yet TELACU scholars have proven year after year—no matter where you were born, the color of your skin, or what language you speak at home—if you study and work hard, you can become anything you want to be in our great United States of America.

And hard work and study are exactly what TELACU scholars do. Scholars like Irma Gorrocino have utilized the benefits of the TELACU Education Foundation scholarship and the resources provided. She has served on the dean's list for two consecutive semesters while managing to work full-time and tending to the needs of her father, who was recently diagnosed with multiple myeloma. She is also an outstanding intern in my district office in California.

Mr. Speaker, on the occasion of the TELACU Education Foundation's 30th Anniversary, I ask my colleagues to please join me in recognizing David and Priscilla Lizárraga for their exemplary leadership and commendable efforts to empower our young people and our communities, and wish them and the TELACU Education Foundation many years of continued success ahead. I also thank Irma and all of the TELACU scholars for their hard work and contributions to our community.

IN SPECIAL RECOGNITION OF JOSEPH PRITTS ON HIS OFFERS OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding student from Ohio's Fifth Congressional District. I am pleased to announce that Joseph Pritts of Cygnet, Ohio has been offered appointments to the United States Military Academy in West Point, New York and the United States Air Force Academy in Colorado Springs, Colorado. Joseph has accepted the offer to attend the United States Military Academy in West Point, New York.

Joseph's offer of appointment poises him to attend the United States Military Academy this fall with the incoming Class of 2017. Attending one of our nation's military academies not only offers the opportunity to serve our country but also guarantees a world-class education, while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Joseph brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending Elmwood High School in Bloomdale, Ohio, Joseph was on the Honor Roll and was President of the National Honor Society his senior year.

Throughout high school, Joseph was active in gymnastics and his school's track and field and golf teams and earning varsity letters for each sport. In addition, Joseph was Secretary of Student Council and a member of the Spanish Club. I am confident that Joseph will carry the lessons of his student and athletic leadership to the Military Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Joseph Pritts on the acceptance of his appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Joseph will excel during his career at the Military Academy, and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING 11 RESIDENTS OF BROWARD COUNTY SELECTED FOR THE BROWARD SENIOR HALL OF FAME

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. DEUTCH. Mr. Speaker, I rise today in honor of 11 outstanding seniors from my district that have been selected to be part of the Broward Senior Hall of Fame. Through the generous donation of their time and resources, these exemplary seniors have displayed a level of commitment to public service that can be admired by all.

The Aging and Disability Resource Center of Broward County offers this annual distinction to seniors who have dedicated themselves to improving their community in South Florida. From ordinary citizens and businesspeople to public servants and advocates, they have gone above and beyond to serve both the elderly and those in need. The amount of time, money, and effort these individuals have expended for the betterment of their community is truly admirable and exhibits a level of passion worthy of recognition.

Congratulations to Judge Arthur Birken, Florida Representative Gwyndolen Clarke-Reed, Josephine D'Espies, Pauline Grant, William Giroux, Sandra Harris, Dr. Robert Levy, June and John McCarthy, John Primeau, and Margaret Reilly on their election to the 2013 Senior Hall of Fame. I hope that by honoring them they can continue to inspire South Floridians to live by their example.

HONORING THE 100TH ANNIVERSARY OF THE TRANE COMPANY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. McCOLLUM. Mr. Speaker, today I rise to pay tribute to the 100th anniversary of the Trane Company. Trane is an innovative global leader in the area of heating and air conditioning systems and employs over 29,000 in over 400 locations, including 300 employees in White Bear Lake, Minnesota.

A true American success story, Trane was started by Norwegian immigrant, James Trane. After working some time as a plumber and steamfitter, James opened a plumbing shop in 1885 in La Crosse, Wisconsin. He drew inspiration from the cold winters and invented a new low-pressure heating system named the Trane Vapor Heating System. His son Reuben was born the next year. Following Reuben's completion of a degree in mechanical engineering in 1910, father and son went into business together in 1913 and incorporated the Trane Company. Reuben Trane's invention of the convector radiator in 1923 is what cemented Trane as an innovator and paved the way for the company's success in the years to come.

As many are aware, Midwest summers can be as hot as our winters are cold. Therefore, it was fitting that in 1931, the Trane Company pioneered air conditioning technology to give people relief from the from blistering summer heat. The company further revolutionized the concept of air conditioning in large buildings with the 1938 launch of the Turbovac, the first hermetic, centrifugal refrigeration machine. This model paved the way for the CenTraVac®, a revolutionary technology which has become the industry standard for large commercial air conditioning systems and the most energy efficient of its kind. Trane continued to grow with the acquisition of Sentinel Electronics in the 1970s, entering into the building automation and management field. This allowed the company to be the first to offer integrated controls for all their products. In 1984, Trane was able to acquire General Electric's Central Air Conditioning Division and continue its success into the area of residential air conditioning.

Trane's 100 years of groundbreaking work has not only generated quality heat and cooling systems, but created a brand that is renowned for superior quality and excellent customer service. Trane is equally committed to pursuing energy efficiency and has been recognized by the U.S. Environmental Protection Agency as the "Best of the Best" in commercial air conditioning systems.

Mr. Speaker, many people both inside and outside the industry are aware of the Trane company motto, "It's hard to stop a Trane." In honor of the thousands of employees who have built Trane from a small family plumbing company to a century old global leader in high efficiency and innovative technology in the heating and cooling industry, I am pleased to submit this statement.

HONORING DR. JOHN HALVERSON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Dr. John Halverson, Superintendent of the Sylvan Union School District, who is retiring after many years of outstanding service to our community.

Dr. Halverson began his teaching career in Bangor, California, in 1977, after serving his country in the United States Army. In 1980, he was promoted to Superintendent/Principal at Bangor Union Elementary School District—a position he held for 5 years. In 1985, he moved to Jackson, California, and was appointed as Assistant Superintendent, Educational Services at Amador County Unified School District in 1988. In 1994, he was appointed Superintendent of the Nevada City School District. Dr. Halverson came to Stanislaus County in 2003, where he will be concluding his career at Sylvan Union School District after 10 years as Superintendent.

Dr. John Halverson was integral in the implementation of middle schools for Amador County Unified School District. He was also behind the establishment of the 1994 Charter in Nevada City—the School of the Arts. He oversaw construction of three new schools in the Sylvan Union School District and was at the helm of seeing the 2006 passage of Measure A, a school bond for modernizing projects. For the last 24 years, Dr. Halverson has overseen fiscal stability in three school districts as Superintendent.

Over the years, Dr. Halverson has been recognized with many awards including 1997 Nevada County Charter Superintendent of the Year and 2001 Nevada County Administrator of the Year. In 2013, the Stanislaus County Chapter of the California Teachers Association recognized him with a CTA School Bell Award. In addition, he volunteers with many organizations including the Boys and Girls Club of Modesto, Amador County Arts Council, 49er Breakfast Rotary Club, and the Nevada City Chamber of Commerce.

Mr. Speaker, please join me in honoring and commending Dr. John Halverson, Sylvan Union School District Superintendent, for his numerous years of selfless service to the betterment our community.

HONORING THE EASTERN IOWA HONOR FLIGHT

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LOEBSACK. Mr. Speaker, today, over eighty Iowa World War II and Korean War veterans will travel to our nation's capital. Accompanied by volunteer guardians, they will visit the monuments that were built in their honor.

For many, today will be the first time they will see the National World War II Memorial and the Korean War Veterans Memorial. I am deeply honored to join them for their visit to the National World War II Memorial to personally thank these heroes for their service to our nation and to pay tribute to the incredible sacrifice that they made for our country.

We owe these heroes a debt of gratitude. As a reminder of the service and sacrifice of the Greatest Generation, I am proud to have a piece of marble in my office from the quarry that was used to build the World War II Memorial. Our World War II and Korean War veterans rose to defend not just our nation, but the freedoms, democracy, and values that make our country the greatest nation on earth. They did so as one people and one country. Their sacrifices and determination in the face of great threats to our way of life are both humbling and inspiring.

The sheer magnitude of what the Greatest Generation accomplished, not just in war but in the peace that followed, continues to inspire us today. Their generation and our country did not seek to be tested both abroad by a war that fundamentally challenged our way of life and at home by the Great Depression and the rebuilding of our economy that followed. But, when called upon to do so, the Greatest Generation defended and then rebuilt our nation to make it even stronger. Their patriotism, service, and sacrifice not only defined their generation—they stand as a testament to the fortitude of our nation and the American people. Their legacy endures today.

I am tremendously proud to welcome the Eastern Iowa Honor Flight and Iowa's veterans of the Second World War and the Korean War to our nation's capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

RAYANNA ANDERSON AND THE SMALL BUSINESS AND TECHNOLOGY DEVELOPMENT CENTER

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LONG. Mr. Speaker, I rise today to recognize and honor Rayanna Anderson for her service as Director of the Small Business and Technology Development Center, SBTDC, at Missouri State University.

Throughout her tenure as the SBTDC director at Missouri State University, Rayanna and her staff have consulted with over 605 small businesses and helped business owners obtain over $54 million in financing and investments. Their efforts towards helping small businesses have had a profound economic impact for Southwest Missouri. In 2009 alone, the SBTDC helped 170 local small businesses retain or create over 1,500 jobs while boosting sales by over $21 million.

To recognize these achievements, the U.S. Small Business Administration recently awarded the SBTDC at Missouri State University its Region VII Small Business Development Center Excellence and Innovation Award, an honor that this center certainly merits.

SBTDC programs fulfill a vital role in our economy by fostering small business growth, which provides most jobs in America. The start-up and growth of small businesses is a crucial component of our economy's success because roughly 60 percent of all jobs in America are provided by small businesses. They are also a key source of innovation and creation, measures that further enhance economic growth. For people who are new to business, assistance with funding or receiving sound advice can be invaluable in making a business succeed.

The SBTDC at Missouri State University plays an important role for Southwest Missouri businesses, and Rayanna Anderson's leadership has been outstanding. I am proud of her, her staff, and of the center's accomplishments, and I urge my colleagues to join me in recognizing her for her outstanding efforts.

PERSONAL EXPLANATION

HON. GEORGE HOLDING

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. HOLDING. Mr. Speaker, from April 16, 2013, through April 18, 2013, I missed rollcall vote numbers 106–117 as I was in London as part of the official delegation representing the U.S. House of Representatives at the funeral of Baroness Margaret Thatcher.

Had I been present, I would have voted as follows:

Rollcall No. 106: ''yea'' (On Motion to Suspend the Rules and Pass, as Amended—Federal Information Security Amendments Act of 2013); rollcall No. 107: ''yea'' (On Motion to Suspend the Rules and Pass, as Amended—Cybersecurity Enhancement Act of 2013); rollcall No. 108: ''yea'' (On Motion to Suspend the Rules and Pass, as Amended—Advancing America's Networking and Information Technology Research and Development Act of 2013); rollcall No. 109: ''yea'' (On Agreeing to the Resolution—Providing for consideration of H.R. 624, the Cyber Intelligence Sharing and Protection Act); rollcall No. 110: ''yea'' (On Agreeing to the Amendment Rogers of Michigan Amendment No. 1); rollcall No. 111: ''yea'' (On Agreeing to the Amendment Connolly of Virginia Amendment No. 2); rollcall No. 112: ''yea'' (On Agreeing to the Amendment Langevin of Rhode Island Amendment No. 4); rollcall No. 113: ''yea'' (On Agreeing to the Amendment Sinema of Arizona Amendment No. 7); rollcall No. 114: ''yea'' (On Agreeing to the Amendment LaMalfa of California Amendment No. 9); rollcall No. 115: ''yea'' (On Agreeing to the Amendment McCaul of Texas Amendment); rollcall No. 116: ''nay'' (On Motion to Recommit with Instructions—Cyber Intelligence Sharing and Protection Act); rollcall No. 117: ''yea'' (On Passage—Cyber Intelligence Sharing and Protection Act).

IN SPECIAL RECOGNITION OF RYAN ROTH ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Ryan Roth of Perrysburg, Ohio has been offered an appointment to attend the United States Military Academy in West Point, New York.

Ryan's offer of appointment poises him to attend the United States Military Academy this fall with the incoming Class of 2017. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Ryan brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending Perrysburg High School, in Perrysburg, Ohio, Ryan was on the High Honor Roll and was a member of the National Honor Society.

Throughout high school, Ryan was a member of his school's wrestling and football teams and earned varsity letters in both sports. During Ryan's senior year, he was the team captain of the wrestling team and a student council representative. I am confident that Ryan will carry the lessons of his student and athletic leadership to the Military Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Ryan Roth on the acceptance of his appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Ryan will excel during his career at the Military Academy and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

TRIBUTE TO ROYDA KIMBALL

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. COFFMAN. Mr. Speaker, I am honored to pay tribute to Royda Kimball, as she retires as the Chief Assignable for the Colorado State Senate, after 33 years of dedicated public service to the State of Colorado.

Royda served under six Colorado governors, starting with John Vanderhoof in 1974 and finishing with John Hickenlooper in 2012. She worked with nine Senate presidents, from Fred Anderson to Brandon Schaffer. She has helped, cajoled, and tutored literally hundreds of Colorado state senators, including me.

Royda was a tireless and dedicated state worker. In March of 2003, she suffered a heart attack and was back at work in a week. In March of 2004, she was diagnosed with cancer, underwent surgery, and was back on the job nine days later.

Royda Kimball exemplifies what it means to be a true public servant. Colorado citizens—not just elected state officials—benefited from her expertise and her professionalism. She kept the wheels of the Colorado State Senate moving for a third of a century. She is truly irreplaceable and her dedicated service will not be forgotten. She will be missed by many at the State Capitol, but we are fortunate to still have her on hand as a dear friend.

IN RECOGNITION OF TOMMY LEONARD

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. KEATING. Mr. Speaker, I rise today to congratulate Mr. Tommy Leonard on receiving the esteemed Heritage Award from the Falmouth Historical Society. The award commemorates Mr. Leonard's 40 years as a community leader through his athletic and charitable endeavors.

Falmouth's famous Great American Road Race was born from Mr. Leonard's love of running and community. The original idea for Falmouth's marquee event came to Mr. Leonard in 1972 when he was working as a bartender. As a long-time runner and unabashed fan of the sport, Mr. Leonard was enthralled by the efforts of Frank Shorter, the first American to win the Olympic Marathon in over 60 years. On that day in 1972, Mr. Shorter's historic effort in the Munich Olympics inspired Mr. Leonard to create a new tradition on Cape Cod. With assistance from Falmouth's track coach, John Carroll, and its recreation director, Rich Sherman, Mr. Leonard organized the town's first summer road race in 1973. Interest in the race grew, attracting such stars as ''Boston'' Billy Rodgers in 1974 and Frank Shorter himself in 1975. Today, Falmouth is considered one of the top races in the country and featured over 10,000 runners in 2011.

Mr. Leonard continued to organize Falmouth's annual race, while shepherding kindred events in Nantucket, Holyoke, and Westfield, Massachusetts. The 20-time Boston Marathon participant is renowned for his generous

spirit, tirelessly working to bring joy or aid to others. As a bartender at the beloved Eliot Lounge in Boston, Mr. Leonard maintained an emergency fund to assist members of the community in need. In 1991, he co-founded the annual Falmouth Walk, which raised $28,000 for local charities in 2011 alone. Each November, Mr. Leonard has sought to honor his fellow veterans by commemorating the Marine Corps' birthday with a reception at his restaurant. Over the years, Mr. Leonard has dedicated himself to countless charitable causes.

Mr. Speaker, I am proud to honor Mr. Tommy Leonard for his outstanding contributions to the Commonwealth of Massachusetts. His passion has made a lasting impact on the Falmouth community, forging bonds between residents and attracting visitors from across the globe. I ask that you join me in thanking Mr. Leonard for a lifetime of service and advocacy.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. CLARKE. Mr. Speaker, I was unavoidably detained in my district and missed the votes on Monday, April 15, 2013.

Had I been present, I would have voted ''yea'' on rollcall No. 103, H.R. 1162—GAO Improvement Act, ''yea'' on rollcall No. 104, H.R. 882—The Contracting and Tax Accountability Act of 2013 and ''no'' on rollcall No. 105, H.R. 249—Federal Employee Tax Accountability Act.

TRIBUTE TO THE TIBBITS OPERA HOUSE

HON. TIM WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. WALBERG. Mr. Speaker, I rise today to honor the Tibbits Opera House in Coldwater, Michigan, a cultural icon in my district that has excelled in arts and entertainment for 130 years. Having recently completed a stunning restoration of the building's facade, the community will be holding a celebration this weekend to dedicate the restoration and tell the story of the people that preserved it.

Built in 1882, Tibbits is the second oldest operating theater in Michigan. The 499 seat venue operates year round, enriching the area with professional and community theater programs, community events, concerts and youth theater productions. Strategically located on the primary thoroughfare between Chicago and Detroit, it has hosted many notable performers and acts over the years, ranging from P.T. Barnum and John Philip Sousa to Mickey Rooney and Jeff Daniels. From early vaudeville performances to a spell as a movie house, Tibbits has served as the cultural center of the area.

As early as the 1950s, locals recognized the need to safeguard this treasure for future generations and formed a group committed to the preservation of the theater. After falling into disrepair and facing the threat of demolition, a group raised funds to pay off owed taxes. Further updates and improvements have taken place over the years, the most impressive being the authentic restoration of the building's facade. Using photographic and field evidence, craftsmen meticulously restored the theater to its original French Second Empire design using locally selected materials. The effort has certainly paid off, earning a 2013 Governor's Award for Historic Preservation. But even more important than the accolades, the project ignited an enthusiasm among the residents, businesses and other area organizations, who gave of their time and finances to support the restoration. The renewed sense of pride displayed by the community has been apparent, and I'm heartened by their appreciation for the past and hard work to ensure its preservation for future generations.

Today, Tibbits Opera House continues to be a landmark that has drawn visitors to Coldwater for many generations and I suspect, Mr. Speaker, will continue to do so. With an annual attendance of nearly 30,000, there is rarely an evening when the stage is not in use. I commend my colleagues to take a trip to Coldwater if ever possible and enjoy a show, and I look forward to joining the Tibbits community at this weekend's festivities to celebrate this testament to preservation.

IN SPECIAL RECOGNITION OF JAMES SMITH ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding student from Ohio's Fifth Congressional District. I am pleased to announce that James Smith of Walbridge, Ohio has been offered an appointment to the United States Naval Academy at Annapolis, Maryland.

James' offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipmen Class of 2017. Attending one of our Nation's military academies not only offers the opportunity to serve our country but also guarantees a world-class education, while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

James brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending St. Francis De Sales High School in Toledo, Ohio, James was on the President's List, recognized as a Student of Excellence, and was a member of the National Honor Society.

Throughout high school, James was a member of his school's wrestling and crew teams and earned varsity letters in both sports. In addition, James participated in the 2012 Model United Nations and the 4.5 Poverty Immersion Experience. I am confident that James will carry the lessons of his student and athletic leadership to the Naval Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating James Smith on the acceptance of his appointment to the United States Naval Academy. Our service academies offer the finest military training and education available. I am positive that James will excel during his career at the Naval Academy, and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

HONORING ROBERT EARL HOLDING

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. SIMPSON. Mr. Speaker, I wanted to take a moment today to recognize and honor Robert Earl Holding, a man who throughout his life influenced Idaho and the West significantly. He was a veteran, a civil engineer, a businessman, a husband of 64 years, and a father of three. He passed away on April 19th, at age 86, after a long and rewarding life.

Among his many accomplishments, Earl Holding turned a struggling motel into a hugely successful chain of ski resorts and hotels, and owned Sinclair Oil Corporation. He acquired Idaho's Sun Valley Resort, and turned it into a world-class destination and a pillar in Idaho. He also was a key figure in attracting the 2002 Winter Olympics to Salt Lake City. Most of all, however, he loved the West.

Perhaps his most positive impact in Idaho began in 1977 when he bought the Sun Valley ski resort in central Idaho. He invested millions of dollars into Sun Valley, making it one of the most famous ski resorts in the United States. Today Sun Valley remains one of the most popular destinations in Idaho and a first-class resort for all seasons.

Mr. Holding is a true example of the American dream, rising from the hardships of the Great Depression to become one of the most successful business people in the world. Although we have lost a famous entrepreneur, a family man, and an American, we won't forget Robert Earl Holding, nor his many contributions to Idaho and the West.

HONORING DR. ROBERT PRICE

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Dr. Robert Price, Superintendent of the Empire Union School District, who is retiring after many years of outstanding service to our community.

Dr. Price began his teaching career in Turlock in 1973. In November of 1981, he received his first administrative assignment as Assistant Principal at Monte Vista Middle School in Tracy. In July of 1982, he was appointed Principal of Monte Vista Middle School; and in 1987, he was appointed Assistant Superintendent for Instructional Services in Tracy and served as Interim Superintendent for one year. Dr. Price is concluding his career at Empire Union School District after 20 years as Superintendent.

Dr. Robert Price is a veteran in the integration of technology into the educational process. He is a founding TICAL Cadre member

and has presented on technology issues for ACSA, The California League of Middle Schools, CSBA, and the National Middle School Association. He is a past President of the California League of Middle Schools and has received numerous awards, including the 2008 Ferd Kiesel Award from ACSA, their highest statewide recognition. Dr. Price and his district were featured in the American Executive—July 2010 issue as one of 30 school districts in the nation thriving during tough fiscal times.

He has been married to Sally for 37 years. Bob and Sally have two children, Geoffrey, 31, and Caitlin, 29. Geoffrey is a sound engineer living in San Francisco, and Caitlin is a graduate Ph.D. student at U.C. Berkeley.

Mr. Speaker, please join me in honoring and commending Dr. Robert Price, Empire Union School District Superintendent, for his numerous years of selfless service to the betterment of our community.

IN MEMORY OF KRYSTLE CAMPBELL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. MARKEY. Mr. Speaker, Krystle Campbell, a resident of Arlington and graduate of Medford High School, lost her life at the Boston Marathon finish line doing what she loved to do: support other people. She was 29 years old, just a few weeks from her 30th birthday, with a lifetime of helping more people ahead of her.

Krystle's annual pilgrimage to the marathon finish represented who she was, says her family. When people needed support, Krystle was there. When her grandmother needed help following surgery, Krystle moved in with her for two years to help her recover.

Krystle's smile, hard work, and constant happy demeanor is what her family and friends will miss. But most of all, they will miss what she was always known for: being there when you needed her, being a joyful, active participant in the lives of her family and friends.

In our grief, we know that Krystle is still there, still cheering all of us on, still there in our hearts. Today we honor her memory and the joy she brought to so many lives.

IN SPECIAL RECOGNITION OF JARED KOBYLSKI ON HIS OFFERS OF APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AND THE UNITED STATES AIR FORCE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding student from Ohio's Fifth Congressional District. I am pleased to announce that Jared Kobylski of Bowling Green, Ohio has been offered appointments to the United States Military Academy in West Point, New York and the United States Air Force Academy in Colorado Springs, Colorado. Jared has accepted the offer to attend the United States Military Academy in West Point, New York.

Jared's offer of appointment poises him to attend the United States Military Academy this fall with the incoming Class of 2017. Attending one of our nation's military academies not only offers the opportunity to serve our country but also guarantees a world-class education, while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Jared brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending Bowling Green Senior High School in Bowling Green, Ohio, Jared was on the Honor Roll and was a member of the National Honor Society.

Throughout high school, Jared was a member of his school's cross country and track and field teams and earned varsity letters in both sports. In addition, Jared was a Senior Patrol Guide and a member of the Royal Rangers. I am confident that Jared will carry the lessons of his student and athletic leadership to the Military Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Jared Kobylski on the acceptance of his appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Jared will excel during his career at the Military Academy, and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

THE OCCASION OF THE DEDICATION OF GABRIEL ZIMMERMAN ROOM

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. JACKSON LEE. Mr. Speaker, I rise to honor the legacy of Gabriel ''Gabe'' Zimmerman, a young man devoted to community service, and the great democratic principles upon which our government stands.

Gabriel Zimmerman was murdered on January 8, 2011, struck down in the prime of life at the young age of 31. He was one of several persons killed or wounded during the mass shooting in Arizona that so seriously injured our colleague, former U.S. Congresswoman Gabby Giffords. Gabe Zimmerman is the first congressional staffer to be killed in the line of duty.

As the Community Outreach Director for Congresswoman Giffords, Gabe organized the ''Congress at Your Corner,'' at a supermarket in Tuscon, Arizona, where the mass shooting took place.

Colleagues remember him as someone who would go out of his way to help people in trouble, who attentively listened to the concerns of constituents, and who had a real gift for working with people.

I rise today not only to commemorate Gabe Zimmerman but to speak out against the scourge of gun violence our nation faces.

We have all been shaken by tragic events in recent days and years involving gun violence.

Whether these events occurred in Newtown, Connecticut; Aurora, Colorado; Tucson, Arizona; or on the streets of Chicago, gun violence is a critical issue that we need to effectively address immediately. Urban, suburban, or rural—no region or community is immune to danger of gun violence.

While the nation's attention has often been drawn toward some of the more high-profile events, the broader statistics are disturbing, demonstrating a real need to address how we protect our nation's children from gun violence. Consider these facts:

Every 30 minutes, a child or teenager in America dies or is injured by a gun.

Every 3 hours and 15 minutes, a child or teenager loses their life to a firearm.

In 2010, 82 children under 5 years of age lost their lives due to guns.

To put that in perspective, 58 law enforcement officers died in the line of duty that year.

In light of recent tragedies, the American people are demanding action. One thing we can do immediately to reduce the incidence of gun violence is to pass H.R. 65, the Child Gun Safety and Gun Access Prevention Act of 2013, legislation I introduced to protect our nation's children from gun violence and accidents.

H.R. 65 will prohibit persons under the age of 21 from possessing semiautomatic assault weapons or large capacity magazines.

Moreover, H.R. 65 increases penalties on individuals who knowingly transfer a handgun, ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device to a person under age 21.

In addition, H.R. 65 will also prohibit importers, manufacturers, and dealers from transferring firearms without providing the purchaser with a gun storage or safety device.

Finally, H.R. 65 authorizes the U.S. Attorney General to provide grants to enable local law enforcement agencies to develop and sponsor gun safety classes for parents and children.

These provisions, and others, can go a long way toward making our homes, schools, and streets safer for children across this country.

Mr. Speaker, we may not be able to prevent every gun-related tragedy from occurring in the future, but we have a responsibility to implement reasonable standards that will prevent the loss of innocent lives.

CELEBRATING THE LIFE OF STEPHEN COATS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the life of Stephen Coats, a great friend, tremendous leader, and tireless champion for working people throughout the world.

Throughout his life, Stephen was driven by his unwavering commitment to social justice. From his years as political advocacy director for Bread for the World, where he fought global poverty, to his work at the US/Guatemala Education Project (US/GLEP) in the 1990s, where he worked to insert language to protect worker rights, Stephen's work emphasized our common humanity and international solidarity.

After US/GLEP broadened to become the U.S. Labor Education in the Americas Project

(USLEAP), Stephen served as Executive Director, working to protect the rights of working people across Latin America. His work has been enormously influential on U.S. policy toward Guatemala, Colombia, Honduras, and Mexico. He gave workers throughout Latin America a voice in Washington. By bringing delegations of workers to Congress, most recently a representative from Colombia who came to my office, he presented a powerful and personal call for justice, putting a human face on the need for action.

Stephen touched many lives through his work for worker justice, including mine. He recognized the dignity of work and the need to provide fair and respectful treatment for working men and women throughout the world, but particularly in Central America. He called on all of us to care for each other and to commit ourselves to improving the lives of people who we may never meet but who deserve our attention. Stephen was a real leader but, more importantly, he made leaders of others.

We are still reeling from Stephen's loss—but we are also even more committed to following his legacy. My heart and my prayers go out to his loving wife, Kim, herself a faithful champion of working families, his sons Eric and Benjamin, and to the rest of his family and his multitude of friends.

HONORING MANUEL LOPEZ

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Mr. Manuel Lopez, San Joaquin County Administrator, who retired after more than 25 years of outstanding service to our county.

Manuel was born in Pacoima (Los Angeles County) and was raised in Selma (Fresno County). After graduating from Selma high school, Manuel joined the Air Force for four years. Immediately after he was discharged, he worked for the California Department of Water Resources but left the job to attend Fresno City College on the G.I. Bill, where he subsequently earned a Civil Engineering degree from Fresno State. While attending Fresno State, he was involved with a group of students associated with the Fresno area ''War on Poverty'' and was a member of the student chapter of the American Society of Civil Engineers. Manuel's first professional job was with Tulare County, and then the City of Fresno, where he ultimately became the Deputy City Engineer.

Shortly after he started working at the City of Fresno, Manuel, together with several friends, started The Del Rey Y's Men Club in Del Rey, California—a branch of the National YMCA. The Club mentored boys from 12 to 18 years of age on how to act responsibly and how to be involved in the community.

Manuel and his wife, Sylvia, moved to Ripon in San Joaquin County in 1985, when he was appointed the Assistant Public Works Director. He concurrently served as the Interim City of Lathrop Engineer, when the City was formed in 1989. From 1991 to 1998, he served on the City of Ripon Economic Development Committee, twice as Chairman. In 1999, he served as President of the Sacramento Chapter of the American Public Works Association. Subsequently, in March 2000, Manuel was appointed the County Public Works Director. Just as he started to enjoy that role, in July 2001, the Board of Supervisors appointed him as the interim County Administrator and appointed him on a permanent basis in November. His nearly 12 years in this position is longer than any of his predecessors.

Over the years, Manuel has been recognized for serving on the following associations and organizations: American Public Works Association, where he served as the Sacramento Chapter President in 1999; County Engineer's Association of California (CEAC); County Administrative Officers Association of California (CAOAC); Ripon Economic Development Committee, where he served as Chairman in 1993; San Joaquin Engineer's Council; Chairman San Joaquin March of Dimes Fund Drive; and the San Joaquin County Historical Society.

Manuel and Sylvia have been married for 38 years and have four adult children and seven grandchildren.

Mr. Speaker, please join me in honoring and commending San Joaquin County Administrator Mr. Manuel Lopez after numerous years of selfless service to the betterment of our community.

IN SPECIAL RECOGNITION OF NATHAN DOWNS ON HIS OFFER OF APPOINTMENT TO ATTEND THE UNITED STATES MERCHANT MARINE ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding student from Ohio's Fifth Congressional District. I am pleased to announce that Nathan Downs of Bowling Green, Ohio, has been offered an appointment to the United States Merchant Marine Academy in Kings Point, New York.

Nathan's offer of appointment poises him to attend the United States Merchant Marine Academy this fall with the incoming Class of 2017. Attending one of our nation's military academies not only offers the opportunity to serve our country but also guarantees a world-class education, while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Nathan brings an enormous amount of leadership, service, and dedication to the incoming Class of 2017. While attending Otsego High School in Tontogany, Ohio, Nathan was president of the Student Council and vice-president of Otsego's chapter of the National Honor Society.

Throughout high school, Nathan was a member of his school's football, basketball, and baseball teams; earned varsity letters in those sports, as well as being nominated team captain for the baseball and football teams. In addition, Nathan volunteered his time to his community by volunteering for youth sport camps. I am confident that Nathan will carry the lessons of his student and athletic leadership to the Merchant Marine Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Nathan Downs on the offer of his appointment to the United States Merchant Marine Academy. Our service academies offer the finest military training and education available. I am positive that Nathan will excel during his career at the Merchant Marine Academy, and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

IN RECOGNITION OF MAGGIE MORGAN BEING AWARDED THE TAYLOR MEDAL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. ROGERS of Alabama. Mr. Speaker, I would like to ask for the House's attention today to recognize Miss Maggie Morgan, who on April 11th received a Taylor Medal from the University of Mississippi.

Maggie is the daughter of Dr. and Mrs. Gary H. Morgan. She attended The Donoho School in Anniston, Alabama. After graduating in 2009, she went on to attend the University of Mississippi, and this May, she will graduate as an Honors Scholar with a Bachelor of Science Degree in Forensic Chemistry.

During her time at the University of Mississippi, Maggie has set a standard of excellence in her academics. The Taylor Medal, which she was awarded, is the highest academic honor awarded by the University of Mississippi. To be eligible for this award, a student must have a grade point average of 3.9 or higher and exhibit exceptional scholarship in one field of study combined with superior academic work in all other subjects.

Upon her graduation from the University of Mississippi, Maggie plans to attend the University of Alabama School of Medicine.

Mr. Speaker, please join me in congratulating Maggie on her academic achievements and wishing her luck in all of her future endeavors.

SPRINGFIELD HISTORY MUSEUM ON THE SQUARE

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LONG. Mr. Speaker, I rise today to recognize Springfield Missouri's ''History Museum on the Square.''

The new History Museum on the Square encompasses several historic buildings that are being renovated to offer the community state-of-the-art exhibits in over 55,000 square feet, including the historic Fox Theatre. The museum houses a collection of over 100,000 artifacts, including 40,000 historic photographs.

The artifacts and exhibits showcase Springfield's prominent past, which includes the Battle of Wilson's Creek, a shootout in the town square involving Wild Bill Hickok, and the development of Route 66 through the heart of the city.

The new exhibit that opens on April 28 features ''Woodruff's Dream: The Mother Road

through Springfield—The Route 66 Exhibit,'' which explores the impact of Route 66 on the Springfield community and will feature never-before-seen items and photographs.

The Museum on the Square is a great way to restore and transform the beautiful historic buildings throughout the square. By offering these new interactive exhibits, the museum has created an exciting way for visitors to explore Springfield's past.

I want to congratulate the Museum for its creative efforts, and I urge my colleagues to join me.

HONORING NAN SCHNEIDER

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. HAHN. Mr. Speaker, I rise to honor the memory and legacy of Nan Schneider, who passed away on Monday, April 15, 2013 in her hometown of Westchester. Nan was born on November 6, 1950 in Minneapolis, Minnesota to Shel and Pris Siegel. Nan was a loving and witty woman that could put a smile on any face. In order to practice medicine, her father moved his family to California. Through a mutual friend, Nan met the love of her life, Denny, on a blind date. It was love at first sight. They had two wonderful children, Beth and Aaron.

Nan was a woman who saw the beauty in everything and translated it into art. She was also an advocate for education. She volunteered to make Westchester Neighborhood School the best private school in the area. She also spent twenty years volunteering within Los Angeles Unified School District (LAUSD) at Westchester High in order to, as she said, ''fix things.'' Her attitude said it all: she would always tell her husband, ''I'm not going to ask permission to make it right. If the District doesn't like it they'll call me and tell me to stop.'' That same passion and drive carried her into Los Angeles politics.

Nan and Denny were no strangers to the concerns of Los Angeles. For 18 years, they fought the expansion of the Los Angeles International Airport into their community. As my colleagues from Los Angeles will testify, Nan and Denny were a force to be reckoned with. Nan also volunteered often for my father, Los Angeles County Supervisor Kenneth Hahn.

I was privileged to have called Nan a friend and I will always have fond memories. Her legacy will always be remembered in Los Angeles and in my heart. Nan Schneider is survived by her husband, Denny, her sister, Linda (Bob), her children, Beth (Jeff), and Aaron (Julie), and her grandchildren, Lily and Penny, for whom she cared so much. She will be missed by her friends and loved ones.

IN HONOR OF MR. STEPHEN STRASSLER, CELEBRATING 40 YEARS OF EXCELLENT SERVICE TO NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. ANDREWS. Mr. Speaker, I rise today to honor Mr. Stephen Strassler, a business owner in New Jersey. His firm, Reviva Labs has been a successful job creator in New Jersey's first district for 40 years.

Reviva Labs has been giving back to the South Jersey community for 40 years by providing health and skin care to men and women from around the world. As part of his commitment to community service, Mr. Strassler has generously donated skin care protection aids to a variety of organizations, including the U.S. military. Mr. Strassler sent Vitamin E sticks to Iraq, so our brave men and women could protect their eyes and lips in the harsh environment.

Mr. Speaker, the commitment to community service of Mr. Stephen Strassler should not go unrecognized. I join all of South Jersey in expressing our profound gratitude and thanks for Mr. Strassler as he prepares to celebrate the 40th anniversary of his outstanding firm, Reviva Labs.

DOMINICAN MEDICAL ASSOCIATION SIXTEEN YEAR ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. RANGEL. Mr. Speaker today I stand to recognize the 16th anniversary of The Dominican Medical Association. An organization dedicated to providing information on disease prevention, education, and counseling to New York City communities.

The Dominican Medical Association or DMA was founded on April 26, 1997, by a group of physicians from the Dominican Republic. Their mission has been to educate communities on health issues and to assist newly arrived physicians from abroad in obtaining jobs in their respected fields, providing them with the tools needed to pass the medical boards, and integrating them into the local medical community.

Last year was one of multiple accomplishments for the Dominican Medical Association. In line with its mission a total of 1119 people were served through health fairs, medical conferences, forums, symposiums, and trainings. The vast majority served through the DMA are Hispanics living throughout all of New York's boroughs.

Information and knowledge on health is vital. My beloved village of Harlem and many areas of my district are predominately inhabited by minorities who have been affected by many health concerns that are the direct result of lack of knowledge on preventative care. Obesity is just an example of one of the diseases that has plagued our communities but it is an epidemic that can be * * *

PERSONAL EXPLANATION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. McGOVERN. Mr. Speaker, due to the recent tragic events in Massachusetts, I was absent for a series of five votes on April 18, 2013. Should I have been present, I would have voted yes on rollcall vote 113; yes on vote 114; yes on vote 115; and yes on vote 116. I share many of the concerns about privacy raised by a number of my colleagues during that debate, and I would have opposed rollcall vote 117, final passage of H.R. 624, the Cyber Intelligence Sharing and Protection Act.

A SPECIAL TRIBUTE TO THE OTTAWA-GLANDORF TITANS

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. LATTA. Mr. Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding high school basketball team in Ohio's Fifth Congressional District. The young men of the Ottawa-Glandorf High School boys basketball team have represented their school ably on their way to achieving the Division III State Boys Basketball Title.

In their effort to surpass all other teams in the Division III State Basketball Playoffs, the Ottawa-Glandorf Titans overcame the challenges posed by intense competition.

In pursuing the State Championship, the Ottawa-Glandorf Titans defeated the Versailles Tigers to win their third state basketball championship and make their sixth appearance at the state basketball tournament. In winning the Division III Boys Basketball State Championship, the members of this very special team have shown that their sport requires an individual effort for a team result. As a direct consequence of their hard work and dedication on and off the court, their accomplishment is truly outstanding.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the Ottawa-Glandorf High School boys basketball team. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

IN SUPPORT OF AN AMENDMENT TO THE EXPEDITED FUNDS AVAILABILITY ACT TO CLARIFY THE APPLICATION OF THAT ACT TO AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. FALEOMAVAEGA. Mr. Speaker, I submit for introduction this legislation to amend

the Expedited Funds Availability Act, more commonly known as Regulation CC, to clarify the application of Regulation CC to American Samoa. Enacted in 1987, Regulation CC standardized hold periods on deposits made to commercial banks. It also excluded American Samoa from the definitions of ''State'' and ''United States.'' Banks in American Samoa were deemed ''Pacific Island banks,'' and checks drawn on Pacific Island banks were thereafter called ''Pacific Island checks.''

A crucial distinction between State banks and checks and Pacific Island banks and checks lies in the ''hold time'' permitted by Regulation CC. For example, State banks must release funds from deposited checks immediately for in-state checks, and shortly thereafter for out-of-state checks. Pacific Island banks, however, can hold checks for an undetermined amount of time before releasing funds for access or use. Another distinction permits a delay in the return of Pacific Island checks that are overdrawn. However, State checks that are overdrawn must be returned ''in an expeditious manner.''

Due to these distinctions, the people of American Samoa are subject to excessive hold times on funds that should be available in short order. This places a significant financial burden on my constituents. The legislation I have introduced today will amend Regulation CC to include American Samoa within the definition of ''State'' and ''United States.'' As a result, banks in my district will be required to treat local patrons with the same level of services offered in the rest of the states and other territories.

In anticipation that this bill will be referred to the House Committee on Financial Services, I look forward to working closely with Chairman JEB HENSARLING and Ranking Member MAXINE WATERS to ensure that American Samoa is included within the provisions of Regulation CC.

HONORING ADELFA CALLEJO

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize a leader in my community and esteemed civil rights lawyer, Adelfa Callejo.

On Friday, April 12, Adelfa Callejo was given a most deserving honor when the Dallas Independent School District, DISD, dedicated an elementary school bearing her name. At the dedication, Adelfa Callejo, now 89 years old, stood up from her wheelchair and proclaimed, ''Only through education will we make the world a better place than when we found it.'' Throughout her life, Adelfa Callejo has improved the lives of countless individuals in my community through her life of good deeds and public service.

Adelfa Callejo was the first Hispanic woman to graduate from Southern Methodist University, SMU, Dedman School of Law. She has been in private practice in Dallas for more than 45 years. Working full-time during the day, Adelfa Callejo attended night school and graduated in 1961. Adelfa Callejo, an advocate for civil rights, has pursued community causes throughout her life and has won many awards for her years of service in the community and legal profession.

Mr. Speaker, Adelfa Callejo is an exceptional community leader and deserving of recognition for her contributions to society. Our country is a better one because of Adelfa Callejo.

INTRODUCTION OF LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO DENY THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT TO INDIVIDUALS WHO ARE NOT AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES AND TO TERMINATE THE USE OF CERTIFYING ACCEPTANCE AGENTS TO FACILITATE THE APPLICATION PROCESS FOR ITINS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. BILIRAKIS. Mr. Speaker, today I introduced legislation to prevent illegal immigrants from claiming the refundable portion of the child tax credit. The refundable child tax credit provides cash payment to low-income families who pay no income tax. The program was intended to be an additional cash benefit for families who receive the earned-income tax credit. While administered through the tax code, it is a means-tested welfare expenditure. Since Social Security numbers are issued only to those who have the legal right to work in the United States, illegal immigrants use Individual Taxpayer Identification Numbers (ITINs), which are issued by the IRS regardless of legal status. ITINs allow a person to file a tax return and thus claim the tax credit. The Internal Revenue Service's (IRS's) Certifying Agent Program, which allows a person to apply for an ITIN on behalf of an individual with no verification of their immigration status, has compounded the abuse of ITINs for fraudulent tax claims. With no verification of a person's status on their tax return or at the issuance of an ITIN, the system has a significant fault, which allows taxpayer dollars to go to those who are not eligible.

The Treasury Department's Inspector General for Tax Administration (TIGTA) has reported that illegal immigrants claimed $4.2 billion through this child tax credit in 2010. With the federal government borrowing heavily to finance deficits of nearly $1 trillion, we need to ensure federal benefits are only going to law-abiding citizens.

We must take steps to solve this waste of taxpayer money by ending this gap in the tax code. If enacted, this legislation would require those claiming the tax credit to list their social security number or other proof of lawful immigration status on their tax return. It would also require the IRS to verify the proper documentation before issuing ITINs. The TIGTA has estimated this legislation would reduce federal spending by $8.4 billion over two years.

At a time when the federal government is operating under significant deficits, we must ensure scarce taxpayer dollars are used responsibly. Allowing them to go to those who are in this country illegally is grossly irresponsible. This simple and common sense measure will ensure better accountability to all taxpayers, while also saving money.

In short, this legislation will ensure this welfare program is only available to its intended recipients, ensuring those who follow the law can continue to receive this assistance. I look forward to working with my colleagues to move this legislation through Congress.

THE 369TH INFANTRY REGIMENT 100 YEAR ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 2013

Mr. RANGEL. Mr. Speaker, today I rise to honor the 369th Infantry Regiment on their 100th anniversary. Constituted in June of 1913, this regiment was the first African American Regiment to serve with the American Expeditionary Force during World War I.

The U.S. Army's 369th Infantry Regiment, popularly known as the ''Harlem Hellfighters,'' was the best known African American unit of World War I. Federalized in 1917, it prepared for service in Europe and arrived in Brest in December. The next month, the regiment became part of the 93rd Division and continued its training, now under French instructors. In March, the regiment finally received its Federal designation and was reorganized and reequipped according to the French model. That summer, the 369th was integrated into the French 161st Division and began combat operations.

While African American valor usually went unrecognized, well over one hundred members of the regiment received American and/or French medals, including the first two Americans—Corporal Henry Johnson and Private Needham Roberts—to be awarded the coveted French Croix de Guerre.

Spending over six months in combat, perhaps the longest of any American unit in the war, the 369th suffered approximately fifteen hundred casualties but received only nine hundred replacements. Unit histories claimed they were the first unit to cross the Rhine earning the epithet ''Hell Fighters'' from their enemies. After considerable effort by Colonel Hayward, the 369th was welcomed home with a parade in February 1919 and reabsorbed into the National Guard. More than one million people witnessed the triumphant parade from Lower Manhattan, up Fifth Avenue to my beloved village of Harlem. The marching band led the troops, and as they turned off 110th Street onto Lenox Avenue the band began to play. Today the lineage and tradition is carried on by the 369th Transportation Battalion, which has since become the 369th Corps Support Battalion. The Harlem Hellfighters continue to serve at home and overseas.

This year we honor a group of men whose selflessness and valor propelled them to protect and serve the very country that left them a perpetually marginalized group of American society. A group of men who fought to defend this country whose dream of freedom was ironically and unremorsefully built on the backs of their ancestors with no avail even as their sons fought for that same ideal decades later. The history of the Harlem Hellfighters is one of dedication and profound spirituality that reminds us that the efforts we make today has everything to do with the world we create for our future.

Mr. Speaker, I ask that you and my distinguished colleagues stand together to recognize such an historic day as our nation marks the 100th year of the 369th Infantry Regiment's dedication to this county. A Celebration of their remarkable service to this country and of the spirit and unwavering strength they displayed throughout.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2857–S2907

Measures Introduced: Sixteen bills and four resolutions were introduced, as follows: S. 777–792, and S. Res. 105–108. **Pages S2896–97**

Measures Passed:

Financial Literacy Month: Senate agreed to S. Res. 105, designating April 2013 as ''Financial Literacy Month''. **Page S2904**

National Rehabilitation Counselors Appreciation Day: Senate agreed to S. Res. 106, commending rehabilitation counselors and supporting the goals and ideals of National Rehabilitation Counselors Appreciation Day. **Page S2904**

National Month of the Military Child: Senate agreed to S. Res. 107, honoring military children during the National Month of the Military Child. **Page S2904**

National 9–1–1 Education Month: Senate agreed to S. Res. 108, designating April 2013 as ''National 9–1–1 Education Month''. **Page S2904**

Measures Considered:

Marketplace Fairness Act—Agreement: Senate continued consideration of the motion to proceed to consideration of S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws. **Pages S2866–87**

A unanimous-consent agreement was reached providing that when Senate resumes Legislative Session on Wednesday, April 24, 2013, Senate continue consideration of the motion to proceed to consideration of the bill, and immediately vote on adoption of the motion to proceed to consideration of the bill. **Page S2905**

Appointments:

National Advisory Committee on Institutional Quality and Integrity: The Chair announced, on behalf of the President pro tempore, pursuant to Public Law 110–315, the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity: Senator Bill Armstrong of Colorado, vice Wilfred M. McClay, and Mr. Rick O'Donnell of Texas, vice Bruce Cole. **Page S2904**

Advisory Committee on the Records of Congress: The Chair announced, on behalf of the Republican Leader, pursuant to Public Law 101–509, the reappointment of Thomas Mackey, of Kentucky, to the Advisory Committee on the Records of Congress. **Pages S2904–05**

Taxable Vaccine Definition—Agreement: A unanimous-consent agreement was reached providing that if the Senate receives H.R. 475, to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines, from the House of Representatives and the bill is identical to the text of which is at the desk, Senate vote on passage of the bill, at a time to be determined by the Majority Leader, in consultation with the Republican Leader, with no intervening action or debate. **Page S2904**

Kelly and Burwell Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at 10:30 a.m., on Wednesday, April 24, 2013, Senate begin consideration of the nominations of Jane Kelly, of Iowa, to be United States Circuit Judge for the Eighth Circuit, and Sylvia Mathews Burwell, of West Virginia, to be Director of the Office of Management and Budget; that there be 90 minutes for debate equally divided in the usual form, the time from 10:30 a.m. to 11 a.m., on the nomination of Jane Kelly, of Iowa, to be United States Circuit Judge for the Eighth Circuit, and the time from 11 a.m. to 12 noon on the nomination of Sylvia Mathews Burwell, of West Virginia, to be Director of the Office of Management and Budget; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nominations in the order listed; with two minutes for debate equally divided in the usual form between the votes; that the second vote be 10 minutes in length; and that no further motions be in order to the nominations. **Page S2904**

Nominations Received: Senate received the following nominations:

Roberto R. Herencia, of Illinois, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2015.

Carlos Pascual, of the District of Columbia, to be an Assistant Secretary of State (Energy Resources).

David Michael Bennett, of North Carolina, to be a Governor of the United States Postal Service for a term expiring December 8, 2018.

Yvette Roubideaux, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

2 Air Force nominations in the rank of general.

3 Army nominations in the rank of general.

1 Coast Guard nomination in the rank of admiral.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy. **Pages S2905–07**

Messages from the House: **Page S2896**

Measures Read the First Time: **Pages S2896, S2904**

Executive Reports of Committees: **Page S2896**

Additional Cosponsors: **Pages S2897–98**

Statements on Introduced Bills/Resolutions: **Pages S2898–S2903**

Additional Statements: **Pages S2895–96**

Amendments Submitted: **Page S2903**

Notices of Intent: **Page S2903**

Authorities for Committees to Meet: **Pages S2903–04**

Privileges of the Floor: **Page S2904**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:01 p.m., until 9:30 a.m. on Wednesday, April 24, 2013. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2905.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARMENT OF HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Department of Defense concluded a hearing to examine proposed budget estimates for fiscal year 2014 for the Department of Homeland Security, after receiving testimony from Janet Napolitano, Secretary of Homeland Security.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Committee concluded a hearing to examine the Department of the Army in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, after receiving testimony from John M. McHugh, Secretary of the Army, and General Raymond T. Odierno, USA, Chief of Staff of the Army, both of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded open and closed hearings to examine proliferation prevention programs at the Department of Energy and at the Department of Defense in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, after receiving testimony from Madelyn R. Creedon, Assistant Secretary for Global Strategic Affairs, Michael Lansdown, Defense Intelligence Agency, and Kenneth A. Myers III, Director, Strategic Command Center for Combating Weapons of Mass Destruction, and Director, and Nick Wager, both of the Defense Threat Reduction Agency, all of the Department of Defense; and Anne Harrington, Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, Department of Energy.

CFPB SEMI–ANNUAL REPORT TO CONGRESS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Consumer Financial Protection Bureau's semi-annual report to Congress, after receiving testimony from Richard Cordray, Director, Consumer Financial Protection Bureau.

VETERANS PROGRAM PROPOSALS BUDGET

Committee on the Budget: Committee to examine the President's proposed budget and revenue request for fiscal year 2014 for Veterans' program proposals, after receiving testimony from Erik K. Shinseki, Secretary, Robert A. Petzel, Undersecretary for Health, and Allison A. Hickey, Undersecretary for Benefits, all of the Department of Veterans Affairs.

COAST GUARD AND NOAA BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the President's proposed budget request for fiscal year 2014 for the Coast Guard and the National Oceanic and Atmospheric Administration, after receiving testimony from Admiral Robert J. Papp, Jr., Commandant, Coast Guard, Department of Homeland Security; and Kathryn Sullivan, Acting Under Secretary of Commerce for Oceans and Atmosphere, and

Acting Administrator, National Oceanic and Atmospheric Administration.

HUMAN SPACE EXPLORATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine challenges and opportunities for human space exploration, after receiving testimony from William H. Gerstenmaier, Associate Administrator for Human Exploration and Operations, National Aeronautics and Space Administration; Stephen Cook, Dynetics, Inc., Huntsville, Alabama; and Lieutenant General Thomas P. Stafford, USAF (Ret.), Satellite Beach, Florida.

HYDROPOWER LEGISLATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 306 and H.R. 678, bills to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, S. 545, to improve hydropower, H.R. 267, to improve hydropower, and S. 761, to promote energy savings in residential and commercial buildings and industry, after receiving testimony from Representative McMorris Rodgers; Jeff C. Wright, Director, Office of Energy Projects, Federal Energy Regulatory Commission; Lowell Pimley, Deputy Commissioner of Operations, and Kerry McCalman, Manager, Power Resources Office, both of the Bureau of Reclamation, Department of the Interior; and Kathleen Hogan, Deputy Assistant Secretary of Energy for Energy Efficiency, Office of Energy Efficiency and Renewable Energy.

PARKS BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 59, to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California, S. 155, to designate a mountain in the State of Alaska as Denali, S. 156, to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska, S. 219, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 225, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, S. 228, to establish the Sacramento-San Joaquin Delta National Heritage Area, S. 285, to designate the Valles Caldera National Preserve as a unit of the National Park System, S. 305, to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park, S. 349, to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, S. 371, to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, S. 476, to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission, S. 486, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, S. 507, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and S. 615, to establish Coltsville National Historical Park in the State of Connecticut, after receiving testimony from Peggy O'Dell, Deputy Director for Operations, National Park Service, Department of the Interior; and Ingrid Kolb, Director, Office of Management, Department of Energy.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services.

CHILD WELFARE CASE STUDY

Committee on Finance: Committee concluded a hearing to examine the Antwone Fisher story as a case study for child welfare, after receiving testimony from Gary Stangler, Jim Casey Youth Opportunities Initiative, St. Louis, Missouri; Eric Fenner, Casey Family Programs, Westerville, Ohio; Kevin A. Campbell, Center for Family Finding and Youth Connectedness, Lakewood, Washington; and Antwone Fisher, Los Angeles, California.

SUCCESSFUL PRIMARY CARE PROGRAMS

Committee on Health, Education, Labor, and Pensions: Subcommittee on Primary Health and Aging concluded a hearing to examine successful primary care programs, after receiving testimony from Rebecca Spitzgo, Associate Administrator, Bureau of Clinical Recruitment and Service, and Director, National Health Service Corps, Health Resources and Services Administration, Department of Health and Human Services; George Rust, Morehouse School of Medicine National Center for Primary Care, Atlanta, Georgia; Daniel R. Hawkins, Jr., National Association of Community Health Centers, Washington, D.C.; Paul R. G. Cunningham, East Carolina University Brody School of Medicine, Greenville, North Carolina; Deborah Wachtel, American Association of Nurse Practitioners (AANP), Essex, Vermont; and Bruce M. Koeppen, Quinnipiac University Frank H.

Netter MD School of Medicine, Hamden, Connecticut.

COMPREHENSIVE IMMIGRATION REFORM

Committee on the Judiciary: Committee concluded hearings to examine S. 744, to provide for comprehensive immigration reform, after receiving testimony from Janet Napolitano, Secretary of Homeland Security.

DRONE WARS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Human Rights concluded a hearing to examine drone wars, focusing on the constitutional and counterterrorism implications of targeted killing, after receiving testimony from General James E. Cartwright, USMC (Ret.), Peter Bergen, New America Foundation, and Rosa Brooks, Georgetown University Law Center, all of Washington, D.C.; Colonel Martha McSally, USAF (Ret.), Tucson, Arizona; Ilya Somin, George Mason University School of Law, Arlington, Virginia; and Farea Al-Muslimi, Sana'a, Yemen.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 1663–1691; and 8 resolutions, H.J. Res. 40–41; H. Con. Res. 35; and H. Res. 172–174, 176–177 were introduced. **Pages H2245–48**

Additional Cosponsors: **Pages H2248–49**

Reports Filed: A report was filed today as follows:

H. Res. 175, providing for consideration of the bill (H.R. 1549) to amend Public Law 111–148 to transfer fiscal year 2013 through fiscal year 2016 funds from the Prevention and Public Health Fund to carry out the temporary high risk health insurance pool program for individuals with preexisting conditions, and to extend access to such program to such individuals who have had creditable coverage during the 6 months prior to application for coverage through such program (H. Rept. 113–46). **Page H2245**

Speaker: Read a letter from the Speaker wherein he appointed Representative Bentivolio to act as Speaker pro tempore for today. **Page H2165**

Recess: The House recessed at 12:15 p.m. and reconvened at 2 p.m. **Page H2166**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 285 yeas to 118 nays with 1 answering "present", Roll No. 120. **Page H2230**

British-American Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Member on the part of the House to the British-American Interparliamentary Group: Representative Holding. **Page H2169**

Recess: The House recessed at 2:19 p.m. and reconvened at 4:29 p.m. **Page H2169**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Making revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements: H.R. 1067, to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, by a ⅔ yea-and-nay vote of 409 yeas with none voting "nay", Roll No. 118 and **Pages H2169–71, H2228–29**

Enacting title 54, United States Code, "National Park Service and Related Programs", as positive law: H.R. 1068, amended, to enact title 54, United States Code, "National Park Service and Related Programs", as positive law, by a ⅔ yea-and-nay vote of 409 yeas with none voting "nay", Roll No. 119. **Pages H2171–H2230**

Recess: The House recessed at 4:41 p.m. and reconvened at 6:30 p.m. **Page H2228**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H2228, H2229–30 and H2230. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 9:31 p.m.

Committee Meetings

MEETING THE CHALLENGE OF DRUG-RESISTANT DISEASES IN DEVELOPING COUNTRIES

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled ''Meeting the Challenge of Drug-Resistant Diseases in Developing Countries''. Testimony was heard from Tom Frieden, M.D., Director, Center for Disease Control and Prevention.

HELPING SICK AMERICANS NOW ACT

Committee on Rules: Full Committee held a hearing on H.R. 1549, the ''Helping Sick Americans Now Act''. The Committee granted, by record vote of 9–2, a structured rule for H.R. 1549. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–8 and provides that it shall be considered as read. The rule waives all points of order against the amendment in a nature of a substitute. The rule makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Pitts and Pallone.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing entitled ''Ongoing Intelligence Activities''. This was a closed hearing.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 24, 2013

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Department of the Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the Environmental Protection Agency, 9:30 a.m., SD–124.

Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the Department of Health and Human Services, 10 a.m., SD–138.

Subcommittee on Department of Defense, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the Department of the Navy, 11 a.m., SD–192.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the National Nuclear Security Administration, 2:30 p.m., SD–192.

Committee on Armed Services: Subcommittee on Personnel, to resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, 10 a.m., SR–222.

Subcommittee on Readiness and Management Support, to hold hearings to examine military construction, environmental, and base closure programs in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, 2:30 p.m., SR–232A.

Subcommittee on Strategic Forces, to hold hearings to examine military space programs and views on Department of Defense usage of the electromagnetic spectrum in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, 2:30 p.m., SR–222.

Subcommittee on Airland, to hold hearings to examine tactical aircraft programs in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, 3 p.m., SD–G50.

Committee on Commerce, Science, and Transportation: to hold hearings to examine a status update on the development of voluntary do-not-track standards, 2:30 p.m., SR–253.

Committee on Finance: to hold hearings to examine the Trans-Pacific partnership, focusing on opportunities and challenges, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine international development priorities in the fiscal year 2014 budget, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine the economic importance of financial literacy education for students, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Financial and Contracting Oversight, to hold an oversight hearing to examine business practices of durable medical equipment companies, 10 a.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine the President's proposed budget request for fiscal year 2014 for Tribal Programs, 2:30 p.m., SD–628.

Committee on the Judiciary: to hold hearings to examine the nominations of Raymond T. Chen, of Maryland, to be United States Circuit Judge for the Federal Circuit, and Jennifer A. Dorsey, to be United States District Judge for the District of Nevada, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine Veterans' Affairs outreach and community partnerships, 10 a.m., SR–418.

Special Committee on Aging: to hold hearings to examine the national plan to address Alzheimer's disease, focusing on if we are on track to 2025, 2 p.m., SD–106.

House

Committee on Agriculture, Subcommittee on Horticulture, Research, Biotechnology, and Foreign Agriculture, public hearing to Review Horticulture Priorities for the 2013 Farm Bill, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, American Indian and Alaska Native Public Witness Hearing, 9:30 a.m., B–308 Rayburn.

Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies, hearing on USDA Rural Development Budget Hearing, 10 a.m., 2362–A Rayburn.

Subcommittee on Defense, hearing on Defense Health Program Budget, 10 a.m., 2358–C Rayburn.

Subcommittee on State Foreign Operations, and Related Agencies, hearing on Department of Treasury, International Programs Budget, 9:30 a.m., 2359 Rayburn.

Subcommittee on Transportation, Housing and Urban Development, hearing on Federal Aviation Administration Budget, 10 a.m., 2358–A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, American Indian and Alaska Native Public Witness hearing, 1 p.m., B–308 Rayburn.

Subcommittee on State and Foreign Operations, and Related Programs, hearing on United States Agency for International Development, 1:30 p.m., 2359 Rayburn.

Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies, hearing on USDA Natural Resources and Environment, 2 p.m., 2362–A Rayburn.

Committee on Armed Services, Subcommittee on Seapower and Projection Forces, hearing on Oversight of U.S. Naval and U.S. Air Force Acquisition Programs in the Fiscal Year 2014 National Defense Authorization Budget Request, 10 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing entitled "The Readiness Posture of the U.S. Air Force", 11:30 a.m., 2122 Rayburn.

Subcommittee on Military Personnel, hearing on the status of implementation of the requirements of the VOW Act and the recommendations of the Presidential Veteran Employment Initiative Task Force for the DOD Transition Assistance Program—Goals, Plans, and Success, 2 p.m., 2212 Rayburn.

Committee on the Budget, Full Committee, hearing entitled "State of the Highway Trust Fund: Long-Term Solutions for Solvency", 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training, hearing entitled "Keeping College Within Reach: Enhancing Transparency for Students, Families and Taxpayers", 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled "The Center for Consumer Information and Insurance Oversight and the Implementation of the Patient Protection and Affordable Care Act", 10 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, hearing entitled "Building a Sustainable Housing Finance System: Examining Regulatory Impediments to Private Investment Capital", 10 a.m., 2128 Rayburn.

Subcommittee on Monetary Policy and Trade, hearing entitled "Evaluating U.S. Contributions to the International Monetary Fund", 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled "Export Control Reform: the Agenda Ahead", 10 a.m., 2172 Rayburn.

Subcommittee on Europe, Eurasia, and Emerging Threats, hearing entitled "Kosovo and Serbia: A Pathway to Peace", 3 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border and Maritime Security, markup on H.R. 1417, the "Border Security Results Act of 2013", 10 a.m., 311 Cannon.

Committee on Natural Resources, Full Committee, markup on the following measures: H.R. 3, the "Northern Route Approval Act"; H.R. 85, to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; H.R. 126, the "Corolla Wild Horses Protection Act"; H.R. 251, the "South Utah Valley Electric Conveyance Act"; H.R. 253, the "Y Mountain Access Enhancement Act"; H.R. 330, the "Distinguished Flying Cross National Memorial Act"; H.R. 356, the "Hill Creek Cultural Preservation and Energy Development Act"; H.R. 426, the "Utah National Guard Readiness Act"; H.R. 520, the "Buffalo Soldiers in the National Parks Study Act"; H.R. 573, to amend Public Law 93–435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa; H.R. 674, the "Rota Cultural and Natural Resources Study Act"; H.R. 723, the "Wood-Pawcatuck Watershed Protection Act"; H.R. 739, the "Chesapeake Bay Accountability and Recovery Act of 2013"; H.R. 767, to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project; H.R. 829, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; H.R. 876, the "Idaho Wilderness Water Resources Protection Act"; H.R. 885, the "San Antonio Missions National Historical Park Boundary Expansion Act of 2013"; H.R. 934, to

amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes; H.R. 993, the ''Fruit Heights Land Conveyance Act''; H.R. 1156, to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; H.R. 1157, the ''Rattlesnake Mountain Public Access Act''; H.R. 1158, the ''North Cascades National Park Service Complex Fish Stocking Act''; H.R. 1206, the ''Permanent Electronic Duck Stamp Act of 2013''; H.R. 1208, the ''Manhattan Project National Historical Park Act''; H.R. 1241, to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; and H.R. 1377 the ''Mescalero Apache Tribe Leasing Authorization Act''; 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Full Committee, hearing entitled ''Broken Promises: The Small Business Lending Fund's Backdoor Bank Bailout'', 9:30 a.m., 2154 Rayburn.

Subcommittee on Economic Growth, hearing entitled ''Green Energy Oversight: Examining the Department of Energy's Bad Bet on Fisker Automotive'', 2 p.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 527, the ''Responsible Helium Administration and Stewardship Act'', 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Technology and Subcommittee on Research, hearing entitled ''Next Generation Computing and Big Data Analytics'', 10 a.m., 2318 Rayburn.

Subcommittee on Space, hearing entitled ''An Overview of the National Aeronautics and Space Administration Budget for Fiscal Year 2014'', 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''The Budget Outlook for the Small Business Administration'', 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, meeting on ''Overview of the United States' Freight Transportation System'', 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing entitled ''The President's Fiscal Year 2014 Budget: Administration Priorities for the U.S. Army Corps of Engineers'', 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Full Committee, hearing entitled ''Examining the Implications of the Affordable Care Act on VA Healthcare'', 10:15 a.m., 334 Cannon.

Committee on Ways and Means, Full Committee, markup on H.R. 807, the ''Full Faith and Credit Act'', 10 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: to hold hearings to examine long-term unemployment, focusing on consequences and solutions, 10:30 a.m., SD–106.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 24

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of the nominations of Jane Kelly, of Iowa, to be United States Circuit Judge for the Eighth Circuit, and Sylvia Mathews Burwell, of West Virginia, to be Director of the Office of Management and Budget, with votes on confirmation of the nominations at approximately 12 p.m.

When the Senate resumes Legislative Session, Senate will continue consideration of the motion to proceed to consideration of S. 743, Marketplace Fairness Act, and immediately vote on adoption of the motion to proceed to consideration of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 24

House Chamber

Program for Wednesday: Consideration of H.R. 1549—Helping Sick Americans Now Act (Subject to a Rule).

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