United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

*Vol. 157* WASHINGTON, THURSDAY, FEBRUARY 17, 2011 *No. 26*

# *House of Representatives*

The House met at 9 a.m. and was called to order by the Speaker.

## PRAYER

Pastor Mark Williamson, Federal Intercessors, Houston, Texas, offered the following prayer:

Father God, in a spirit of worship, I pray, ask, and speak forth the fullness of Your blessings for this House of Representatives, its staffers, and all family members. That You bless them to do the work of God in our civil government, reminding them that ''Righteousness exalts a nation, but sin is a disgrace to any people.''

Bless them with personal wisdom and the governmental order of God. Bless them to realize the answers they all seek are found only in the Bible, and obedience to it.

Bless this House to become a ''House of prayer,'' to always seek Your instructions.

Bless this House with the truth and mercy of God—that ''drives out iniquity'' and deception.

Bless this House with Your presence.

May the goodness of God protect, unite, inspire, and make provision for each Member. May Your will be done in this House, and these United States, as it is in Heaven.

In the Name of the Father, Jesus Your Son, and the Holy Spirit. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. CARNAHAN 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.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side of the aisle.

## HONORING TWO AMERICAN PATRIOTS, ICE SPECIAL AGENTS JAIME J. ZAPATA AND VICTOR AVILA

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

Mr. FARENTHOLD. Mr. Speaker, I rise this morning to express my deepest sorrow about the tragic attack on American law enforcement that happened earlier this week in Mexico.

Tuesday afternoon, two agents from the Immigration and Customs Enforcement were attacked while driving between Mexico City and Monterrey. Today, I honor the sacrifice of Special Agent Jaime J. Zapata, who lost his life in service to our country.

Special Agent Zapata, from Brownsville, Texas, joined ICE in 2006. His brother also serves with ICE.

A second agent, Victor Avila, was injured in the attack and remains in stable condition.

My thoughts and prayers are with both agents and their families.

These two brave men took dangerous assignments, and Agent Zapata made the ultimate sacrifice. They were two of the hundreds of ICE personnel throughout the world, fighting the war on drugs—money laundering, smuggling, and human trafficking.

I have been in contact with law enforcement, and they are working to ensure that the perpetrators of this horrible attack are brought to justice.

I offer my deepest condolences to the family of Special Agent Zapata. He died for a just cause, and will be remembered as a man of courage and honor.

## HONORING THE LIFE OF MAJOR LEAGUE BASEBALL PLAYER AND MANAGER CHUCK TANNER

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

Mr. ALTMIRE. Mr. Speaker, I rise today to recognize the life of Major League Baseball player and manager Chuck Tanner, who died in his hometown of New Castle, in my district, on February 11 at the age of 82.

After hitting a home run in his first Major League at-bat in 1955, Tanner played eight seasons and later rose through the ranks to manage four Major League teams, including the Pittsburgh Pirates, who acquired him in a 1977 trade. It's in Pittsburgh where he reached the pinnacle of his baseball career, in 1979, when he managed the Pirates to a World Series championship.

Following his retirement from baseball, Tanner returned to New Castle with his late wife, Babs, of 56 years. Chuck became a fixture at the New Castle restaurant that bears his name and where he ate nearly all his meals. Nearby, the Shenango High School baseball field is also named in his honor.

Chuck Tanner spent a lifetime in baseball, and made friends and fans the world over; but it is in New Castle where he will be most fondly remembered and most sorely missed.

## HOMELAND SECURITY: ''THE BORDER IS SECURE'' NOT SO FAST

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

Mr. POE of Texas. Mr. Speaker, according to the Secretary of Homeland Security, our southern border is secure.

Well, not so fast with that pronouncement.

According to the General Accounting Office—those are the people that we pay to actually give us the true facts on such matters—half of the southern border is not under the operational control of the Border Patrol. Forty-four percent is secure; the rest is not. So who operates the other 56 percent? And, further, a mere 15 percent of the border is considered airtight.

Texas is the least secure border of all the Southern States. Our Border Patrol does a fine job but they need some help. The border sheriffs are superior lawmen, but they are overwhelmed with cross-border crime. With 37 percent of the people in Texas border jails being foreign nationals, those sheriffs, like the Border Patrol, are outmanned, out-gunned, and out-financed.

There is a border war going on, and it's time to send the National Guard to the southern border to protect the homeland.

Homeland Security should deal in reality, not myth and propaganda, and realize that over half of the border is the wide open spaces and that it remains porous to the drug bandits.

And that's just the way it is.

## THE REPUBLICAN SPENDING PLAN

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

Mr. BACA. Mr. Speaker, right now Congress' top priority should be creating jobs and lowering the deficit with intelligent spending cuts.

The President's proposed budget is a good starting point, putting us on track to lower the deficit by $1.1 trillion over 10 years.

But instead of focusing on a bipartisan approach, the Republican spending bill includes cuts that will destroy jobs—and I say destroy jobs—and kick hundreds of thousands of children to the curb; 55,000 fewer teachers in the classroom; 1,300 fewer police officers on our streets; 200,000 kids kicked out of Head Start—while many Republicans live in their Capitol offices.

If the Republicans are serious about cutting the deficit, then why were they so happy to support the tax cuts for the wealthiest few Americans?

Today's debate is about the haves and the have-nots. Unfortunately, the have-nots, once again, are getting the short end of the stick.

Let us put aside this misguided bill and work together on a reasonable budget to put America's families first.

## HONORING THE MEMORY OF AGENT ZAPATA, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SPECIAL AGENT

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

Mrs. MILLER of Michigan. Mr. Speaker, I rise to express our deepest sorrow about a terrible attack against two agents from the U.S. Immigration and Customs Enforcement while they were driving between Mexico City and Monterrey, Mexico.

Special Agent Jaime Zapata tragically lost his life in his service to our country. Special Agent Zapata joined ICE in 2006, and he was most recently detailed to ICE's attach office in Mexico City.

We also send our thoughts and prayers to the second agent, Victor Avila, who was injured in the attack and who remains in stable condition. We pray for him to have a speedy recovery.

Honorable agents like these two men have our Nation at the forefront of their minds each and every day. They work day in and day out on our borders, protecting our Nation's citizens, and we take pride in the dedication that they have.

We are blessed to have brave men and women who work in the service of our Nation every day. Their work can never be underestimated. Our deepest condolences go out to the families of these brave men, of these great American patriots.

□ 0910

## AMERICANS WANT JOBS

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

Mr. CARNAHAN. Mr. Speaker, I rise this morning in strong opposition to the Republican spending plan that would hurt Missouri families that I represent and make it harder for police to keep our neighborhoods safe.

In St. Louis, we learned yesterday that a $4.6 million budget shortfall for our city's police department might not be covered, which would cost the city 65 active duty officers. Now, some in Congress are talking about slashing critical programs like the COPS program and pulling over 1,300 police officers off the streets.

I'm in favor of a vigorous debate here on cutting red tape and finding commonsense solutions to our Nation's challenges, but eliminating the essential police officers from our streets would put families at risk. Americans still want this Congress to take up a jobs agenda. Instead, we're debating what's been called ideologically driven cuts that kill jobs.

We live in an era of divided government and shared responsibility for America's future. I look forward to working with members of both parties to make tough choices before us and to finally be able to take up the jobs agenda that our constituents need.

## THE DE FACTO DRILLING MORATORIUM IS DESTROYING OUR ECONOMY

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

Mr. PALAZZO. Mr. Speaker, last week written across America's newspapers were headlines of how Egyptians stood up to what they viewed as a restrictive and arbitrary government.

Perhaps those protests should serve as a wake-up call for us all, if for no other reason than for where they took place. You see, just east of Cairo is the Suez Canal and SuMed pipeline, which combined carry nearly 5 million barrels of oil a day to countries around the world. Egypt's future remains uncertain, and because of the restrictive and arbitrary anti-drilling policies imposed by President Obama, so does the future for thousands of families in south Mississippi. By refusing to issue new drilling permits this administration continues to impose a de facto moratorium on U.S.-based companies, which is having a devastating effect on gulf coast families.

Having worked on an offshore platform, I know firsthand the impact those jobs have on a local economy. Without drilling in the gulf, many small businesses will suffer as more jobs are lost and the effect of those lost wages trickle throughout the economy.

Mr. Speaker, you don't ground the entire airline industry when there's an airplane crash. Now is the time for this administration to do what's right for the American people by allowing further offshore exploration and reducing our reliance on foreign sources of oil.

## OPPOSING REPUBLICAN CR SPENDING CUTS

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

Mr. SIRES. Mr. Speaker, I rise today to speak out against the Republicans' dangerous spending cuts. Our commitment to reducing our deficit must not come at the expense of our Nation's future and the security of our communities. The Republican spending bill is irresponsible and reckless, and the proposal would eliminate jobs at a time when we need to create them the most.

It would have cut funding for 1,300 police officers through the COPS hiring program, and it will eliminate 2,400 jobs for firefighters through the SAFER program. By cutting transportation funding, this bill eliminates 3,427 jobs in New Jersey alone. It rescinds $2.5 billion for high-speed rail and makes deep cuts to the Land and Water Conservation Fund, which protects outdoor recreational spaces. Additionally, this bill cuts millions from housing programs that help families pay their rent.

We have had 101 votes in this House, and not one Republican proposal has created one single job. Now this spending measure threatens to make matters worse.

I urge my colleagues to oppose these shortsighted cuts.

## ARMY DENTAL CORPS ANNIVERSARY

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

Mr. GOSAR. Mr. Speaker, I rise today to congratulate the Army Dental Corps as they celebrate their 100th year of service to our Nation. On March 3, 1911, the Congress of the United States recognized dentistry as a distinct profession by establishing a dental corps with commissioned officers.

As a long practicing dentist, I know that dental health is a critical component of overall health and military readiness. Therefore, I commend the Army Dental Corps' work to improve oral health for soldiers and their families.

I have the utmost respect for the thousands of dentists who have served in the dental corps throughout the century, providing excellent care to thousands, and I commend the Army Dental Corps' efforts to keep our troops healthy and our fighting force in the best possible shape throughout the world.

## I WILL FIGHT FOR THE PEOPLE OF PUERTO RICO

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

Mr. PIERLUISI. Mr. Speaker, I am compelled to respond to remarks delivered yesterday on this floor by my colleague, the gentleman from Illinois, in which he harshly criticized the duly elected government of Puerto Rico and the island's chief Federal judge. The speech was inappropriate and insulting to the people of Puerto Rico. I hope such action will not be repeated, but if it is, make no mistake: I will return to the floor of this House again to defend my constituents and the government they chose in free elections from all unwarranted attacks. I will rise then in the same capacity that I rise now, as Puerto Rico's only elected Representative in Congress and the only Member of this Chamber who can make any claim to speak on behalf of the island's nearly 4 million American citizens. I will fight for my people because it is my privilege, my honor, and my duty to do so.

## EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 93, I call up the bill (H.R. 514) to extend expiring provisions of the U.S.A. PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''FISA Sunsets Extension Act of 2011''.

**SEC. 2. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February 28, 2011'' and inserting ''May 27, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''February 28, 2011'' and inserting ''May 27, 2011''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Smith of Texas moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 93, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include other materials on H.R. 514.

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

There was no objection.

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

Mr. Speaker, the Senate amendment to H.R. 514 extends the three expiring provisions of the Patriot Act for only 90 days. I am disappointed that the Senate refused to agree to the 10-month extension approved by the House earlier this week. Repeated short-term extensions of these authorities create uncertainty for our intelligence agencies. They don't know if the tools they rely on to keep America safe today will be available to them tomorrow. That is why the House sought a 10-month extension, to allow sufficient time to reauthorize the law while providing greater certainty to the intelligence community.

With adoption of this amendment, the House and Senate will now have to move expeditiously to approve a Patriot reauthorization bill so we can avoid the need for another short-term extension. It is important that the House approves this 90-day extension today to keep the expiring intelligence-gathering provisions in place.

In a recent letter to Congress, Director of National Intelligence Admiral Clapper and Attorney General Holder said that ''it is essential that these intelligence tools be reauthorized before they expire'' and they ''have been used in numerous highly sensitive intelligence collection operations.''

Last week, Homeland Security Secretary Janet Napolitano warned that ''the terrorist threat . . . is at its most heightened state since the 9/11 terrorist attacks.''

Just this week, the FBI announced that the probability that the U.S. will be attacked with a weapon of mass destruction at some point is 100 percent. The head of the FBI's WMD Directorate said that the type of attack that keeps him awake at night is an attack by a so-called ''lone wolf.''

With the likelihood of a weapons of mass destruction attack at 100 percent, we cannot afford to leave our intelligence officials without the tools they need to keep America safe. The war on terror is not over, but the terrorist threat is constantly evolving. We must fully arm our intelligence community with the resources they need to prevent another devastating and deadly terrorist attack.

Mr. Speaker, I urge my colleagues to support the Senate amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the motion to concur in the Senate amendment, which will have the effect of passing the extension of the expiring provisions of the U.S.A. PATRIOT Act and Intelligence Reform and Terrorism Prevention Act.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman from Virginia for giving me the chance to go early. I particularly want to speak now because when we voted the second time on the Patriot Act, the first time I did vote against the extension, but the second time I missed the vote—my fault—but

I want to make clear my opposition not to an extension of the basis of self-defense that we have here but of passing it unchanged and of failure of the legislative process.

□ 0920

We knew this date was coming. To extend this now—and the gentleman from Texas laments the fact that we were unable to do it indefinitely without a chance to amend it. When the bill came up twice before, there was in neither case a chance to offer amendments. There isn't today; twice on suspension, once in a closed rule. To be presented with either/or on this is a bad idea. There are things that could be improved. There are areas where there are excesses.

We have gone through a lot of symbolic activity in the legislative process this year—the vote to repeal the health care bill, a vote reaffirming that we would do oversight, which we have been doing and which is our duty—time that could have been spent in committee, working on a process, offering people a chance to amend so we could—would not, for the third time, be confronted by the majority with up-or-down, an unchanged Patriot Act.

Of course we are supportive of continuing our ability to defend ourselves but not without some refinement, not without some look and say, yes, there are ways we could do this that are more respectful of the liberties of the average American but would not endanger in any way our national security. For the third time, we are being denied a chance to do this; and I, therefore, will join my colleagues in opposing this, not because we don't want to see any extension at all but because we want a chance to work on it so we can do an extension of much of this act but with some improvements.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Although the Senate has rejected the House version of the bill with a 1-year extension and has amended the bill to provide only a 90-day extension, which will provide us a more accelerated opportunity to actually deal with the issues involved, the reservations that I have previously stated on the floor remain the same. I still oppose any extension.

I cannot support this extension when the House has done nothing to consider these provisions of possible reform, even to hold a hearing or markup. While in the past, Members have had the opportunity to receive classified briefings, we have dozens of new Members, many on the Judiciary Committee, who have received no such briefings. The three sections scheduled to sunset are deeply troubling, and I hope that we will have the opportunity to review them carefully before they come before the House again.

Section 215 authorizes the government to obtain ''any tangible thing'' so long as the government provided a ''statement of facts showing that there are reasonable grounds to believe that the tangible things are relevant to a foreign intelligence, international terrorism, or espionage investigation.'' That would include business records, library records, tax records, educational records, medical records, or anything else. Before the enactment of section 215, only specific types of records were subject to FISA orders, and the government had to show ''specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power.''

This dragnet approach allows the government to review personal records even if there is no reason to believe that the individual involved had anything to do with terrorism. This poses a threat to individual rights in the most sensitive areas of our lives with little restraint on government. Congress should either ensure that the things collected with this power have a meaningful connection to suspected terrorism activity or allow the provision to expire.

Section 206 provides for roving wiretaps which permit the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Without the necessity to specify the person and the facility to be tapped, you have a situation where the tap could be on a particular phone. And without specifically designating the person to be listened into, that means anybody using that pay phone, for example, can be listened into, or a roving wiretap on a person could result in any phone that that person might use being tapped, even if others use that phone, too.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called ''lone wolf provision,'' permits secret intelligence of non-U.S. persons who are known to be not affiliated with any foreign government or organization. It provides the government with the ability to use secret courts or other investigatory tools that are acceptable in a domestic criminal investigation as long as we are dealing with a foreign government or an entity. According to government testimony, the lone wolf provision has never been used. Given the risk of this provision being used to circumvent existing protections against government intrusion, the government should explain why it should remain on the books. Surveillance of an individual who is not working with a foreign government or foreign organization is not what we usually understand as foreign intelligence. There may be good reason for government to keep tabs on such people, but that is no reason to suspend all our laws under the pretext that it is a foreign intelligence operation.

While some have argued that these authorities remain necessary tools to fight against terrorism and that they must be extended without modification, others have counseled careful review and modification. Some have even urged that we allow some of those provisions to sunset; and if they are needed, they can be reinstated. I believe that we should not miss the opportunity to review the act in its entirety and examine how it is working, where it has been successful, where it has failed, where it has gone too far, or where it may need improvement. That's the purpose of sunsets; and to extend it without review undermines that purpose.

There are other authorities that deserve careful review. The gentleman from New York (Mr. NADLER) has introduced the National Security Letters Reform Act which would make vital improvements to the current law to better protect civil liberties while ensuring that those letters remain a useful tool in national security investigations. I hope we can work to strike that balance in a responsible and effective manner, but the record of the abuse of the authority in those letters is too great for the Congress to ignore.

It is encouraging that there was significant bipartisan opposition last week to the extension of the Patriot Act. It shows a healthy skepticism of unrestrained government power to spy on people in the United States. We need to restore our traditional respect for the right of every individual to be secure from unchecked government intrusion, and I hope that we will be able, after this vote, to carefully examine the ways these provisions have been used or abused and to look at ways to reform the law in light of that experience. That's the purpose of sunsets, and I hope we can take advantage of that opportunity.

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

Mr. SMITH of Texas. Mr. Speaker, we are prepared to close; so I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I want to thank the Senate for recognizing that we do have a problem, and they recognized it by extending the time frame only for 60 days and not for 1 year. With that in mind, however, it's important to note that we are still with the same initiative that has not been subjected to the opportunity for Members of this Congress to, in fact, review closely the idea of the infringement of some of these aspects or some of these provisions as it relates to the infringement that they may have on the constitutional rights of our citizens.

Yesterday in a markup, I offered an amendment to affirm that the legislation that we were marking up dealing with tort reform has at least a confirmation that we wanted to respect the Constitution and adhere to the due process rights. And I am glad that the

Democratic Members who were there and present voted ''yes,'' and all the Republicans voted ''no.'' I think adhering to the Constitution and ensuring that constitutional provisions are respected is an important concept. In this instance, we have not had the chance for a full hearing. And I am very glad to note, Mr. Speaker, that in the 111th Congress, we did; but unfortunately, even the amendments that were passed in that Congress, bipartisan amendments, were not in this initiative that was passed by the House.

I offered amendments to ensure that any surveillance under section 215, where library records could be in question, if you read certain books. And librarians across America were appalled at that intrusion. I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our Constitution.

As we voted on bipartisan amendments last year in the 111th Congress, as I indicated, they were not included in this rendition of the bill. In those hearings, multiple concerns were raised about the breadth of the Patriot Act and the leeway it gives to infringe upon an individual's privacy and civil liberties. As a member of the Homeland Security Committee, I, as well, am very, very convinced that we do need to secure our homeland; but human intelligence is a very large part of that. Intruding into the rights of Americans should be done with the care that it deserves.

□ 0930

In the markup I also personally introduced amendments that would allow for greater transparency in the Patriot Act and enhanced protection against violation of individuals' civil liberties. None of those amendments as introduced by any of my colleagues at that time have been included in this legislation.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentlewoman an additional minute.

Ms. JACKSON LEE of Texas. None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I'm deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people without so much as a hearing. Therefore, I would argue that this is an improvement in terms of how fast we'll have to move, but it still has the same faults. And I simply say that the Fourth Amendment does say that it is the right of people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures.

Mr. Speaker, I ask my colleagues to vote against this and begin our work as quickly as we can. But even with this provision passing, as I expect it will, we need to move quickly to protect the American people, both in terms of homeland security and their constitutional right of privacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As a member of the Homeland Security Committee, I understand and appreciate the importance of national security, and the challenges we face as we strive to protect our nation from foreign threats. However, as an American citizen, I am deeply concerned when our Constitutional rights run the risk of being infringed upon in the name of national security.

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

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

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

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

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 90-day extension in this bill is significantly more appropriate than the 10-month extension that the House has previously passed. If the bill is passed, I look forward to working with the leadership on the Judiciary Committee. The Judiciary Committee in the past has been able to work constructively on this issue. In fact, when the Patriot Act was originally reported out of the Judiciary Committee, it was reported on a unanimous vote. That is very unusual. The Judiciary Committee is usually one of the more contentious committees in the entire Congress. But we can work together, and I look forward to working with the leadership of the committee as we deal with the possible extension of many of these provisions.

I hope we will oppose the extension.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Crime and Terrorism Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I will be brief today. I will just make several points but not extensively because this is the fifth debate we've had on this subject in 10 days and I think everything has been said.

First of all, I have pledged in the past and I will pledge again today on this House floor that there will be hearings on a reauthorization of the expiring provisions of the Patriot Act, as well as an oversight hearing on the Patriot Act as a whole.

The three provisions that are up for reauthorization are important provisions to keep America safe, and I want to dispel some of the misinformation that has again been placed in the RECORD on the floor of the House today.

First of all, section 215, which is the business records provision, has more strict standards for the issuance of a FISA warrant than the issuance of a Grand Jury subpoena in a criminal record. And only business records can be obtained. That means that it is not subject to the Fourth Amendment because it's not a search and seizure under the Fourth Amendment.

The reauthorization in 2005, which I authored, provided procedures for recipients of section 215 warrants to seek judicial review of those orders compelling the production of business records. So people can have their day in court to have the warrant quashed.

With respect to roving wiretaps, they're nothing new. We have had roving wiretaps for decades over criminal investigations such as racketeering and drug pushing.

A roving wiretap order can only be issued by a judge. The law enforcement agency must minimize roving wiretaps, which means that if the target isn't on the phone at the time or they're not talking about something under investigation, then the wiretap has got to be turned off. And that provides for protections, and that has never been challenged for its constitutionality since it was put in the Patriot Act in 2001.

Finally, the lone wolf definition is very important because in order to trigger Patriot Act surveillance or applications for Patriot Act surveillance without the lone wolf, there has to be a demonstration that the target is a member of a group like al Qaeda. And the way al Qaeda has kind of sprung out or people who said that they're al Qaeda when they really might not be al Qaeda, lone wolf becomes absolutely vital.

It's important to note that the lone wolf authority cannot be used against a U.S. citizen or a legal permanent resident. It could be used against an alien who is present in the United States on a nonpermanent basis, meaning either a visa or as a visa overstay.

All of this has gone through constitutional scrutiny. It has passed muster. I will give everybody a chance to speak their peace on the Patriot Act. Believe me, these commitments have been made both myself and by the committee chairman, the gentleman from Texas (Mr. SMITH). We're going to do it. We're going to get it done. But we need to have the extra time that was given to us by the Senate. So the motion that has been made by the gentleman from Texas (Mr. SMITH) is a good motion, an essential motion, and it should be favored.

Mr. ROGERS of Michigan. Mr. Speaker, I rise in support of the Senate amendment, and I yield myself such time as I may consume.

We've already had a lengthy debate on this legislation. There is bipartisan consensus that these important tools for our Intelligence Community cannot be allowed to lapse. The Senate amendment, which was also supported by a wide bipartisan margin in the other body, will keep these three needed priorities in place for the next 90 days, till May 27.

While I have strong concerns about the short-term extension and how that will compress the time needed to have a full and complete debate over the longer-term reauthorization, I will support the Senate amendment in order to make sure that these tools remain available.

As I said earlier this week in this debate, it makes very little sense to me why we would not have the tools like roving wiretap authority and authority to obtain business records in terrorism and spy cases when the same tools are readily available in criminal cases, often with fewer protections for civil liberties.

Mr. Speaker, I have said before I think this is one of the most misrepresented and misunderstood pieces of legislation I think I've ever seen. The things that exist in the ability for an FBI agent to conduct in criminal activities, including business records, including roving wiretaps, are just being extended to the FISA court, or the Foreign Intelligence Surveillance Act court, to go against terrorism and espionage. That's the only difference here. It has been an important tool to keep America safe the last 10 years.

I look forward to a thoughtful debate outside of the political rhetoric about what people believe this act to do and what it really does do to keep Americans safe. And if you believe that an FBI agent should be able to get a subpoena for business records to solve a crime, then clearly you believe that the same FBI agent should go to a FISA court to get a court order, which is a higher standard, for business records to prevent a terrorist attack. That's the only difference in these two, I think, misunderstood provisions.

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

□ 0940

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

I rise to address the Senate amendment to H.R. 514, which would reauthorize three expiring provisions of the Patriot Act for an additional 90 days.

Mr. Speaker, my position today remains the same as it was 3 days ago when we passed H.R. 514. As I said then, I would like to see a 3-year extension of these authorities until 2013, similar to S. 289, which is currently pending in the Senate.

The President supports a 3-year extension, too, believing, as I do, that a 3-year term would give our Nation's intelligence and law enforcement agencies predictability and certainty in the conduct of their critical work.

Setting a 3-year sunset would also take this debate out of the political realm of an election season, which I think is the best way to approach things. This should be a matter of what is best for America, without regard to electoral politics.

I know that there are varying opinions on my side of the aisle, and principled members feel strongly in both directions. That is why I support reauthorization with a sunset, so we can take a second look at the authorities in 3 years to make sure they are being used properly and individual civil liberties are being protected—a critical consideration as we move forward.

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

I don't think anyone in this Chamber is happy with the position we are in now. Some of us wanted a 3-year reauthorization, some wanted a 10-month reauthorization, and some wanted no reauthorization. And now, here we are with 90 days, which ensures we will be back here having this debate soon.

I hope that we can use the next 90 days to hear from all sides on how we can improve the Patriot Act, and I hope that we can all decide to set the sunsets in the future in such a way to minimize the impact of politics so we can focus on getting the policy right.

I yield back the balance of my time.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 93, the previous question is ordered.

The question is on the motion by the gentleman from Texas (Mr. SMITH).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 143, not voting 11, as follows:

[Roll No. 66]

YEAS—279

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

NAYS—143

Amash
Baldwin
Bartlett
Bass (CA)
Becerra
Berman
Bishop (UT)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Campbell
Capps
Capuano
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Conyers
Costello
Crowley
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hanna
Heller
Himes
Hinchey
Holt
Hultgren
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
Kingston
Kucinich
Labrador
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Mack
Maloney
Marchant
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
Meeks
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Paul
Payne
Pelosi
Pingree (ME)
Polis
Price (NC)
Rangel
Rehberg
Richardson
Richmond
Roe (TN)
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schilling
Schrader
Schweikert
Scott (VA)
Scott, David
Serrano
Sherman
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woodall
Woolsey
Wu

NOT VOTING—11

Clay
Costa
Giffords
Hinojosa
Hirono
Honda
Langevin
Lummis
Matheson
Wittman
Young (AK)

□ 1010

Messrs. HOLT, HULTGREN, and GUTIERREZ changed their vote from ''yea'' to ''nay.''

Messrs. ALEXANDER, CARNEY, HARPER, RYAN of Wisconsin, WHITFIELD, and Mrs. BACHMANN changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. LUMMIS. Mr. Speaker, on rollcall No. 66, I was at a constituent meeting. Had I been present, I would have voted ''aye.''

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 66, had I been present, I would have voted ''yes.''

Mr. COSTA. Mr. Speaker, on rollcall No. 66, had I been present, I would have voted ''aye.''

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint committee on Taxation:

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

The Senator from North Dakota (Mr. CONRAD).

The Senator from Utah (Mr. HATCH).

The Senator from Iowa (Mr. GRASSLEY).

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1010

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. BASS of New Hampshire (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 68 printed in the CONGRESSIONAL RECORD offered by the gentleman from Colorado (Mr. POLIS) had been disposed of and the bill had been read through page 359, line 22.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 85 by Mr. POMPEO of Kansas.

Amendment No. 176 by Mr. WALBERG of Michigan.

Amendment No. 249 by Mr. CANSECO of Texas.

Amendment No. 381 by Mr. REED of New York.

Amendment No. 565 by Mr. BASS of New Hampshire.

Amendment No. 457 by Mr. FLAKE of Arizona.

Amendment No. 276 by Mrs. MCMORRIS RODGERS of Washington.

Amendment No. 532 by Mr. YOUNG of Alaska.

Amendment No. 410 by Mr. PRICE of Georgia.

Amendment No. 100 by Mr. WEINER of New York.

Amendment No. 248 by Mr. CANSECO of Texas.

Amendment No. 29 by Mr. HELLER of Nevada.

Amendment No. 43 by Mr. SESSIONS of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 85 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 256, not voting 6, as follows:

[Roll No. 67]

AYES—171

Adams
Akin
Amash
Austria
Bachmann
Bachus
Bartlett
Benishek
Berg
Bilbray
Bishop (UT)
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costello
Cuellar
Culberson
Denham
Dent
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Labrador
Lamborn
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Paul
Paulsen
Pearce
Pence
Peters
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Renacci
Ribble
Rivera
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (NE)
Stearns
Terry
Thornberry
Tiberi
Upton
Walberg
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—256

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Gallegly
Garamendi
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Harman
Harper
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
Kinzinger (IL)
Kissell
Kline
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney

Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nunnelee
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Reyes
Richardson
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stivers
Stutzman
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—6

Costa
Giffords
Hinchey
Matheson
Wittman
Young (AK)

□ 1030

Mr. DOLD changed his vote from ''aye'' to ''no.''

Mrs. LUMMIS changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The Acting CHAIR (Mr. SAM JOHNSON of Texas). We are one nation under God.

The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the Committee now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and all over the world, and their families, and all who serve in our Armed Forces and their families.

Haven't we got a great military.

(By unanimous consent, Mr. BOEHNER was allowed to speak out of order.)

SALUTING THE HON. SAM JOHNSON OF TEXAS

Mr. BOEHNER. Mr. Chairman, my colleagues, you should know that 38 years ago today, SAM JOHNSON stepped off a plane in Texas after being held as a prisoner of war for 7 years in Vietnam.

He's a great American.

AMENDMENT NO. 196 OFFERED BY MR. WALBERG

The Acting CHAIR (Mr. BASS of New Hampshire). Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. WALBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 209, not voting 7, as follows:

[Roll No. 68]

AYES—217

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

NOES—209

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

NOT VOTING—7

Diaz-Balart
Giffords
Green, Gene
Matheson
Sullivan
Wittman
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining to vote.

□ 1037

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. GENE GREEN of Texas. Mr. Chair, on rollcall No. 68, had I been present, I would have voted "no."

AMENDMENT NO. 249 OFFERED BY MR. CANSECO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CANSECO)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 177, not voting 8, as follows:

[Roll No. 69]

AYES—248

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

NOES—177

Ackerman
Andrews
Baca
Baldwin
Barletta
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Kind
Kucinich
Langevin
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rogers (KY)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—8

Biggert
Coffman (CO)
Giffords
Gohmert
Keating
Matheson
McIntyre
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1041

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 69, I was unavoidably detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 381 OFFERED BY MR. REED

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. REED) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 186, not voting 8, as follows:

[Roll No. 70]

AYES—239

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

Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—186

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

NOT VOTING—8

Aderholt
Giffords
Marchant
Matheson
Scott, Austin
Sullivan
Wittman
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1044

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 565 OFFERED BY MR. BASS OF NEW HAMPSHIRE

The Acting CHAIR (Mr. PRICE of Georgia). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. BASS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 104, noes 322, answered ''present'' 2, not voting 5, as follows:

[Roll No. 71]

AYES—104

Aderholt
Austria
Barletta
Bartlett
Bass (NH)
Benishek
Broun (GA)
Bucshon
Buerkle
Camp
Coble
Coffman (CO)
Courtney
Cravaack
Crenshaw
Critz
Davis (KY)
Denham
Dent
Dold
Donnelly (IN)
Duffy
Ellmers
Emerson
Fincher
Fitzpatrick
Fleischmann
Flores
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Granger
Grimm
Guinta
Hall
Hanna
Hayworth
Heinrich
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hunter
Israel
Issa
Jenkins
Johnson (IL)
Jordan
Keating
Kelly
King (NY)
Kinzinger (IL)
Kline
Lamborn
Lance
Langevin
Larson (CT)
Latham
Luetkemeyer
Lummis
Marino
McKinley
Michaud
Miller (MI)
Murphy (CT)
Murphy (PA)
Noem
Paul
Pearce
Pence
Peters
Petri
Pitts
Poe (TX)
Pompeo
Quigley
Reed
Reichert
Renacci
Ribble
Rogers (AL)
Rogers (KY)
Runyan
Ryan (WI)
Schock
Schwartz
Scott (SC)
Scott, Austin
Slaughter
Smith (NE)
Smith (NJ)
Southerland
Stutzman
Thompson (PA)
Tipton
Tsongas
Walberg
Walsh (IL)
Weiner
West
Whitfield
Womack

NOES—322

Ackerman
Adams
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baldwin
Barrow
Barton (TX)
Bass (CA)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crawford
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Fudge
Gallegly
Garamendi
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Guthrie
Gutierrez
Hanabusa
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hultgren
Hurt
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kildee
Kind
King (IA)
Kingston
Kissell
Kucinich
Labrador
Landry
Lankford
Larsen (WA)
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Platts
Polis
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Rehberg
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schweikert
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Westmoreland
Wilson (FL)
Wilson (SC)
Wolf
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

ANSWERED ''PRESENT''—2

Amash
Cicilline

NOT VOTING—5

Gardner
Giffords
Green, Gene
Shuster
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1047

Messrs. GARAMENDI and VAN HOLLEN changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GENE GREEN of Texas. Mr. Chair, on rollcall No. 71, had I been present, I would have voted "yes."

AMENDMENT NO. 457 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 316, not voting 2, as follows:

[Roll No. 72]

AYES—115

Adams
Akin
Amash
Bachmann
Bartlett
Benishek
Bilbray
Bishop (UT)
Black
Blackburn
Bono Mack
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Cantor
Capito
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Fincher
Flake
Fleischmann
Fleming
Foxx
Franks (AZ)
Garrett
Gingrey (GA)
Gowdy
Graves (GA)
Graves (MO)
Griffith (VA)
Harris
Hartzler
Hayworth
Heller
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Lance
Landry
Lankford
Long
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Nugent
Nunes
Palazzo
Paul
Pence
Petri
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Roby
Rohrabacher
Rokita
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Stutzman
Sullivan
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (AK)
Young (IN)

NOES—316

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fitzpatrick
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harman
Harper
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nunnelee
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—2

Giffords
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1050

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 276 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR (Mr. BASS of New Hampshire). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 179, not voting 5, as follows:

[Roll No. 73]

AYES—249

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Payne
Pearce
Pence
Peters
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Simpson

Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Wu
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—179

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

NOT VOTING—5

Culberson
Giffords
Green, Gene
Hall
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1054

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. GENE GREEN of Texas. Mr. Chair, on rollcall No. 73, had I been present, I would have voted "no."

AMENDMENT NO. 532 OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alaska (Mr. YOUNG) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 313, noes 117, not voting 3, as follows:

[Roll No. 74]

AYES—313

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Conyers
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Fattah
Filner
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gohmert
Gonzalez
Gosar
Granger
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Harman
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Hurt
Inslee
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
King (IA)
Kingston
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (NC)
Rangel
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Whitfield
Wilson (FL)
Wolf
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)

NOES—117

Amash
Bachmann
Barletta
Barrow
Benishek
Biggert
Bilirakis
Bishop (NY)
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Campbell
Canseco
Cantor
Chabot
Coffman (CO)
Connolly (VA)
Cooper
Cravaack
Davis (KY)
Doggett
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Farr
Fitzpatrick
Flake
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Graves (GA)
Graves (MO)
Hall
Hanna
Harper
Hayworth
Heller
Hensarling
Holden
Huizenga (MI)
Hultgren
Hunter
Israel
Kind
King (NY)
Kinzinger (IL)
Lamborn
Lankford
Lee (CA)
Long
Luetkemeyer
Lummis
Marchant
Marino
Matheson
McCarthy (NY)
McCaul
McClintock
McHenry
McIntyre
Meehan
Miller (FL)
Mulvaney
Myrick
Nunnelee
Olson
Olver
Owens
Palazzo
Pence
Peters
Poe (TX)
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Renacci
Ribble
Roby
Rokita
Rooney
Roskam
Royce
Ryan (OH)
Ryan (WI)
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (WA)
Stutzman
Sullivan
Thompson (PA)
Thornberry
Turner
Upton
Walberg
Walsh (IL)
Westmoreland
Wilson (SC)
Womack
Young (IN)

NOT VOTING—3

Giffords
Jordan
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1057

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Chair, during rollcall vote No. 74 on H.R. 1, I mistakenly recorded my vote as "no" when I should have voted "yes."

I ask unanimous consent that my statement appear in the RECORD following rollcall vote No. 74.

AMENDMENT NO. 410 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 250, not voting 7, as follows:

[Roll No. 75]

AYES—176

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Calvert
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heller
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Lamborn
Landry
Lankford
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Scalise
Schmidt
Scott (SC)
Scott, Austin
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tipton
Upton
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—250

Ackerman
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Graves (MO)
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Crowley
Giffords
Harman
Schweikert
Shuster
Sullivan
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1100

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 100 OFFERED BY MR. WEINER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 163, not voting 2, as follows:

[Roll No. 76]

AYES—268

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Denham
Dent
DesJarlais
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Himes
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
Latta
Lipinski
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Paul
Paulsen
Pearce
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Webster
Weiner
West
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—163

Ackerman
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Garamendi
Gonzalez
Granger
Green, Al
Grijalva
Gutierrez
Hall
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kingston
Kucinich
Langevin
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Woolsey
Wu

NOT VOTING—2

Giffords
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1104

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 248 OFFERED BY MR. CANSECO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CANSECO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 274, noes 155, not voting 4, as follows:

[Roll No. 77]

AYES—274

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

NOES—155

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (UT)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Kinzinger (IL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yoder
Young (FL)

NOT VOTING—4

Giffords
Herger
Smith (NJ)
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1107

Mr. DIAZ-BALART changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. HELLER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. HELLER) on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 241, not voting 2, as follows:

[Roll No. 78]

AYES—190

Adams
Aderholt
Akin
Amash
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Boswell
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costello
Culberson
DeFazio
Dent
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Guinta
Hall
Hanna
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Holden
Huelskamp
Huizenga (MI)
Hunter
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kissell
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
LoBiondo
Long
Luetkemeyer
Lynch
Mack
Manzullo
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Pearce
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—241

Ackerman
Alexander
Altmire
Andrews
Baca
Bachus
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gonzalez
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hanabusa
Harman
Harper
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kline
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Renacci
Reyes
Richardson
Richmond
Rogers (AL)
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Wu
Yarmuth

NOT VOTING—2

Giffords
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1111

Mrs. ROBY and Mr. NUNNELEE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 43 OFFERED BY MR. SESSIONS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 250, not voting 7, as follows:

[Roll No. 79]

AYES—176

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Harper
Harris
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tipton
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Womack
Woodall
Yoder
Young (IN)

NOES—250

Ackerman
Altmire
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz

Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Harman
Hartzler
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reyes
Richardson
Richmond
Rigell
Rogers (MI)
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Shimkus
Shuler
Shuster
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

DeLauro
Giffords
Hall
Herger
Lewis (CA)
Serrano
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1114

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Florida. For the purpose of entering into a colloquy, I yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Thank you, Mr. Chairman.

Mr. Chairman, the goal of this colloquy is to clarify language associated with funds provided for the Expeditionary Fighting Vehicle, or EFV, in the Research, Development, Test and Evaluation, Navy section of the bill. It is my understanding that the accompanying table states that $145 million of the funds provided for the EFV termination liability may be released only for use in system development and demonstration activities upon certification by the Secretary.

Mr. Chairman, is that the language included in the report accompanying this bill?

Mr. YOUNG of Florida. Mr. Chairman, the gentleman is correct. The language which is included in the explanatory tables provides $145 million for termination liability, or for continued system development and demonstration if certified by the Secretary.

Mr. AKIN. Mr. Chairman, my concern is that the Department of Defense may interpret this language as direction from Congress to terminate EFV in this year, regardless of any recommendations made by Congress during debate on the fiscal year 2012 budget.

No matter how this issue is resolved by Congress in fiscal year 2012, orderly conclusion of the fiscal year 2011 SDD activities that are already under contract and well underway is essential for the Nation to get a usable product for its $3 billion investment. My reading of this language is that it provides sufficient flexibility for the Department to continue through SDD, and we encourage the Department to do just that.

Mr. Chairman, is it the intent of the committee to provide sufficient flexibility for the Department to continue SDD activities related to the EFV?

Mr. YOUNG of Florida. I would say to the gentleman, Mr. Chairman, that it is the intent of the committee to provide that flexibility. In fact, it is my hope that the Department exercises this flexibility to finish SDD activities and get something usable for the $3 billion investment that we have already made.

Here is a unique opportunity for a win-win situation. The Marines want to cancel the program, and they would normally pay a $145 million termination fee. Here is an opportunity, and we believe the contractor is agreeable, to forego the payment of the $145 million to them, but use that money to continue the program so that we at least get something for the $3 billion that we have already appropriated.

If I might expand on the colloquy, one of the problems that we have in our defense budgeting is that we too often start a program, spend a lot of money on it, and then decide to terminate it and get little or nothing for what we already did. So I believe it is important for the Department to have this flexibility as they negotiate the remaining activities for the fiscal year.

It is my hope the Department would be able to reach an agreement which would provide for an orderly conclusion of the fiscal year 2011 SDD activities and ensure the Marine Corps is able to harvest the advances in technology and beneficial equipment from the program, should the program not be continued.

Mr. AKIN. Chairman YOUNG, I would appreciate a commitment from you to work together on the issue, the Appropriations Committee and the Armed Services Committee, as we consider the fiscal 2012 defense budget. The Congress must ensure that marines have the equipment they need to successfully accomplish the missions they are asked to perform, and that includes amphibious assault.

□ 1120

I appreciate your willingness to work on this. I think that what we're doing is we've got $3 billion already invested. As you say, it doesn't make sense to waste that investment, especially when you're talking about a very small amount of money to finish up. It leaves the flexibility to take a really good look at how do we accomplish that critical mission of moving marines from the ocean to the shore.

So I appreciate your working on this colloquy and agreeing to where we're going.

Mr. YOUNG of Florida. The gentleman knows that he and I are on the same page on this issue. We want to get something for the money we've already spent, and we think this is a way out.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DICKS. Mr. Chairman, as I understand it, if we can add $34 million to the funding, we can get all the testing completed and not have to pay termination costs under the contract. So it seems to me you can make a case that this is the most cost-effective thing to do. That's at least what I understood.

Is that the gentleman's understanding, or should we get the Marine Corps up here to try to explain this, or somebody?

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. YOUNG of Florida. My understanding is the $34 million would be to complete the research and the development of the program and to develop the new innovations to this particular vehicle.

Mr. DICKS. I think that's a wise course. I look forward to working with the gentleman on this.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

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

Mr. REICHERT. Mr. Chairman, I want to engage in a colloquy with my colleague from Florida, the chairman of the House Defense Appropriations Committee. I stand today to support wounded warrior rehabilitation programs that support our brave military

men and women who have sacrificed parts of their body for our freedom; men and woman who have sacrificed so much that today we can stand here on this floor and offer our remarks. These programs provide life-saving, life-changing rehabilitation services to thousands of injured servicemen and -women.

We must keep our promise to our troops and veterans, consistent with the Pledge to America, which allows exceptions related to government funding so that we can honor our commitment to those who have served. We all know in this Chamber that we can never repay what our military men and women have sacrificed for us and for our freedom, witnessed today by Mr. JOHNSON's presence at the chair and our recognition of the troops who have served. These programs are a small way to support those who have sacrificed so much to keep us safe and free.

Mr. Chairman and Ranking Member DICKS, as you begin the difficult task of reviewing the fiscal year 2012 budget, I ask that you consider the needs and the well-being of our injured servicemen and -women. I hope that we can work together to ensure that these types of rehabilitation programs for wounded warriors are given fair consideration during that process.

Mr. Chairman, I now yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I would also like to highlight the success of the wounded warrior rehabilitation program, specifically those which use community-based partnerships to provide injured U.S. military personnel with the opportunity to engage in sports activities as part of their rehabilitation at DOD medical centers in their home communities. These programs illustrate the power of sports activities to help wounded warriors return to a healthy and active lifestyle. Today, thousands of injured servicemembers from the Iraq and Afghanistan conflicts have benefited from these programs, and some even participated in the Department's first Wounded Warrior Games competition held last May.

Wounded warrior rehabilitation programs are located at major DOD medical treatment facilities, military installations, veterans facilities, and the communities around the country where our injured servicemembers live. Wounded warriors, as we all know, ladies and gentlemen, are heroes for serving our country and important role models to so many people in our communities. We greatly appreciate their service, their sacrifice, and their leadership.

Mr. REICHERT. Mr. Chairman, I now yield to the ranking member of the Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate the opportunity to speak on this issue. Wounded warrior rehabilitation programs that have worked with national and community organizations have provided substantial support for injured members of our Armed Forces to participate in physical activity as an important aspect of their rehabilitation. Research shows that daily physical activity enhances wounded warriors' confidence, achievements, and quality of life. These programs are essential, and I would like to work with my colleague in the upcoming year to ensure that those programs will continue.

Mr. REICHERT. Mr. Chairman, I now yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I want to congratulate and thank the gentleman from Washington for bringing this matter before the House today. It is something that Mr. DICKS and I have worked with ever since these wars began—something that we cannot overlook, something that is extremely, extremely serious—a major debt that we owe to the men and women who serve our country as warfighters. And so I would say again to the gentleman from Washington (Mr. REICHERT), thank you very much for bringing this matter before the House today.

Mr. REICHERT. Thank you, Mr. Chairman, and I thank the ranking member. I look forward to working with you and Mr. LANGEVIN in making sure that our wounded veterans returning home are rehabilitated, are counseled, and receive the medical care and encouragement they need to lead a fruitful life.

Mr. DICKS. Will the gentleman yield?

Mr. REICHERT. I yield to the gentleman from Washington.

Mr. DICKS. I really think we've got to solve this problem. This is very unfair, this one program. This is a national program in every sense of the word, and we have either got to get it authorized or do whatever we have to do to make this possible. I look forward to working with you to achieve that.

Mr. REICHERT. Reclaiming my time, I thank the gentleman, and I look forward to working with you. I really appreciate your enthusiasm and passion. I know all of us in this body would support this issue once we can get it solved.

I yield back the balance of my time.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, I wish to enter into a colloquy with the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I rise today to enter into a colloquy with my friend and distinguished chairwoman of the Appropriations Subcommittee on Financial Services and General Government. I would like to thank you, Madam Chairman, as well as Chairman ROGERS and your respective staffs, for all your hard work. I appreciate your willingness to work with me and my staff on this issue.

I planned on offering my amendment, No. 264, that would have prevented any funding in this act to be used for vacant Federal properties. However it's drafted, this language would have had serious unintended consequences. We see those sorts of things happen around here a lot.

I would like to take this opportunity to clarify the intent behind my amendment and how it highlights an increasingly larger problem. According to a Senate report on questionable spending, roughly $25 billion is spent annually to maintain vacant or unused Federal properties. My goal is to close off that spigot of Federal waste. Unfortunately, my amendment as drafted would have inadvertently prevented basic security or the ability to respond to an emergency situation such as a broken pipe or others.

That being said, even with the current funds, we have numerous vacant Federal buildings crumbling all across our Nation. The Veterans Administration alone spends $170 million a year, often on buildings that they would rather sell, were Congress not standing in the way. In fact, a good example is those at the Charlie Norwood VA Center in Augusta, Georgia, that I represent.

If we intend to tackle other difficult problems, we cannot continue to punt on the simple ones. It is outrageous that hundreds of billions of dollars have been wasted on unused buildings sitting for over a decade waiting for renovation funding. We need to sell what isn't absolutely necessary and in the meantime stop burning dollars on the maintenance of buildings going to waste.

□ 1130

The problem with these buildings is symbolic of the Federal Government as a whole; so large and bloated that some are lost in limbo, decaying and sapping valuable resources. We have redundant agencies and regulations lost in the bloat, just like these buildings. Again, if we hope to make headway on the critical budget issues that we face as a Nation, we must begin with these smaller commonsense changes.

I hope that my colleagues will allow me to work on this issue with them during this process and the upcoming 2012 appropriations cycle. And I just request from the chairman, I hope that you will work with me. We've got many vacant unused Federal properties all over this country that we need to stop funding. We need to sell these and reduce the debt by the funds that we do.

So I'd like to ask the chairman of the subcommittee if she'll be eager to work with me on this issue.

Mrs. EMERSON. The gentleman raises an absolutely critical issue that there are examples of all over the country. We are more than willing to work with you on a continuing basis.

You may be happy to note that we have cut $1.7 billion from the public buildings fund in this continuing resolution. But we've got a lot more work to do. And as we prepare the FY 2012 spending bill, I think that we'll find more examples. It's very critical to save every penny we can.

I just want to thank you so much for your dedication to finding all the waste that we have in the Federal budget.

Mr. BROUN of Georgia. Thank you, chairman. I appreciate your willingness to work with me.

AMENDMENT NO. 189 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure any of the following:

(1) Expeditionary Fighting Vehicle.

(2) V–22 Osprey aircraft.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentlelady's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, this amendment would eliminate the V–22 Osprey aircraft and the expeditionary fighting vehicle. For years, the Pentagon has been throwing billions at weapons systems that don't work and don't keep us safe; weapons systems that are obsolete in the post-Cold War era; weapons systems that are not giving us bang for the buck.

The V–22 Osprey is essentially a lemon. It makes defense contractors rich but doesn't make our military strong. It has a notoriously bad safety record, having killed 30 of our own people in training exercises, and a deadly V–22 crash in Afghanistan last year was claimed as a victory by the Taliban. Billions over budget for a weapons system that's killing our own people—not a good deal for the taxpayer, to say the least.

The GAO has noted that this plane has trouble flying over 8,000 feet or in extreme heat. It also has problems carrying troops, transporting cargo, and operating in high-threat environments.

A combat plane that can't operate in high-threat environments? Is there anything the Osprey can do? Actually, can it deliver mail? The President's deficit commission recently recommended we stop writing blank checks for the Osprey. So did another top official who more than 20 years ago said: ''Given the risk we face from a military standpoint, the V–22 is at the bottom of the list, and for that reason, I decided to terminate it.''

That's not a prominent Democrat speaking, Mr. Chairman; that's a former Secretary of Defense named Dick Cheney.

The Marine Corps' expeditionary fighting vehicle would provide almost as much savings, between $8 and $9 billion over the next decade. The President's proposed budget pulls the plug on this system, which is more than 14 years behind schedule and has also experienced major cost overruns.

According to the Task Force on a Unified Security Budget, the EFV breaks down on average every 8 hours and has trouble steering in water. Shouldn't we be worried about an amphibious vehicle that doesn't steer well in water? Would you spend billions of dollars on a family car that breaks down every 8 hours and doesn't steer well?

And besides, even if the EFV ran like a dream, when was the last time we needed to launch an attack by sea? Once again, we're developing weapons for enemies that no longer exist.

With spending cut fever having hit Capitol Hill, you would think these wasteful systems would be among the very first on the chopping block. But naturally my colleagues on the other side of the aisle would rather scale back the very things keeping people safe and strong—police on the streets, investments in innovation and infrastructure, NIH research, education assistance from Head Start to Pell Grants, and much, much more.

I say we go in a different direction. If we're serious about restoring fiscal discipline, both the V–22 Osprey and the EFV must go.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I withdraw the reservation on the point of order.

The Acting CHAIR. The reservation is withdrawn.

Mr. DICKS. I move to strike the requisite number of words.

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

Mr. DICKS. We have already had a straight up-or-down vote on the Osprey and resoundingly supported it here in the committee.

On the expeditionary fighting vehicle, there's a decision been made by the Secretary of the Navy to end this program. What we're trying to do is to do it in a way that finishes the research with an additional $34 million and avoids termination liability.

I urge a ''no'' on this amendment.

I yield to the gentleman from Florida, the chairman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment. We just had a very good colloquy on the issue of the EFV and we think we have a solution here that is good for the taxpayer, is good for the Marine Corps, and is good for the Marines. Here's an opportunity to get something for the $3 billion that we've already spent on this program. So I must be opposed to that.

On the V–22, we've already voted on that once during the earlier procedures on this bill. The V–22 did have some developmental problems years ago. The V–22 is a most effective weapon being used in Afghanistan. Because of the high mountains, because of the high altitudes, because of the weather, the V–22 is the vehicle of choice to move our war fighters from where they are to where they have to be.

I would hope that the vote would be the same on this amendment as it was earlier on the V–22, and that's to defeat it. Here is an airplane—the Marines use this V–22 in Afghanistan on a regular basis because it has the capability that the CH–46 does not have. It has the ability for altitude, it has the ability for speed, and it is an outstanding aircraft today.

Mr. VAN HOLLEN. Mr. Chair, although I support Secretary Gates' call to terminate the Expeditionary Force Vehicle (EFV), I must unfortunately oppose the Woolsey amendment because it also seeks to cancel the Osprey program, whose termination I do not support.

The EFV is clearly not a wise use of American tax dollars. It is 14 years behind schedule and estimated to cost 168 percent more than originally estimated. Because of these realities, along with the evolving nature of naval warfare, Secretary Gates, the Secretary of the Navy and the Commandant of the Marine Corps have all recommended that it be terminated—and it was not included in President Obama's FY 12 Budget. By contrast, after overcoming a number of operational and cost concerns, the Osprey has become a top priority for the Marine Corps and does enjoy command support.

If I could split this amendment into two separate votes, I would do so. Since I cannot, I will oppose it and continue to pursue a deliberate, program by program approach to finding needed savings in our defense budget.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

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

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

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

Mr. ADERHOLT. I would like to turn to my colleague, Chairman MICA of the Transportation Committee, with an amendment that he has.

Mr. MICA. Mr. Chairman and Mr. ADERHOLT, first of all, I want to thank you for recognizing me and also giving me this opportunity to speak on my amendment which in consultation with you, Mr. Chairman, I will withdraw and not offer.

That is amendment, I believe it's numbered 543 as printed. Mr. ADERHOLT, first I want to thank you for your pledge to continue to work

with your subcommittee and our full committee in your rigorous oversight of how the Transportation Security Administration is spending our scarce resources.

□ 1140

Unfortunately, the TSA bureaucracy has mushroomed since 9/11 from a workforce of 16,500 to 62,000 employees today.

The purpose of my amendment is my concern about the growth and administrative overhead—a huge number of personnel. TSA has more employees than the Department of State, the Department of Education and Labor, and the Department of Housing and Urban Development combined.

Now listen to this: TSA headquarters, which is within a few miles of where we're standing, has 3,776—latest count—administrative bureaucrats employed, and 27 percent are supervisors of them. The average pay of these 3,700-plus bureaucrats here is $105,000.

Having helped create TSA in the aftermath of 9/11, I can tell you we never intended to support this kind of bureaucracy.

Now listen to this: if you think the bureaucracy in Washington is bad, there are 9,233 non-screener employees at the airports across the country. There are only 400 airports in the program. That's 20 bureaucrats per airport on average. This agency is totally out of control. In addition, in the 2012 budget, they have asked for 3,300 more positions.

In its nearly 10 years since creation, Mr. Chairman, TSA still lacks the institutional capacity to become a performance-driven organization.

On January 28, TSA shut down the most successful screening program we had. We set up two models, both with Federal supervision and one using private contractors. Every positive initiative we have ever gotten from TSA came from those programs, and they shut it down. In addition, one week later, they granted collective bargaining rights to TSA workers.

It is time that we dramatically reform TSA and cut its massive administrative bureaucracy. I will work with you. My cuts are not as surgical as maybe they need to be, but we will work with you to improve its mission. My goal is for less bureaucracy and to redirect TSA to its important security mission.

Finally, the failure of TSA puts this Nation at risk—read the GAO reports—with the total failure of the SPOT program, the behavior recognition program. Get the classified briefings on the failure of the advanced technology. They went out and bought $500 million worth of equipment, and spent another $500 million to install it. The failure is dramatic. You can read that as Members of Congress.

The failure of the pat-down program. Everyone is getting patted down. Do you think that's helpful? I implore Members to get a classified briefing and see, again, the results of that failure.

The failure to have even a pilot identification. Six years ago, I asked for a pilot identification that's durable, not something that looks like it came out of a crackerjack box, with the pilot's photograph on it and a biometric measure. After spending millions of dollars, TSA gave a card, but the only pilots on it were Wilbur and Orville Wright. The biometric measure that they put in is a total failure. Any credit card you have in your wallet has a better capability than what they have produced.

It is failure after failure, and they put us at risk. I thank you for offering to work with me to make the necessary changes.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Thank you, Mr. Chairman.

Let me say, Mr. MICA, that I completely understand your interest in pushing TSA to meet its mission in a most cost-effective manner.

Because of these concerns, we have placed a number of provisions within the CR, provisions which constrain TSA spending to include a firm cap on the number of airport screeners TSA may hire in FY11. Additionally, we have included a strong oversight provision requiring them to report on their efforts to incorporate more advanced integrated technology into the checkpoints.

Let me add that our subcommittee fully intends to review all of TSA's security and management practices as we prepare for the FY12 Homeland bill. I plan to carry forward and expand within the FY12 bill the oversight that we began with the CR. I would like to work closely with you and your committee in an effort, as we move forward, to try to address these concerns that you shared with us this morning.

Let me just say that we certainly in this country want to strike a balance between having security in this Nation and making sure that we have appropriate oversight.

I appreciate you calling attention to these issues that you mentioned this morning. I can assure you our committee will work with you in trying to work toward doing a better job in oversight for TSA and in making sure we do have the security we need for this country.

Mr. ROGERS of Kentucky. Reclaiming my time, when we first stood up TSA, I chaired that subcommittee. We put a limit on the number of employees that TSA could have.

They first wanted, I think it was, 30,000 people. We said no. Then they went up to 35,000; then they went to 40,000; then they went to 43,000. I said time out. So we put a limit of 44,000 on the number of TSA employees that were allowed. That cap stayed in place until 2006, which is when the other party gained control of this body. The cap came off.

Mr. MICA, I don't know the total number. I think it's in the 60s.

Mr. MICA. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Florida.

Mr. MICA. The number is 62,000, of which we have 3,770 administrative personnel in Washington, DC, and another over 9,000 administrative personnel in non-screening positions across the country.

Mr. ROGERS of Kentucky. We've heard your statement. We're up to 62,000 now and it's way too much.

Let me ask the chairman: Is there a cap now reinstated in this bill for TSA employees?

I yield to the gentleman from Alabama.

Mr. ADERHOLT. We have a cap of 46,000 in this bill.

Mr. ROGERS of Kentucky. They can't go above 46,000?

Mr. ADERHOLT. That is correct.

Mr. ROGERS of Kentucky. There are 62,000.

So there will be some reductions; am I correct?

Mr. ADERHOLT. We are looking at absolutely doing that, yes, sir.

Mr. ROGERS of Kentucky. All right. Thank you.

Mr. Chairman, I want to congratulate Chairman MICA and Chairman ADERHOLT, who are working together to rein in this organization, which has almost gone beyond belief, so that we can get some discipline and some savings in this organization.

I don't know about you, but at the airports I go through, there are way too many TSA employees just standing around, making conversation with each other. That's okay, but we are overstaffed at TSA. This bill gets us back to being within some degree of reason.

Mr. ADERHOLT. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Let me just clarify that the number of screeners is capped at 46,000 right now.

Let me assure you that we will continue to monitor that to make sure that your concerns from when you were chairman of this subcommittee—and of course the chairman of the Transportation Committee's concerns—will be addressed. I appreciate both of your input this morning, and we look forward to working with you both.

Mr. ROGERS of Kentucky. Thank you.

I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

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

Mr. BURTON of Indiana. Really quickly, I support everything my colleagues just said, but I want to deviate

a little bit and talk about something real quickly that needs to be discussed.

Mr. Chairman, we have sent two or three letters to the President—Congressman POE, Congressman ROYCE and I and others—regarding our southern border. We just had two ICE agents attacked. One was killed. Seventy, eighty miles into Arizona, there are signs telling the American people: Don't go south of here because of the danger.

□ 1150

This is in America. We have drug dealers sitting in spy sites in the United States monitoring the border from the U.S. side to make sure that they can bring their drugs across and bring people across in their vans and other ways. It is a real problem.

Now, we sent 17,000 people down to the gulf when the oil spill took place. We haven't sent over 1,400 National Guard people down and not even near the border in many cases, and we've got a terrible problem. Farmers and people are scared to death to go along the 1,980-mile border between us and Mexico, and the President has ignored letter after letter after letter that would deal with this problem.

And I would just say to the administration, if they were listening, let's get on with protecting that southern border. It's a war zone, and people are afraid, scared to death down there, and they're being killed and bullets are coming across the border. So I'd just like to say that I'd like to take this opportunity to encourage the administration to really get on with protecting our southern border.

Mr. DICKS. Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Washington.

Mr. DICKS. I agree with the gentleman. I've been down there on that southern border. I would just point out, though, that yesterday we killed the National Drug Intelligence Center, which is used by the Justice Department to try and target the people coming across, I mean, this was a Justice Department program, but your side killed it.

Mr. BURTON of Indiana. Reclaiming my time, sending National Guard troops down there en masse to protect that border until it's completely secure, along with the border patrol agents, will do the job. The cut yesterday would not affect this kind of an approach to solving the problem.

Mr. LOBIONDO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. Mr. Speaker, I rise to engage the chairman of the subcommittee, Mr. LATHAM, in a colloquy.

As the gentleman knows, I believe the implementation of the next generation of air traffic control is a very necessary and critical step in bringing our aviation system into the 21st century. The Nation's aviation transportation network is currently based on an outdated, outmoded, decades-old, land-based radar system. Our cell phones have better capability than our air traffic control system. The next generation of air traffic control reflects an approach to move forward while making our aviation system much safer, much more efficient, and much more cost-effective by moving it to a satellite-based system that will benefit all Americans.

Once fully implemented, the next generation system will reduce flight delays, saving Americans billions of dollars in lost productivity. Aircraft will be able to operate more efficiently, resulting in less fuel consumption. Congestion at some of our Nation's busiest airports will be significantly reduced, freeing up much needed airspace to accommodate growth in the aviation sector.

And I'm particularly proud that most of the work that is being done to validate the FAA's next generation of air traffic control is being done at the Federal Aviation Administration's Technical Center in my district in New Jersey that will help develop this and implement it.

That is why I rise today, and while I strongly support the House's effort to reduce wasteful government spending, I am also very concerned about programs that could be affected unintendedly, and this measure includes a slight reduction in the FAA's facilities and equipment account, an account which could provide some of the funding for the work associated with NextGen. Can the gentleman assure me that this reduction will not negatively impact the critical work that is taking place on the next generation of air traffic control.

Mr. LATHAM. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Iowa.

Mr. LATHAM. I appreciate the gentleman yielding.

I, too, share his commitment to NextGen, and I believe that this program is essential to achieving the much-needed improvements in our aviation system. The committee has consulted with the FAA. We believe that these modest savings will be beneficial to the taxpayers while providing the FAA with the funds necessary to continue to do the important work in bringing NextGen to fruition.

Mr. LOBIONDO. Thank you, Mr. LATHAM, for sharing that information and for your commitment to the next generation of air traffic control, and I look forward to continuing to work with you and the committee and this body to see that accomplished.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. WOLF. I had an amendment, which has now been ruled out of order, to create an Afghanistan-Pakistan study group. The war in Afghanistan has been going on for 10 years. The first person killed in Afghanistan was from my congressional district, Michael Spann. I was the author of the Iraq Study Group, where we got Baker and Hamilton in a bipartisan way to come together to look at the war. I have asked the administration to do something, and quite frankly, when I read Woodward's book, ''Obama's War,'' it was depressing because it almost looks like they're approaching this on basically political ways, political means.

The war has now been going on for 10 years, and quite frankly, I think not only has the administration failed, but Congress has failed. So what I hope to do is to, at an appropriate time, offer an amendment to create an Afghanistan-Pakistan study group, modeled after the Iraq Study Group, and put on people like Sam Nunn; former chairman of the House Armed Services Committee DUNCAN HUNTER; Ryan Crocker, who was our former ambassador to Iraq and who supports the concept; General Jack Keane, who was author of the surge; General Charles Krulak, who was the Commandant of the Marine Corps; General Zinni, who was Commandant of the Marine Corps; and Ike Skelton, former chairman of the House Armed Services Committee, to see are we fighting this war the right way, are we doing the right thing.

And I believe we need fresh eyes on the target, and when you look at and read ''Obama's War'' by Woodward, you can see there are no fresh eyes on the target, and we owe it, we owe it to the men and women that are fighting in Afghanistan and dealing with this issue to make sure that we are doing everything possible—and I don't know what the answer is—everything possible to make sure that we're doing what we should do as a Nation.

And with that, I hope when there's an opportunity I can offer this amendment—because I don't think the administration is going to do this by Executive order—that we can adopt because we owe it to our fighting men.

Mrs. HARTZLER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. HARTZLER. I rise to enter into a colloquy with the gentleman from Florida.

I stand today to support our brave military men and women and their families who sacrifice in the service of freedom. Mr. Chairman, can you assure me that this bill will not in any way harm or put to risk our troops?

Mr. YOUNG of Florida. Will the gentlelady yield?

Mrs. HARTZLER. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentlelady for raising the question. It's something we should discuss more and more, and in fact, we have an obligation to our troops and our warfighters and our veterans.

I would say that Mr. DICKS and I worked long and hard to come up with the savings that we were instructed to come up with, and I can guarantee the gentlelady, we did not create anything that would have an adverse effect on our warfighters. It would not have an adverse effect on our Nation's readiness, would not have an adverse effect on their training and their preparation for war.

So I say to the gentlelady, I share her very strong commitment, and I thank her for her strong commitment, and our subcommittee has the same strong commitment. So I can assure her.

Mrs. HARTZLER. Thank you, Mr. Chairman. As you know, in our Constitution one of the few things that we're supposed to do here is to provide for the common defense, and I know I'm committed to doing that, and I know you're committed to doing that, and yet we have this continuing resolution, and so that certainly makes me feel more confident that in our efforts that our troops are being watched out for and their families.

So I thank you for that commitment, and will you continue to promise to work with me through this coming year to move forward to ensure that our troops and their families are supplied with all that they need?

Mr. YOUNG of Florida. I can, and I would like to say that we look forward to working with you during this Congress as we do what it is that you want us to do.

Mrs. HARTZLER. Thank you very much for your commitment. I look forward to it.

□ 1200

Mr. CULBERSON. I move to strike the last word.

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

Mr. CULBERSON. Mr. Chair, in an effort to help my constituents understand, the country understand, and even almost understand the scale of the problem we face, it's important I think to think of the expenses, the obligations of the Federal Government in terms of our own budget, that if we in our own lives take our income, you've got to calculate your income and your expenses. And the things you have got to pay first are the mortgage; you have got to pay the light bill. You have to make sure that, above all, the expenses of your home are paid first. And in the same way, the Federal Government must pay the expenses of the mandatory programs, like Medicare, Medicaid, Social Security, the interest on the national debt, our obligation to our veterans. Those programs must be paid first.

We bring in about $2.2 trillion in revenue every year from all sources. When you take into account what the Federal Government must pay to our veterans, to the mandatory spending programs, those programs cost about $2.3 trillion. Therefore, the way to think about the scale of the problem we face is to analyze it in terms of, when do we, as a Nation, run out of cash and have to start borrowing? When is national credit card day? And in analyzing that, I discovered that we actually don't have a national credit card day.

At the stroke of midnight on the first day of the fiscal year, the United States Government has already borrowed $105 million. Now, tax freedom day occurs in May, far too late in the year when we begin to work for ourselves and no longer are working to pay taxes. But as a Nation, we begin to borrow money. We have already borrowed $105 million at the stroke of midnight that must be paid off by our kids. And the scale of the problem, therefore, is far larger than the appropriations bill we face here today.

We, in this new majority, were elected by the Nation to begin to deal with the terrible burden of the debt, the terrible burden of these unfunded liabilities that our children and our grandchildren are going to pay. For the first time in history, our predecessors in this Congress, our predecessors in the White House, and this President have loaded our children up with an unparalleled, unprecedented level of debt that we today in this debate on this appropriations bill are beginning to deal with. The $100 billion cuts that we are making here today will allow us to stop borrowing for about 5 days. We'll get out to, say, Friday before we have to start borrowing money.

The scale of the problem is so huge that if we think of it in terms of when, as a Nation, we have to start borrowing money, when is national credit card moment, then we, I think, can help explain to the public the urgency of getting spending under control, of cutting back everywhere we can, of focusing the Nation on its core functions under the Constitution.

We, in this new majority, are committed to restoring the constitutional limits on our Federal Government, restoring the 10th Amendment, restoring individual liberty wherever we can. And in so doing, as Thomas Jefferson liked to say, if you apply the Constitution, the knot will untie itself. No matter what the problem is, Mr. Jefferson liked to point out, that if we simply apply the Constitution, the knot will untie itself.

What lies ahead of us if we do not deal with this problem, not only of the spending year to year, but we've got to really dramatically deal with the fraud, the waste, and the abuse in our social welfare problems to begin to deal with them realistically—both parties, Republicans and Democrats—and controlling the explosive growth of the entitlement programs.

In looking at the history of the Roman Empire, Mr. Chair, we see that at the end of the Roman Empire one writer of the period went so far as to suggest that those who lived off the Treasury in the Roman Empire were more numerous than those paying into it. At the end of the empire, under Diocletian and Constantine, when it really began to decline, the Roman Empire taxed its citizens more heavily, conscripted their labor, and regulated their lives and their occupations in every detail. The Roman Empire became a coercive, omnipresent, all-powerful organization that subdued individual interests and levied all resources towards one overarching goal, the survival of the state.

We, as a Nation, have got to deal with the scale of the spending, the debt, these unfunded liabilities that are being passed on to our kids or, if we're not careful, the United States will follow the Roman Empire in devaluing our currency, in the level of debt at a scale that can't be repaid. And you saw it towards the end of the Roman Empire where taxation became so heavy that it consumed all the resources of the state.

In conclusion, Mr. Chair, I would point out that at the end of the Roman Empire, the one writer of the period pointed out that it was actually very common for Romans who were taxed so heavily, who were crushed and so overwhelmed with bureaucracy, that they actually welcomed the invaders who were taking over the Roman Empire.

It's a decisive moment in American history, Mr. Chair. We in the new majority, this constitutional conservative majority, are bringing these amendments. I thank Mr. ROGERS for bringing this bill to the floor, the largest cuts we've ever seen in annual spending. We as a nation are at a turning point, and I am convinced that we finally are beginning to deal with this problem and we'll get spending under control.

I yield back the balance of my time.

AMENDMENT NO. 208 OFFERED BY MR. COLE

Mr. COLE. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

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

Mr. COLE. Mr. Chairman, this is a simple amendment, and it's on an issue we voted on as recently as 3 weeks ago. Very simply put, my amendment prohibits the use of funds under this act to administer or carry out any of the activities for the Presidential Election Campaign Fund or to transfer public dollars to political conventions under chapter 96 of the Internal Revenue Code.

Just 3 weeks ago, this House passed H.R. 359, which eliminated taxpayer financing for Presidential election campaigns and political party conventions. This bill passed by a vote of 239–160

under a modified open rule. If signed into law, it will save $617 million over 10 years.

Mr. Chairman, today's amendment is a down payment on that goal. CBO scored this amendment as saving $38 million in budgetary authority and $40 million in outlays for fiscal year 2011. We all know on this floor we need to cut spending. Mr. Chairman, we can start today by canceling political welfare for politicians and political party conventions. This is an easy amendment that I urge all Members to support.

I yield back the balance of my time.

Mr. SERRANO. I move to strike the last word.

The Acting CHAIR (Mr. FORTENBERRY). The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I rise in opposition to this amendment.

It's interesting that the gentleman calls it political welfare for elected officials. We should remember why this was created and when it was created. This was created after Watergate, and it was created as an understanding that we needed to move more and more to a situation where folks with a lot of money would not go around controlling our elections. The gentleman calls it political welfare for Presidential candidates, but, in fact, without this, it is totally in the hands of people making donations; whereas, here, it is the average American citizen who gets a chance to donate to this campaign.

We know that a lot of the amendments that will come up today are directed not necessarily at issues but, I believe, and many of us believe, are directed at who is the resident of the White House right now. We have an election coming up in 2012, and I think some would rather have an open-ended private contribution situation where a lot of very wealthy people in this country control the giving to elections. I really think that this is an amendment that sounds like a savings, but it isn't. It is part of many amendments we will see today to strike at this particular President and at the White House and at the expenses that have to do with the President of the United States.

So I would hope that folks understand first of all why this was created, why it's been important, why Presidential candidates accept this kind of funding, but, most importantly, why it allows the American taxpayer the ability—the ability—to decide if he or she wants to participate in having something to do with how the election gets funded.

□ 1210

No one is forced to do this. This is just an opportunity for the average American to participate. So I really hope that, in a bipartisan fashion, people turn this down and reject this amendment.

I yield back.

Mrs. EMERSON. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I rise in support of the Cole amendment because I think political candidates should rely on private donations rather than tax dollars for their political campaigns.

And I might mention to my very dear friend, Mr. SERRANO, that I think that the President of the United States today showed the best example of people all around the country of every financial means contributing to his campaign. Friends of my children did $5 a month or offered $10. I mean, that was the most incredible show of involvement that I've seen in my life. And so to say that it would be against this precedent, I think, is just not fair.

I also think that this amendment adds to the good work done by Mr. COLE and our leader's office, with the YouCut bill, H.R. 359. And according to the CBO, this amendment will actually save $38 million. And $38 million is $38 million. And quite frankly, we're looking to save as many tax dollars as possible.

So, Mr. Chair, I would strongly support this amendment.

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

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

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

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

AMENDMENT NO. 514 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act; and

(5) section 34(c)(4)(A) of such Act.

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

Mr. PRICE of North Carolina. Mr. Chairman, as Members are aware, H.R. 1 provided no funding in 2011 for firefighter hiring grants, also known as SAFER grants, a reduction of $420 million. Fortunately, yesterday the House resoundingly overturned that ill-advised move and adopted an amendment by Mr. PASCRELL to restore the funding.

But my colleagues should be aware that funding is only part of the problem with this bill when it comes to the SAFER program. The underlying bill also neglects to maintain provisions enacted in fiscal years 2009 and 2010 that allowed fire departments to use these grants to rehire laid-off firefighters and to prevent others from being laid off in the first place.

The law traditionally permits SAFER grants only to hire new staff. That provision makes sense when our economy is booming and local governments are in a position to hire new workers. But when the recovery is still fragile and local budgets are actually contracting and workers are being laid off, FEMA needs the flexibility to use these grants to keep firefighters from being cut off in the first place.

After all, the purpose of the SAFER program is to help maintain a safe level of fire staffing across the country. According to the firefighter organizations, over 5,000 firefighter jobs have been lost since 2008, and another 5,200 are currently at risk. Right now, the safety of our communities is being jeopardized by potential and actual layoffs of public safety personnel, not mainly because of a reluctance to hire new personnel.

This amendment also continues provisions from 2009 and 2010 that waived certain budgetary requirements local fire departments have to fulfill in order to receive a grant. These include not allowing our fire department's overall budget to drop below a certain level, not reducing staff over a number of years, even if budgets continue to suffer, and providing local matching funds. Again, these provisions are fine when local coffers are healthy, but we all know how strapped our cities and counties are right now, and these requirements, quite simply, are impossible for many of them to meet.

So, Mr. Chairman, if we don't pass this amendment and waive these provisions, the fire organizations tell me that very few departments will be able to apply for funds. The burden of these requirements is simply too much right now. The result will be more firefighter layoffs, fewer rehires, and a less prepared country.

Mr. Chairman, in weighing this amendment I encourage colleagues to consider the intent of the SAFER program: ensuring we have a safe level of staffing of our Nation's preeminent first responders, firefighters, and ensuring that our communities have workable options for keeping their firefighting staffs at full strength.

We've already overwhelmingly supported funding for firefighter jobs by adding funding back to the SAFER program. If we really support these jobs, we should vote to allow these funds to be used flexibly, in the best way possible to keep the firefighters on staff.

I yield back.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. ADERHOLT. Yesterday, the House of Representatives voted to add $510 million to assistance to firefighter grants by devastating the Department of Homeland Security's developing science and technology programs.

It's only prudent that we use this money in a very responsible manner, by forcing the local communities to comply with the original intent of the SAFER programs, by sharing in the cost of hiring their personnel, by creating new jobs, and by committing to retain newly hired firefighters.

In today's lean economy, we cannot use precious taxpayer money to subsidize a local responsibility.

At this time I would like to yield to the past chairman of this subcommittee on Homeland Security and the new chairman of the Committee on Appropriations, Chairman ROGERS.

Mr. ROGERS of Kentucky. I thank the chairman for yielding, and thank him for the great work he's doing chairing this subcommittee in the House.

As Chairman ALDERHOLT has said, SAFER was originally authorized for the purpose of increasing the number of new firefighters in local communities, a hand up, not a handout.

SAFER was not intended to rehire or retain firefighters, and certainly was not intended to serve as an operating subsidy for what is unquestionably a municipal local responsibility.

The Federal Fire Prevention and Control Act contains very specific requirements that local communities have to meet in order to obtain funds. However, the Democrats waived many of these requirements in fiscal 2009 and then again in 2010.

When initially proposed by the Democrats in 2009, then Chairman PRICE, my friend, acknowledged that these waivers were just a short-term, temporary effort that would expire at the end of fiscal 2010. Yet, here we are today, debating the continuation of a subsidy that our country simply cannot afford.

Under these costly waivers, there are no controls, no salary limits, no local commitments. These proposed waivers totally undermine the original purpose and intent of the SAFER program by forcing the taxpayers to subsidize the everyday operating expenses of local first responders, taking over, in essence, the funding of the local firemen.

Given our Nation's dire fiscal situation, we must take a stand that it is not the Federal Government's job to bail out every municipal budget or to serve as the fire marshal for every city and town across the country.

I want to thank the subcommittee chairman for yielding. And I strongly urge my colleagues to support fiscal discipline and vote ''no'' on this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

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

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

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

□ 1220

AMENDMENT NO. 404 OFFERED BY MR. WALDEN

Mr. WALDEN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

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

Mr. WALDEN. Mr. Chairman, I am offering this amendment on behalf of my Energy and Commerce Committee colleague, Mr. STEARNS, as well as Mr. TERRY and Chairman UPTON, and my appropriations colleagues, Mrs. EMERSON, Mr. DIAZ-BALART, and Mr. GRAVES of Georgia.

We all want an open and thriving Internet, and that Internet exists today. Consumers can access anything they want with the click of a mouse, thanks to our historical hands-off approach. Changing direction now will only harm innovation and the economy.

I am bringing up this funds limitation today to prevent the Federal Communications Commission from spending funds to implement its network neutrality rules regarding the Internet. It is a stopgap measure while we work toward passing a more permanent solution, a Resolution of Disapproval, H.J. Res. 37, which would nullify the rules themselves. And I would encourage everyone who cares about keeping the government out of the business of running the Internet to cosponsor that resolution.

Before we even get into the harm the network neutrality rules would cause, it is important to realize the FCC's underlying theory of authority would allow the Commission to regulate any interstate communication service on barely more than a whim and without any additional input from the Congress. In essence, the FCC argues it can regulate anything if, in its opinion, doing so would encourage broadband deployment.

I am relieved, however, that the FCC declined under its newfound authority to regulate coffee shops and bookstores, airlines, and other entities. Now, this of course means that the FCC believes that if it had not so declined, it would have subjected WiFi and coffee shops and bookstores to government management.

If left unchallenged, this claim of authority would allow the FCC to regulate any matter it discussed in the national broadband plan. Recall that the FCC concluded that consumers' concerns over privacy are deterring broadband. So does that mean the FCC can regulate Internet privacy?

The national broadband plan also addresses health IT and distance learning, smart grids, smart homes, smart transportation. Can the FCC regulate all these matters, too, in the name of promoting broadband? Under the FCC's rationale, its authority is only bounded by its imagination.

The Internet started as a Defense agency project to connect computers at research facilities. It did not become the explosive driver of communications and economic growth it is today until it was opened up to free enterprise to participate in. And the American entrepreneurs and innovators did what they did best: They grew jobs and they created new technology.

As early as the 1970s, the FCC took a hands-off approach to data services. FCC Chairman William Kennard reaffirmed this approach during the Clinton administration. In rebuffing requests to regulate cable Internet access service, Chairman Kennard explained in a 1990 speech, and I quote, ''The fertile fields of innovation across the communications sector and around the country are blooming because, from the get-go, we have taken a deregulatory competitive approach to our communications structure, especially the Internet.''

There is no crisis warranting departure from this approach. Most everything that the order discusses is either an unsubstantiated allegation or speculation of future harm. The FCC even confesses in its order that it has done no market analysis. It only selectively applied the rules to broadband providers, shielding Web companies.

If the mere threat of Internet discrimination is such a concern, and if the FCC has done no analysis to demonstrate why one company has more market power than another, why would discrimination by companies like Google or Skype be any more acceptable than discrimination by companies like AT&T or Comcast?

Instead of promoting competition, such picking of winners and losers will stifle the investment needed to perpetuate the Internet's phenomenal growth, hurting the economy.

Section 230 of the Communications Act makes it the policy of the United States to ''preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation.''

Statutory statements of policy are not grants of regulatory authority, but they can help delineate the contours of

that authority. In light of Congress' statutory pronouncement that Internet regulation is disfavored, the FCC's theory of regulation by ''bank shot'' stretches too far.

At bottom, this is little more than an end run around the D.C. circuit court's April 2010 ruling in the Comcast case that the FCC failed to show it had ancillary authority to regulate network management. Therefore, I urge your support of this amendment, as well as your support of H.J. Res. 37, our resolution of disapproval.

I yield back the balance of my time.

Mr. SERRANO. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

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

It shouldn't surprise me by now, but it's amazing how folks will continue to get up during the day, during the year, during the next 2 years in support of the big guys against the little guy. And so the FCC ruled, and ruled in a way that protects and keeps the Internet open for all of us, and we should remember that.

It issued an order providing for a version of net neutrality that allows the FCC to regulate how Internet service providers manage access to content, requires certain transparency from the providers about their policies, and requires reasonable management of traffic on their networks. Now, all of a sudden there is such a reaction to simply setting some rules.

While we all use the Internet, there are still many parts of this new service behavior that have not been looked at and where it allows some folks to just overrun other people. And if there was ever a decision made by the FCC that's in favor of the consumer, this is one of them. So, of course, we will try to scale it back.

But there are other issues here. I am a member of the Appropriations Committee, and, as such, I think it's the greatest committee and the most important committee in the history of man- and womankind. But I know that there are times that even we should not take up an issue that belongs to people who are much more qualified and have the time to sit down and look at it carefully. And when I say ''qualified,'' I know that scares a lot of people. We're all qualified, but there are some people who pay a lot of attention to this issue on a daily basis. And we have the folks from the Commerce and Energy Committee who have done a lot of work, and my first feeling here is that this should be left to the authorizing committees to continue to work on. In fact, they have been holding hearings and doing that kind of work.

One of the great virtues of the Internet: its openness. The ability of so many people to connect with so many other people without interference from companies providing the service. The FCC has been the guardian of that openness and needs authority to continue to do so.

The Internet has become more and more important in our lives, and we need to allow the FCC to play an appropriate role in making sure that it continues to remain accessible to everyone as a level playing field.

The FCC's ability to address other Internet policy concerns such as privacy and accommodation for people with disabilities is also at stake.

Now, for Members who are on the floor who may be new to Congress, let me just alert you to something. You are going to see amendments today and during this Congress telling the FCC not to get involved. Then you are going to see some issues come back that haven't been around for a few years about certain personalities on radio and TV, and you are going to see the same folks who are telling the FCC to stay out of it telling them to get into it and control what those folks say on radio and TV. And that's going to create a big debate once again. So we have to be careful what we wish for. Do we want less involvement? More involvement? We should be consistent.

Lastly, I really believe that this should be left to the authorizers to continue to work on, a ruling by the FCC to be respected at this point, and I urge a ''no'' vote on this amendment.

□ 1230

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I rise in support of this amendment. As the chair of the subcommittee that has oversight over FCC from the appropriations standpoint, I feel very strongly that in spite of what my friend on the other side of the aisle said with regard to the authorizers doing their work because they are doing a good job, but the fact of the matter is, as usual, the regulators have swept in again and without authority, or at least moving well past authority that Congress provides to agencies, and particularly to this agency, they have run in with a sweeping regulation that if we don't do something today about it, they will put small businesses like Boycom in my district, which is a family-owned business, husband and wife who own a small company, who will be devastated by this regulation.

The fact is that it is our responsibility to legislate, and the regulators should follow the legislation that we write and we pass and get signed into law, not create it on their own. Certainly this is very, very important for us as appropriators. As a result of the FCC overstepping its bounds, we have to get involved. So I would urge a ''yes'' vote on this amendment.

I yield back.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. STEARNS. The gentleman from New York has indicated that this is the big guys against the little guys. Actually, he has it wrong. But if the government steps in and regulates the Internet, then really the little guy, the upstart company, won't have a chance. So anytime the government comes in and stipulates through regulation, it really hurts the little guys. The big guys can handle the litigation. They can handle all the legal forms and filling them out and handle the politics of it, but the little guy has no chance. So this really is trying to help the little guy.

The other point is, I think as the gentlelady pointed out from the Appropriations Committee, the FCC really doesn't have the jurisdiction. This belongs in Congress. So really this amendment in a larger sense is trying to prevent the FCC from regulating the Internet.

I think all of us agree that one of the bright spots of this economy has been the technology sector; yet for some reason the FCC has decided to step in and overstep its bounds and apply perhaps 19th-century regulation.

They would really like to put this into title II, which is the old rotary telephone service, instead of keeping it in title I, which is information service. So they tried to compromise and put something into title I. But they still have a process in place to put Internet regulation into title II. They have created a chill in the broadband economy because a lot of the manufacturers and a lot of the Internet providers and people who are putting down broadband see this open process and are concerned. So it creates a chill because they see the FCC still going about considering regulating the Internet under title II instead of the information services so again there is uncertainty created in the broadband marketplace.

I think this amendment is simple. In a sense it says the FCC does not have the jurisdiction, and in a larger sense says we don't need the government to step in with new and cumbersome regulation.

At this point let me yield time to the chairman of the Energy and Commerce Committee.

Mr. UPTON. Thank you, Mr. STEARNS.

I rise in strong support of this amendment offered by my friends Mr. WALDEN, Mr. STEARNS and others on both the authorizing as well as the Appropriations Committee.

There is an old adage, if it ain't broke, don't fix it. The Internet is not broken. It is working. It is creating jobs. Look at all the devices out there, whether it be iPods, iPhones, BlackBerrys, cell phones. Look at all the things that are working. We don't need regulations on the Internet.

I think it was George Will that said that most Americans think the government doesn't work so well and the

Internet does. Why are we allowing the FCC then to regulate the Internet? It makes no sense.

This amendment denies funds to the FCC to implement this order. It is a good amendment. I would like to think it would be bipartisan. I support the authors that are offering this.

Mr. STEARNS. I would just close by saying it is not appropriate for the unelected FCC to regulate interstate communication services on barely more than a whim and without any additional input from the United States Congress. If left unchallenged, this claim of authority would allow the FCC to do anything, anything it could allege to promote broadband under their jurisdiction, which they don't have.

So Congress must stop the FCC. This amendment will do that just by preventing any money from being spent to implement these rules. I urge its adoption.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

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

Mr. WAXMAN. I thank you very much for recognizing me.

Mr. Chairman, I rise in opposition to the proposal.

This amendment is bad policy. It would overturn a decision by the FCC enacted last December that would protect the Internet from those who might interfere with the ability of consumers to access whatever they want.

Mr. UPTON simply said a minute ago a lot of jobs are created by the Internet. Well, that is why we shouldn't stop the FCC. The most vibrant sector of our economy today is our Internet economy. U.S. companies like Google, Facebook, Amazon and E-Bay are leading the world in innovation; and they all urge the FCC to protect and open the Internet because commonsense baseline rules are critical to ensuring that the Internet remains a key engine of economic growth, innovation and global competitiveness. In fact, these high-tech and high-growth companies urged the FCC to adopt even stronger rules than it did.

Contrary to the hyperventilated rhetoric from the majority, the FCC rules do not regulate the Internet. They do not grant the government the power to turn off the Internet. They do not determine what content is appropriate for users to access. Their goal is just the opposite. They prevent Internet gatekeepers, like Verizon, from deciding what content their subscribers can access.

But the FCC rules were a very light touch regulation, and it is notable that AT&T, Comcast and Time Warner, three of the Nation's largest network operators, support these rules. As AT&T's CEO stated, ''We didn't get everything we wanted. I wanted no regulation. But we ended at a place where we have a line of sight and we know we can commit to investments.''

Major Wall Street investment analysts have concluded that the FCC's open Internet order removed any regulatory overhang for telecom and cable companies and reflected a light touch version of regulation that will not hinder innovation or growth.

Now, what is at stake here is those who are offering this amendment to stop the FCC from doing what it has ordered want the people who carry the Internet able to restrict the access for consumers and creators who have used the Internet for such great success. That would be a serious mistake.

We had a broad, diverse coalition of more than 120 organizations, including public interest groups, religious leaders, technology associations, labor unions, Internet companies and small businesses who wrote to us strongly opposing the Republican efforts to block the open Internet regulations. They argue that overturning the regulations would eliminate the FCC's ability to protect innovation, speech and commerce on broadband platforms.

If we stop the FCC from regulating, well, then we leave the status quo, which means that those who deliver the Internet into our home can start regulating it themselves. The American people, I think, would be against this. They want us to stop this re-litigation of FCC's sensible open Internet rules. We should be working together on a bipartisan solution to expand broadband access and create tomorrow's economic opportunities.

The FCC took landmark action to preserve the open Internet. Let us not roll back the clock and stop those regulations by the FCC to preserve the open Internet from being put into place.

I urge opposition to this effort. And I want to say that this does not save any money. This proposal will not cut costs. This is only about policy, and the high-tech high-growth companies have urged the FCC to adopt these rules. We shouldn't use the appropriations process to make this effort to stop the FCC from doing its job.

I yield back my time.

□ 1240

Mr. GRAVES of Georgia. Mr. Chairman, I move to strike the last word.

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

Mr. GRAVES of Georgia. Mr. Chairman, I'm here today in support of this amendment, and I want to thank those who have been working in this effort—Mrs. EMERSON, Mr. WALDEN, Mr. UPTON, and Mr. DIAZ-BALART. I appreciate them letting me join in this debate.

As we've heard a lot of the conversation, it gets complicated sometimes when you have elected officials get up and start talking about broadband and Internet and FCC. Well, let's make it simple. Government control means uniformity, regulations, fees, inspections, and yes, compliance. Just think if those words had existed since the 1990s with the Internet. We wouldn't know one thing about ''broadband,'' let alone a ''tweet.'' The Internet's marketplace is defined by fierce competition, and that competition has transformed this world with innovation, investment, and what we need most of all right now—jobs. It's possible that the most intelligent and bipartisan policy that Washington has had thus far has been to leave the Internet virtually untouched by the Federal Government and regulators. And the result? Internet-based industries have flourished and employed a generation of Americans. So let's be clear today: there is no net neutrality crisis.

The speed and depth of the Internet as we know it today came from consumer choice and competition. Consumers have successfully picked those winners and losers, not government, and they've done it without the FCC's help. Imagine that. Consider the choices in rate plans, the various points of access, and demand for openness and accessibility. A service provider that restricts access would do so at their own peril and to the prosperity of their competitors.

So after all the life-changing innovation, the accidental billionaires, President Obama's revolutionary e-campaign, after all the groundbreaking technology that has defined this age of the Internet, we must ask that question, Why? Why would unelected bureaucrats at the FCC want to take over and feel good about this Internet takeover right now with their new rules and policies, keeping things neutral being their claim. Well, three words come to mind to me today, and that is: Trojan Horse virus.

So, Mr. Chairman, let's pass this amendment today and let's install some antivirus protection for Americans on the Internet.

I yield back the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I move to strike the last word.

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

Mr. MARIO DIAZ-BALART of Florida. Thank you, Mr. Chairman.

I want to really just echo what the gentleman from Georgia just did here on the floor of the House. He actually brought some common sense to this debate. Everybody has their talking points and their little notes and they're reading them and they're trying to confuse the issue. Let's take a step back, if we might, Mr. Chairman. Let's just ask a very simple question, a very simple question. Can somebody name an area in this country or in this world that has had more innovation, that has blossomed more, that has opened up communications and connected people more in our country or anywhere in the world in the last decade than the Internet? Can anybody name it? Anything. No. It's impossible.

Think about what's happened. The Internet was even recently credited for helping bring down the government of

Egypt. It's allowed the people to see the atrocities in Iran. It's allowed things like Facebook and Twitter and iPhones to blossom. It's given access to millions of people, and it has created millions of jobs.

So what is the answer then for that incredible blossoming of something that has revolutionized the way we communicate, that the world communicates? What is now the answer of the Federal Government? We keep talking about letters. It's the Federal Government. What is the answer of the Federal Government to deal with that unprecedented blossoming, of innovation, imagination, of job creation? Oh, Mr. Chairman, the Federal Government now has to regulate. Why? Because it's too much innovation. The prices have dropped too much. It's too much imagination. It's too positive. And, therefore, the Federal Government must step in because the Federal Government can do it so much better. The Federal Government has all the answers.

Mr. Chairman, a little bit of common sense. I'm talking to my colleagues here but also to the American people. If you believe—and think about 10 years ago—if you believe that the Federal Government, if it's in charge, if it would have been in charge, would have done a better job in blossoming this innovation, this job creation, then you have to be with our friends on the other side of the aisle. You then should support Federal Government intervening, taking care of, regulating the Internet. But if you believe that that miracle of innovation took place because of individuals, people with imagination, and because the government got out of its way, you would support this amendment.

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

Mr. MARKEY. Mr. Chairman, I move to strike the last word.

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

Mr. MARKEY. Mr. Chairman, I think a little bit of telecommunications history would be appropriate at this juncture. First of all, just let me explain that AT&T and the regional Bell companies had nothing to do with the invention of the Internet. In fact, they were asked by the Federal Government in 1966 if they wanted the contract to build the packet switch network that would operate simultaneously with the Long Lines Network across the country, and AT&T and Bell South and Verizon all said, No, we don't want to build the packet switch network. Give it to someone else. And so they did. They gave it to a tiny company, Bolt, Baranek and Newman up in Massachusetts, which built the Internet across the country, designed it, without any of the Bell operating companies.

Back in the 1960s and the 1970s, when people said to AT&T and said to Verizon and said to Pac Bell, How about allowing people to be able to go out and buy another phone other than a black rotary dial phone? Well, here's what AT&T and Bell South said. They said, If you allow someone to buy another phone other than a black rotary dial phone, it could destroy the entire phone system of our country.

Back in the 1970s and early 1980s there were new companies called MCI and Sprint that wanted to provide competing long distance service. Remember, up until the mid-1980s, whenever grandma called from California, people would run to the phone saying, Run, it's long distance. It costs a dollar a minute. That was AT&T, that was the Bell system across our country. No competition, no incentive to introduce innovation, no incentive to lower prices, no incentive to make the consumer the king.

And then along comes the 1990s and 2000s. We here on the floor of Congress said we must introduce competition. This system—this AT&T, this Bell South, Verizon, Pac Bell system—it does not innovate. Not one home in America had broadband in February of 1996 when we passed the Telecom Act here. We had to order it. There were no broadband users in America in any home as we passed the bill.

So what we tried to do is to induce Darwinian, paranoia-inducing competition. What do the broadband barons seek to accomplish? They, as the private sector, want to quash competition. They don't ever and they never will invent a Hulu, an Amazon, an eBay. They will never invent any of these thousands of smaller companies which are the engine of economic growth in our country, which leads to our ability to export these products.

Verizon is not going to invent anything to do. What they want to do is squeeze the competitors. Price them out of the market so that they can maintain a monopoly or an oligopoly across the country. That's what this debate is all about. That's what the FCC rules are saying. They're saying that the new Steve Jobs, the new Bill Gates, the new Sergey Brin or Larry Page in the garage somewhere—and there are thousands of them across the country—must be able to get into the marketplace to create these new jobs without having to be tipped upside down and having every last cent poured out of their pocket to pay these large companies. That's what this debate is all about. It's about whether or not we want vigorous competition in the marketplace. Those who are opposed to the open network, those who are opposed to giving every competitor equal access with the biggest broadband behemoth, that is what this debate is about.

□ 1250

They're covering it as though the government is really trying to control the Internet. Not so. They are siding with the broadband barons against those thousands of companies who are out there, who have reinvented telecommunications and information delivery in our country and across the planet just 14 years after the Bell system had 100 years to do so and had invented every single technology. They had invented them all, but they had no incentive to deploy those new technologies because they had a monopoly.

That's what the debate is about. If you vote for this amendment to give control by the broadband barons over the Internet once again, then you will see an inexorable, inevitable decline in innovation, in investment, in the private sector in these new products, these new technologies, these new applications, these new devices which are basically invented by hundreds and thousands of smaller companies in our country. That's the choice you have. Vote ''no'' on this amendment that shuts down the Internet.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, this is such a fascinating debate that's taking place here on the floor today. I think that anyone that considers themselves connected in the country—and I'm not talking about being connected to wealth but connectivity in terms of communications—I hope you're tuned in, because this is a consideration about preserving the open Internet and broadband industry practices.

Now I don't know how many of you have spoken to your kids, but I have to tell you, if you've had a conversation with any young person in your family, and I don't remember what the average age is of Congress, but talk to young people in your district. And I want to tell you, they will say, over and over and over and over again, the way they spoke to the FCC, over 2 million people contacting the FCC, over 90 percent of them saying, Leave the Internet alone. Leave it alone. Leave it open. Leave it accessible to everyone.

In just over 5 years, $250 billion has been invested by the venture capital community, which makes its home in my congressional district. And I have to tell you, I think if you took this amendment to Silicon Valley, when you go out there—and I know you travel out there—the next time, go there for an Internet 101 series, not for fundraising, but go listen to people there. That's where the innovators are. And I have the privilege of representing them. They want an open, free, accessible Internet.

I think that your disdain for government is spilling over onto the Internet, and I would caution you to pull up the emergency brake on it, because if in fact corporations get their way instead of consumers, and there is any blockage of content or where consumers have to pay more because corporations are in control instead of consumers, there's going to be a revolution in the country. I would not fool around with an open, accessible Internet. You are barking up the wrong tree. You really are. This is a big mistake.

So you want to hate the government. You want to try and hurt agencies that carry out what the Congress does. That's where your party is. That's where your disdain lies. But I think this is a march to folly. I don't know if you really fully appreciated the Internet and what it represents and what it has done, not only for the people of our country but for people around the world. You wouldn't go near this.

If you suggested to anyone in Tahrir Square in Cairo that you were doing this, I think they'd laugh a lot of people off the floor of the House of Representatives. This is so wrongheaded. And it says to me that you don't get it; that you simply don't get it. Without some clear rules of the road—and believe me, what the FCC did is so light. I thought that they could have done, and should have done, more. Large corporations carve up the Internet into fast and slow lanes charging a toll for content and blocking innovators from entering the information superhighway. You know what? I want to be at your town hall meeting when you have to explain that to your constituents. They will have your heads for that. They will. This will supersede any other issue.

So, my friends, anyone that considers themselves in the know in the beginning of the second decade of the 21st century, let's not turn the hands of the clock back. Let's be on the side of innovators, who weighed in at the FCC, and I as the ranking member placed all of those letters of support representing hundreds of organizations in our country, all the way from the Catholic Conference of Bishops in our country to TechNet.

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

Ms. ESHOO. Vote against this. This is a bad, ill-informed amendment.

Mr. Chair, I rise in opposition to the amendments before us today that would prevent the FCC from moving forward in its efforts to preserve a free and open Internet. Over the past 15 years, the open Internet ecosystem has resulted in more than 3 million new U.S. jobs.

In just over 5 years, $250 billion has been invested by the venture capital community in industries reliant on an open Internet. During this time, we've seen innovative companies like Netflix, Skype, Amazon and eBay flourish. These Internet companies have created tens of thousands of jobs and new competition in areas like phone service, video and online shopping, not just in my District, but across the nation.

Without some clear rules of the road, large corporations can carve up the Internet into fast and slow lanes, charging a toll for content, and blocking innovators from entering the information superhighway.

I believe consumers, not corporations, should be in the driver's seat to pick the content they view, listen and watch over the Internet.

The FCC's actions to preserve an open Internet would ensure consumer choice, certainty and greater clarity in a debate that has gone on for almost a decade. The FCC's rules are important for Internet service providers as well as edge and content providers, so they may focus on investment, innovation, and job creation.

We must ensure the Internet remains a vital resource to improve the lives of Americans and everyone around the world for generations to come.

I stand united with my Democratic colleagues on the Energy and Commerce Committee, that these amendments represent bad process, they reflect bad policy for our nation and should therefore be rejected.

I urge my colleagues to oppose these amendments and protect a free and open Internet for generations to come.

Mr. DOYLE. Mr. Chairman, I move to strike the last word.

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

Mr. DOYLE. I rise in opposition to the Walden amendment.

Mr. Chairman, the FCC's Open Internet Order brings certainty and clarity to a debate that has raged on for almost a decade, allowing Internet service providers as well as edge and content providers to fully focus on broadband investment, innovation, and other pressing business matters. In fact, broadband providers like AT&T, Time Warner and Comcast have all expressed support for the rules and have indicated that the FCC has achieved a balanced result. Wall Street investment analysts have also concluded that the FCC's Open Internet Order removed any regulatory overhang for telecom and cable companies and reflected a ''light touch'' version of regulation that will not hinder growth and innovation.

At the end of the day, the FCC's rules simply maintain the status quo principles that most broadband providers have already embraced. The rules preserve a number of existing business models for broadband providers to pursue as well as paving the way for new innovative offerings. Contrary to the claims by opponents of the FCC, these high level ''rules of the road'' do not allow the agency to micromanage broadband providers. They balance clarity with flexibility. And they don't require broadband providers to seek permission from the commission before deploying a network management practice. In fact, the rules specifically recognize the unique network management challenges across different platforms and afford broadband providers the latitude they need to manage their networks effectively.

Some opponents of the FCC argue that we don't need any rules in this area because antitrust laws are sufficient. But antitrust remedies occur after harm occurs. These rules, in contrast, allow companies and innovators regulatory certainty, a key component that allows businesses to thrive.

Mr. Chairman, the FCC's open Internet rules are just these three simple promises:

One to consumers—that we can visit any Web site we want, using any service we want, on any device we want.

Two for innovators—that they can create new tools without getting permission from the government or the company that the consumers use to get online.

Three—that we provide a cop on the beat to make sure that both sides are doing what they're supposed to and to be a neutral arbitrator. That's all this does.

□ 1300

I urge my colleagues to vote ''no'' on this amendment. It represents bad process and bad policy, and it should be rejected.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. As a general matter, the Chair must remind Members that remarks must be addressed to the Chair and not to others in the second person.

The Chair is not referring to the remarks of the gentleman from Pennsylvania.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. TERRY. Mr. Chairman, I rise in favor of this amendment because I believe in a free and open Internet.

It was December 21, less than 2 months ago, that the Internet lost its freedom when the FCC, on its own, initiated an order, a rule, to start regulating the Internet.

Now, who believes that by regulating it you are creating freedom?

When the system was unregulated and when the FCC couldn't micromanage the Internet was during the time when innovation and investment occurred on the Internet and in the cyberworld. That's when we got the eBays, the Hulus, the Apple TVs, and all of the great applications that we use today. So, when I go back to my district and look my constituents in the eye, I can honestly say I am the one fighting to keep the Internet free and open.

There are three points that we need to discuss here today: First of all, the regulation of the Internet by the FCC is not a congressional initiative. It was three votes on the FCC while Congress was away. Now they think they've got the power, but that's under dispute. There is already a lawsuit telling them they don't have that authority. I don't believe they have the authority. It was an incredible stretch by the FCC to take a sentence out of section 706 of the Telecom Act of 1996 that actually used a phrase about data and that the FCC can't put up barriers. Somehow they assume, now that they have power from that phrase, they can start implementing and putting in barriers.

I worry that these new rules and regulations controlling the Internet will stifle investment in innovation in the long run. Let's look at what this order does that will affect investment.

On the investment side, the power that the FCC has sought to regulate

says that, in the cyberworld, there can't be discrimination. Who wants discrimination unless you find out that it's maybe a business model? For example, as a typical business model, you pay for what you use. If you're at 1 megabit, that may be $14; 7 megabits of speed is a higher price; 20 or 30 megabits is going to even be a higher price. The issue is that some people now say that that is unreasonable discrimination.

In fact, I have an email newsletter from a friend of mine who runs a software company that can stop viruses. I am a client—or soon won't be. But listen to this. This is their interpretation of the FCC's net neutrality, ''What Net Neutrality Means for You.''

Here is what it says: ''Deregulation,'' which is what we are being accused of doing, which is regulating the Internet, ''could mean higher Internet access prices as ISPs institute tiered models that offer speedier downloads to higher-paying customers.''

That is the current business model. You will pay for what you use. If the business model is struck down by the FCC, you won't have the investment. You won't have an expansion of the Internet.

I think it will stifle innovation. Frankly, the creator, the Godfather, the grandfather of the Internet, Dr. David Farber, agrees with this position. He has co-written an article that basically says, if you put regulators in charge of the Internet instead of engineers, it will reduce innovation. It makes sense, because now, if you're a big enough company—like a Google or an eBay—you just hire lawyers and lobbyists to go and lobby the FCC instead of hiring engineers to innovate.

[From the Trend Micro Consumer Newsletter, February 2011]

WHAT NET NEUTRALITY MEANS FOR YOU

Net neutrality has been in the news for some years now, but the Federal Communications Commission (FCC) just released some important new rules on the topic. ''Net neutrality'' refers to the principle that Internet service providers and the government shouldn't restrict content or service levels for different users. In other words, supporters of net neutrality think that ISPs shouldn't favor one user over another when it comes to Internet access.

Net neutrality opponents argue that intentional content blocking and performance degradation is more of a theoretical problem than a real one. They also argue that less regulation, not more, is what's required to create greater competition among ISPs and better service levels for everyone.

For consumers, deregulation of the Internet could mean higher Internet access prices as ISPs institute tiered models that offer speedier downloads to higher-paying customers. Some people also worry that allowing businesses to choose what content or sites they'll offer to whom will result in the commoditization of a formerly free and open environment, akin to the evolution of television from an essentially free service to a highly fragmented and fairly expensive one.

The FCC's new rules appear to favor net neutrality proponents. They require ISPs to be more transparent about network performance and management; they prevent fixed (as opposed to wireless) service providers from blocking content (for example, sites owned by their competition), and they don't allow ISPs to discriminate against specific applications (such as Netflix, BitTorrent, or Hulu). In other words, you can expect things to pretty much remain as they have been—for now, anyway.

The Acting CHAIR (Mr. MACK). The time of the gentleman has expired.

Mr. DICKS. Mr. Chairman, I move to strike the number of requisite words.

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

Mr. DICKS. The gentleman from Nebraska has spoken twice on this issue. Was that by unanimous consent?

Mr. TERRY. Will the gentleman yield?

Mr. DICKS. I want an answer to my question first.

Mr. TERRY. If you yield, it will solve the question.

The Acting CHAIR. The Chair believes that the gentleman from Nebraska spoke only once.

Mr. TERRY. Yield to me, please. Give me a little bit of respect.

Mr. DICKS. I yield to the gentleman.

Mr. TERRY. I spoke one time, which is right now. I don't know who you're confusing me with or why you're standing up right now.

Mr. DICKS. You're such a handsome guy, I thought you spoke twice. I'm sorry.

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

Mr. SCALISE. Mr. Chairman, I move to strike the last word.

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

Mr. SCALISE. Mr. Chairman, I rise in strong support of this amendment because, I think, if you look all across the country—and of course we had a watershed election in November—and if you listen to the voters all throughout this country, as so many of us do who hold town hall meetings—people are tired of all of these government regulations that are killing jobs and stifling innovation. In fact, most people will tell you they are scared to death about the concept of the Federal Government regulating the Internet.

So there was this net neutrality ruling that came up by the FCC in a 3–2 decision where all the Democrats voted for net neutrality, for this regulation, and where all the Republicans voted against. The FCC rarely ever has any kind of major ruling like this on a divided vote.

I think it shows you that there is already controversy. The courts have already said that they don't necessarily have the authority to do this. That's why, as my colleague from Nebraska just pointed out, there is already litigation that is going on because we think the FCC overstepped its boundaries.

You had a bipartisan group in Congress that came together and said, We don't want this kind of action going forward. This is something that should be done and solved in the halls of Congress.

Of course, our colleagues on the other side, Mr. Chairman, haven't even identified a problem. If you actually want to look at it and if you look throughout our economy and at all of the troubles we have with it, one of the few segments that is growing is the technology segment of our economy because of the innovation that has been allowed to thrive, primarily due to the lack of government regulation.

I think that goes to the heart of the real difference between our side and their side. They are the party of regulation, which stifles job growth, which stifles innovation. We are the party that says, let's allow a college student at Harvard University the opportunity to come up with an idea—and he dropped out of Harvard and is now a billionaire. In fact, maybe the largest percentage of billionaires in this country is that of Harvard dropouts, those who actually went out and came up with ideas to innovate, using the Internet, who are now billionaires who are creating thousands and millions of jobs—good, high-paying jobs. These are American jobs. Yet, through this net neutrality ruling, they want to stifle that innovation.

So the first thing, I guess, we would have to ask is: Was net neutrality the reason that we were able to have that innovation that led to Facebook? Was net neutrality the reason that we were able to have such a proliferation of broadband that now over 95 percent of people in this country have access to broadband? By the way, they like it. They're not calling, saying, We want the government to come regulate the Internet now because there's a problem. In fact, they say just the opposite. They say look at this innovation that is happening.

We had a hearing with the FCC yesterday about this issue. One of the FCC commissioners pointed out that, over the last 10 years, Mr. Chairman, over $500 billion—billion with a ''b''—of private investment has been made to develop broadband throughout the country. This is without any kind of taxpayer money.

□ 1310

This is private sector money being put into the marketplace to go and create jobs, to go and create the kinds of technologies that allow you to view and use all the kinds of apps that are available on these kinds of devices. That was done without net neutrality. They would tell you that they need net neutrality in order to have this innovation. Of course, they fail to point out that net neutrality was not in place when all this innovation happened. In fact, most people will tell you that net neutrality is one of the things that's in the way of this kind of innovation, and we're already starting to see a stifling of the growth, a stifling of the private investment because of these threats of new regulations coming in from the FCC.

And that's why it's so important that this amendment actually addresses this problem and says, Federal Government, get your hands off the Internet, allow the innovation to continue, because it happened and it's continuing to happen without that kind of government intervention that they so strongly want through net neutrality.

And so when you look and they talk about these companies that have said that this is a great thing, net neutrality is a great thing. Some of the companies they listed, they failed to mention in that same letter the company said, well, maybe we can live with it but they also have some concerns about it. I didn't hear them mentioning that when they're talking about these companies.

And you look at all of the innovation that has happened, and we're talking about massive job growth. You know, here at a time when our main focus needs to be on jobs, you've got the government coming in with yet another threat of regulation that will stifle innovation and run more jobs out of this country to countries where they don't tell you how to operate your network, they don't tell you what to do with the billions of dollars that you are investing to build broadband.

Maybe our friends on the other side want the Federal Government to be running the Internet because they only want the government to be the one that can tell you what you can and can't do. And, in fact, in our hearing yesterday with the FCC chairman, we pointed out that in this net neutrality ruling, it allows the Federal Government to pick winners and losers. That's not what we should be about. We should be about innovation. We should be about passing this amendment to allow that innovation to grow and get rid of net neutrality.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, I think it is important that we look at what this process of net neutrality is. I rise in support of the resolution that we're bringing to block this funding at the FCC from being used to implement it.

Bear in mind—and I think it's important that we realize this and remember it—after we adjourned from the last Congress and all headed home at Christmas, the FCC convened and the FCC decided that they were going to go where they had no authority to go. They were going to go in and implement net neutrality rules. Now, bear in mind that this body has stood in a bipartisan manner against the FCC taking this action. We have had over 300 Members stand and move forward with letters stating that they didn't think the FCC should move forward. This is an issue that should come back to Congress.

But Christmas week they moved forward and the gentleman from Louisiana is exactly right in his comments. We heard from the FCC yesterday, and we heard about how they plan to move forward in this. Bear in mind, they have not done any analysis that would indicate that there has been a market failure. Indeed, by the actions taken in this body in 1996 in the Telecom Act, adopting a hands-off approach to the Internet and broadband, what we were able to do is see this country go from 8 million to over 200 million users; 95 percent of the country has access. Get this, according to the FCC, over 90 percent of those that have Internet access are satisfied with what they have. That has been done because we left it alone.

Government created the environment. They made the spectrum available, companies came in, bid on that spectrum, secured that spectrum. They spend 60 billion private sector job-creating dollars every single year to build and maintain that spectrum.

When we talk about the creative economy, when we talk about 21st-century jobs growth, much of it is based off of technologies that are going to be attached to, developed, or applied to broadband, the Internet, and Web sites.

It is in support of this resolution that we should all stand. We should vote ''yes.'' We should rein in some of these Federal Government agencies. We should stop the FCC from enacting the fairness doctrine for the Internet.

Ms. MATSUI. Mr. Chair, I rise to express strong opposition to Amendment 404, offered by Mr. WALDEN, and urge my colleagues to vote against it.

The FCC's Open Internet Order brings certainty and clarity to a debate that has raged for almost a decade, allowing Internet service providers as well as edge and content providers to fully focus on broadband investment, innovation, and other pressing business matters. In fact, many broadband providers have expressed support of the rules and have indicated the FCC's achieved a balanced result.

At the end of the day, the FCC's rules simply maintain the status quo principles that most broadband providers have already embraced. The rules preserve a number of existing business models for broadband providers to pursue, as well as pave the way for new, innovative offerings.

Contrary to claims by opponents of the FCC, these high-level ''rules of the road'' do not allow the agency to micro-manage broadband providers. They balance clarity with flexibility. And they do not require broadband providers to seek permission from the Commission before deploying a network management practice.

In fact, the rules specifically recognize the unique network management challenges across different platforms, and afford broadband providers the latitude they need to manage their networks effectively.

Some opponents of the FCC argue that we don't need any rules in this area because antitrust law is sufficient. But antitrust remedies occur after harm occurs. Prophylactic rules, in contrast, allow companies and innovators regulatory certainty—a key component to allow businesses to thrive.

I urge my colleagues to vote no on Amendment 404. It represents both bad process and bad policy, and should be rejected.

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

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

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

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

AMENDMENT NO. 334 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act for Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs may be used to provide grants under the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) to more than 25 high-risk urban areas.

Mr. ADERHOLT. We are prepared to accept the gentlelady's amendment, Mr. Chairman.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I thank the gentleman.

Mr. Chair, while I have serious misgivings about the funding levels for FEMA first responder grants in the CR, my amendment ensures that one program, the Urban Area Security Initiative, is restored to its intended purpose.

By limiting UASI recipients to the 25 highest-risk cities, we will restore its original purpose—addressing the unique planning, equipment and training needs of high-threat, high-density urban areas in order to prevent, protect against, respond to, and recover from, acts of terrorism.

Originally distributed to seven metropolitan areas, UASI has ballooned to 64 regions, many of which are neither high-threat, nor high-density.

Rather than provide the highest possible funding to our most at-risk targets, FEMA made UASI a virtual earmark account. FEMA wastes resources, disregards Congressional prerogatives, and dilutes resources available to truly high-risk areas. For instance, despite a $50 million increase for UASI since Fiscal Year 2008, the New York City area receives less funding despite the grave and growing threats it faces.

We need look no further to Faisal Shazad's failed plot to detonate a car bomb in Times Square in May 2010 or the 2009 arrest of Najubullah Zazi for his role in an attempted bombing of the New York City subway system to understand the disproportionate threat New Yorkers face.

Just last week in fact, Secretary Napolitano testified before the Homeland Security Committee that we are at our most ''heightened state'' of terrorist threat since September 11th.

Now is the time to provide the most targeted cities with the resources they need and deserve. If the CR is adopted and the same number of UASI recipients remains, the New York City region would stand to LOSE nearly $15 million in Fiscal Year 2011 alone—this is totally unacceptable.

To my new colleagues who came to Congress pledging to make government more efficient, this is your chance. Don't let the CR pass with the same number of UASI recipients, shortchanging the top terror target in the country by a $15 million decrease in funds.

While the horrific World Trade Center attacks in 1993 and 2001 were in New York, they were aimed at the United States and all Americans. We all have a responsibility to ensure our most targeted regions are adequately prepared.

I urge my colleagues to support the amendment.

Mr. ISRAEL. Mr. Chair, I rise today in support of the amendment which would provide more funding to New York under the Urban Areas Security Initiative. I am proud to cosponsor this amendment with my colleague from New York.

The Republican's funding bill that we are debating today is, in many ways, putting the future of our Nation at risk. But the cuts made to Homeland Security grants are literally putting our communities at risk and in harms way.

Under current funding levels, the Urban Area Security Initiative provides grants to 64 metropolitan areas, including New York City. As we are all keenly aware, New York City is at the top of the target list for terrorists wanting to strike our country. It is clear that we must do what we can to rein in spending by the federal government, and this requires making difficult choices, but New Yorkers and the American people rely on homeland security measures to keep them safe on their way to work, home or while touring New York City.

I believe that we have to make smart choices, and cutting $12 million that could help New York City prevent the next terrorist attack on this country is not a smart choice. But there is a way to protect our Nation's most-vulnerable targets without adding to the deficit and the amendment I have offered today with my good friend and colleague from New York accomplishes both goals.

Our amendment limits the number of metropolitan areas that are eligible to receive Urban Area Security Initiative funds, increasing the share each eligible city receives. Currently, this Continuing Resolution that my colleagues on the other side of aisle have brought to the floor cuts funding for these critical grants by $87 million. New York City officials estimate this cut will result in a loss of $12 million for the city. That means $12 million less for important technology investments; $12 million less for critical personnel; $12 million less for training for police and firefighters; $12 million less for ongoing counter terrorism operations and overall emergency preparedness.

Mr. Chair, less than ten months ago, Faisal Shahzad attempted to set off a car bomb in Times Square, putting at risk the lives of thousands of New Yorkers, along with visitors from across the country and around the world. The risk to New York City is real and we must remain vigilant.

I urge my colleagues to join me in supporting this amendment and ensuring that the funds we are spending on the Urban Area Security Initiative are going to the cities that are the most at risk.

Mrs. LOWEY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

AMENDMENT NO. 413 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used in Department of Defense overseas contingency operations budget for military operations in Afghanistan until the President to seeks to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, amendment 413 states that none of the funds made available by this act may be used in Department of Defense overseas contingency operations budget for military operations in Afghanistan until the President seeks to negotiate and enter into a bilateral status of forces agreement with Afghanistan.

Mr. Chairman, we've had troops deployed in Afghanistan for nearly a decade now, making this the longest war in our Nation's history, costing more than $378 billion, with no real end in sight. Close to 1,500 brave Americans have been killed, and they've been killed in the line of duty there. Roughly 10,000 have been wounded, and yet the United States does not have a status of forces agreement, or SOFA, with Afghanistan.

The SOFA is a very basic tool which spells out the terms of U.S. military operations in a given country. The United States is party to more than 100 such agreements, for engagements great and engagements small, including Mali, Montenegro, and Micronesia.

□ 1320

We have a SOFA with Iraq, signed in the year 2008, which sets out a deadline for complete withdrawal of troops by the end of the year.

SOFA agreements determine how the laws of the foreign jurisdiction should be applied to U.S. personnel while in that country. They lay the foundation in a number of areas, including economic, cultural, and law enforcement matters.

So it's beyond irresponsible, Mr. Chairman, that in Afghanistan, the country where we are currently waging our longest and most expensive war, we have no such agreement. There is no formal structure to provide rules governing the presence of hundreds of thousands of Americans in that sovereign nation. This must end. It's both morally and fiscally irresponsible. And that's why I have submitted this amendment. It requires the President to negotiate and enter into a bilateral SOFA with the Government of Afghanistan.

A SOFA would establish that the temporary presence of U.S. troops in Afghanistan is at the request and invitation of the host government. It would prohibit permanent military bases in Afghanistan, and it would provide a date no later than 1 year after the signing of the agreement for complete, safe, and orderly redeployment. That includes Armed Forces, civilian DOD employees, and military contractors.

Without a SOFA with Afghanistan, Mr. Chairman, our leaders can continue to extend our occupation indefinitely while the cost surges, our deficit rises, and our economy falters. That is poor military strategy and poor fiscal planning.

A SOFA provides certainty and clarity about what we're doing in Afghanistan and how much longer we need to be there. It would provide the framework and momentum for redeployment consistent with the terms of the Iraq SOFA.

My amendment would move us a critical step closer to an end to this disastrous war, the safe return of our troops back home, and taxpayers' dollars invested in domestic needs right here in the United States.

With that, I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order and I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part, ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? The Chair will rule.

The amendment contains a legislative condition on the availability of funds in the bill. As such, the amendment violates clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT NO. 516 OFFERED BY MR. CAMP

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. __. None of the funds made available by this Act may be used for the opening of the locks at the Thomas J. O'Brien Lock and

Dam or the Chicago River Controlling Works.

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

Mr. CAMP. Today I offer an amendment that is long overdue. Last June, a live bighead Asian carp was discovered 6 miles from Lake Michigan, north of the locks and well past the electric barrier. This discovery shows that Asian carp, one of the world's most rampant invasive species, are at the doorstep of the Great Lakes.

Weighing up to 100 pounds, spanning over 6 feet, and eating half their body weight daily, Asian carp have the ability to decimate fish populations indigenous to the Great Lakes. These giant bottom feeders would destroy the region's $7.5 billion fishing industry as well as the 800,000 jobs that are supported by it. To prevent this catastrophe, ecological experts have said that closing the locks that separate the Illinois River from Lake Michigan is the single most important step we can take to prevent these species from entering the Great Lakes.

In 2009, the Michigan attorney general filed a petition in Federal court to direct the U.S. Army Corps of Engineers to immediately close the locks. This petition was supported by Wisconsin, Minnesota, Ohio, Indiana, New York, and Pennsylvania. Unfortunately, the court denied the petition. But after the court's decision, I introduced the Carp Act, along with Senator STABENOW of Michigan, that would immediately close the locks. And since then, despite the imminent threat of Asian carp, the administration has refused to close the locks and all we have received is promises of studies that will take years to complete.

You will surely hear arguments from those opposed to closing the locks that doing so will disrupt the movement of cargo and cause serious economic harm to the region. Economists who have examined those claims have found them to be grossly exaggerated.

An economic study conducted in 2010, found on the Michigan attorney general's website at: http://www.michigan.gov/documents/ag/1-Appendix__Renewed__Motion__310133__7.pdf, found that if cargo passing through the locks had to be transported by land, it would increase truck traffic in the surrounding area by only one-tenth of 1 percent, or the equivalent of adding two additional freight trains to the over 500 leaving the region each day. Any supposed economic impact of closing the locks would pale in comparison to the multi-billion dollar industries that would be wiped out by Asian carp.

The State of Michigan's response to the administration's Asian carp framework pointed out, ''The Framework's statement that the Chicago lock is the Nation's second busiest ignores the fact that, in 2008, only 39 loaded barges carrying approximately 100,000 tons of cargo, mainly sand and gravel, moved through that lock. Moreover, according to the Corps' own data, the 2008 vessel traffic consisted of 34,000—not 50,000—vessels, mainly recreational watercraft.'' The canal is now only 9 feet deep in some areas.

You will also hear critics claim that this amendment will tie the hands of the Corps in assisting flood emergencies. Again, those claims are not accurate. The Corps has sufficient authority to protect human life and property in the event of flooding and other disasters under the authority granted to it by the Flood Control and Coastal Emergencies Act and other Corps regulations. Those authorities allow district commanders to issue a declaration of emergency and use Corps resources to help State and local authorities respond. Opening the locks to deal with flooding is the exact type of scenario this authority is intended for.

Mr. Chairman, every day of inaction puts the Great Lakes ecosystem, the largest body of freshwater in the world, and the 800,000 jobs sustained at risk. Inaction is unacceptable, and I urge all Members to vote ''yes'' on this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I appreciate the recognition and stand to oppose the gentleman's amendment, first of all, to make the observation, representing the northwest corner of the State of Indiana, that I believe the gentleman is mistaken in suggesting that the State of Indiana supports the closure of the locks. It is my understanding that the State of Indiana opposes the closing of the locks.

I would agree with the gentleman's assertion that we face a very serious problem as far as the carp, and I and others have certainly joined in that concern. As a member of the Energy and Water Subcommittee for over a decade, we have been working acidulously on this particular problem, not only with the Army Corps of Engineers, but with an assortment of State and Federal regulatory bodies, because no one wants carp in the Great Lakes. But I would emphasize to this body that it is a work in progress. And at this point, the closure of the locks is uncalled for.

The second point—and the gentleman talks about the economy, there is an economic issue. Speaking for the State of Indiana, I would point out, if those locks were closed, the impact as far as the loss to economic activity in the State of Indiana is $1.9 billion, and 17,655 jobs in Indiana would be affected.

□ 1330

We're trying to create jobs in this economy, not strike them from beneath us.

And, finally, this issue is not without controversy. It has ended up in the courts. The gentleman's absolutely correct about that. Twice the United States Supreme Court has rejected arguments by the Michigan Attorney General that closing the locks is eminently needed at this point in time.

Last year the State of Michigan brought the question of lock closure before the U.S. District Court for the Northern District of Illinois. On December 2, Judge Robert Dow ruled against the State of Michigan on their request for a preliminary injunction, explaining that the lock closure could inflict certain harm on the economy, and that the State of Michigan had failed to demonstrate that the Asian carp presented an ecological threat to the Great Lakes that was imminent.

So again, I would urge all of my colleagues to oppose the gentleman's amendment.

Mr. CAMP. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Michigan.

Mr. CAMP. I appreciate the gentleman's comments, particularly at the opening of your remarks when you spoke of your involvement in this issue for more than a decade. And the problem we have is we've run out of time. Really, since 2009 when EDNA was found north of the locks, and now we found live Asian carp north of the locks——

Mr. VISCLOSKY. If I could reclaim my time, I understand the finding of DNA. That is not carp. And again, everyone is working on keeping the carps out of the lake. The locks are not impermeable either. And we have court intervention and court rulings on this matter. And again, would ask my colleagues to oppose the gentleman's amendment.

I yield back my time.

Mrs. BIGGERT. I move to strike the requisite number of words.

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

Ms. BIGGERT. Mr. Chairman, this is an issue that has grown and grown and grown. But let me say that I would agree with the gentleman from Michigan, that we do not want the Asian carp to be able to get into the Great Lakes and into Lake Michigan first.

We have been working on this issue for 12 years and it really makes me upset to think that they seem to say, well, nothing has happened, and now it's an emergency, that the Asian carp are going to get into Lake Michigan. Let me tell you that we have set up two electronic dispersal barriers that are in my district to stop the Asian carp from getting through. This is the only path from the Gulf of Mexico to the Great Lakes and these two barriers are there.

The Asian carp are 42 miles from the city of Chicago, and this is an emergency and they have 42 miles to go. They have moved very slowly. Most of the population of the Asian carp are in the Illinois River around Channahon and right now, Channahon, they have a

contract with China to send the Asian carp over to be used as food in China.

The Army Corps of Engineers has been doing everything, and this is for the last 12 years, and the Congress has funded this, to make sure that those Asian carp never reach the Great Lakes. And if they do, it would be devastating. So things that have happened, the two dispersal barriers, the bubble barriers, electro-fishing, oxygenation, rotenone used to kill the fish, the bypass screening barriers to combat the Asian carp.

The problem is, and it's not just that the carp will get in there—and the gentleman from Michigan raised the question of whether this was the only way that the Army Corps has said to stop the carp. It is not. And, in fact, the Army Corps has said that even if the locks are closed, the Asian carp will be able to get through those locks. So this is not the answer. The answer is to find all of these ways to combat that.

Invasive species are legally hard to deal with, but I think what Army Corps and all of the other agencies have been doing is something that we will be able to contain them and eventually—I've been on fish kills before. There were 22,000 fish that were killed to make sure that these Asian carp had not gotten beyond the barriers. Not one of these fish was an Asian carp.

But the problems that we're really facing are economic, devastating to the State of Illinois, devastating to the States below Illinois, down to the Gulf of Mexico, devastating to anyone that is using the locks to send goods back and forth.

And, in fact, we are facing 800,000 jobs lost with the barge traffic. People don't realize how much this is used because of the barge. You're not stopped by a barge when the gates go down. You're not stopped having a barge on the streets.

What has been determined is that if we were to shut down the barge traffic, it would take—oh, well, we just put them on the rail and we put them on trucks. If we were to put these on trucks, if you were to take and line up the trucks from the east coast to the west coast, line them all up across the country and then put them all back going back to the east coast, that's how many trucks would be to be able to move the asphalt, the salt, the coal, all of these big, big items that are used and used in the economic thing of things. As well as the food and everything else that goes up and down.

So I think that the Corps has testified that all the things are working. There is another study out that is going to be finished by 2015. We have got to get this right and they worked. But having worked for 12 years on this, it really upsets me when the gentleman states a study from Wayne State saying that it would only cost $4.5 million in damages for economic. Oh, no. The barge people, all the people estimate it's at least $29 billion.

This bill was to make sure that we can get the economy back, that we can create the jobs. This will destroy jobs.

And I'm also talking about flooding. It will flood the city of Chicago, and it will flood 124 suburbs. I urge a negative vote on this.

Mr. KINZINGER of Illinois. I move to strike the last word, Mr. Chairman.

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

Mr. KINZINGER of Illinois. Mr. Chairman, my friend from Michigan, I appreciate his interest in this issue. I have to strongly stand up and oppose it, though.

The 11th in Illinois, which is my district, is very, very focused and very reliant upon the ability to move commerce, the ability to have transportation, the ability for free flow of goods back and forth. That's a major, major industry in my district. A lot of jobs rely on that.

One of the great assets we have is the ability to float goods. That's a great thing. The fact of the matter is, when we talk about closing the locks and dams, we talk about the entire Chicago region's water and sewer infrastructure system is built on the idea that water flows out of Lake Michigan via the lock system; and cutting those off would completely devastate the area.

Possibly closing the locks permanently is totally not a solution to the problem. As most people have seen, the locks themselves are not even completely sealed. Even when closed, it still allows for some leakage.

At a time when we are addressing a continuing resolution, we should give the Army Corps of Engineers time to finish their study. Let's continue to be cautious. We're talking about $30 billion in commerce that's going to be affected in my area because we want to quickly make a judgment on this. I understand the passion. I understand the concern, but let's be very cautious.

At a time when the Chicago area, when my district has an economic downturn and people are waking up every day wondering if they're going to be able to feed their family or if they're going to have a job the next day, or people are driving on the interstates wondering if they can even get to work on time because there's already enough trucks, and now we want to add more and more trucks if we close these. That is the absolute wrong answer to this.

And so I'm asking, let's defeat this in this continuing resolution. Let's give the Army Corps of Engineers the time they need.

I ask my fellow colleagues to stand up and oppose this. It's too quick. We have to be cautious. We have to wait. We have to see.

When we took the majority, one of the things we talked about is being cautious when we get involved in free market and commerce; and we've talked about that caution and what we want to do to create jobs and what we want to do to allow people to get back to work and to solve this deficit not just by cutting spending, but by cutting the unemployment rate.

Well, I'm telling you, this would be terribly devastating for the people in Illinois, for the people in the 11th district and, frankly, for folks in the region.

□ 1340

Mr. CAMP. Will the gentleman yield?

Mr. KINZINGER of Illinois. I yield to the gentleman from Michigan.

Mr. CAMP. I very much appreciate the gentleman yielding.

And I just want to comment, the gentlewoman from Illinois mentioned about her 12-year involvement in this issue. In fact, she and I worked very hard in 2006 to get the first funding for the electronic barrier, but that was 5 years ago. To wait for the study that I hear my colleagues call for is another 5 years. How much time is it going to take before we eliminate the threat to the entire Great Lakes ecosystem?

Again, I appreciate the gentleman yielding.

Mr. KINZINGER of Illinois. No problem.

I understand, this takes time. When we talk about affecting $30 billion in economic commerce, I would expect that to take some time.

Now, again, I appreciate the concern. I appreciate everything we're dealing with. This is a very serious issue. But, my goodness, the people in my district are already waking up wondering if they are going to have a job tomorrow, begging the free market to work. And that's all we're asking.

If we want to take this up at a later time, fine. But is it really appropriate, when we're debating hundreds of amendments to a continuing resolution, for this to be the area where we do something that's, frankly, been working or has been in study for 5 years and has a lot more to go?

I yield back the balance of my time.

Mr. DOLD. Mr. Chair, I move to strike the last word.

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

Mr. DOLD. Mr. Chairman, I rise today in opposition to this amendment. As a resident of the Chicagoland area and a lifelong resident of the State of Illinois, this amendment would have devastating implications for the economy. Right now we need jobs. Everybody on both sides of the aisle has been talking about how we need to jumpstart the economy and put people back to work.

I have a great amount of respect for the chairman and his work, but I think this is an amendment that is going to have devastating implications for people all across that region. It's going to look to cost approximately $29 billion.

When we look at the amount of commerce that's going to be coming up from the Gulf of Mexico, through the Mississippi River, into the Chicagoland area and, yes, through the Great Lakes

and back and forth, this is something that we must, at this point in time, not rush to judgment.

I recognize that we have been studying this problem for a period of time. I recognize that there are actually even interim studies. In fact, there is an interim study that's even out. Interim study number 3 has been actually out allowing us to move forward and to try to address some of the problems.

I would ask my colleagues that we do not rush to judgment. This is a decision that will have an enormous effect on thousands of jobs and on commerce across the Great Lakes going actually down to the Mississippi River and into the gulf. Today when we're talking about jobs and the economy, we have to look at how many things we can promote.

I spent time in, actually, the locks. I have gone through the locks several times. I use them not only for recreational use, but I have also seen the barges come through. This is a very active lock, and it's one that we need to make sure is alive and well.

I do want to recognize that we have a problem with Asian carp. It's not one that we want to ignore, and certainly please hear that I am not saying that we should ignore it. I think that we need to continue the studies. We need to be looking at alternative ways to try to prevent it from invading the Great Lakes.

No one is going to be a greater proponent of the Great Lakes than I am, but this is an amendment that I ask my colleagues on both sides of the aisle to rise up and stand against.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

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

Mr. DAVIS of Illinois. Mr. Chairman, I simply rise to concur with the last group of speakers who have indicated that they were in opposition to this amendment.

I have worked with individuals in the State of Illinois for the last several years. My congressional district runs right along Lake Michigan, and we have had a tremendous amount of effort to try and resolve this problem. It has not been resolved. And I would plead for more time, more study, more opportunity to come up with a resolution that works for all of the Great Lakes area, not just for some to the detriment of others. I strongly oppose this amendment.

I yield back the balance of my time.

Mr. PENCE. Mr. Chair, I move to strike the requisite number of words.

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

Mr. PENCE. Mr. Chair, I do rise today in opposition to the amendment offered by my friend and colleague, Mr. CAMP, from Michigan. And let me say, I think I take a second chair to no one in my respect for the gentleman from Michigan. I respect his passion and his leadership on the Ways and Means Committee and his passion for the ecosystem known as the Great Lakes. I know it's sincere and it's real. And this problem is real.

Anyone who has taken more than a passing glance at the issue of Asian carp recognizes that this is a serious but manageable threat to the Great Lakes region. It is one that deserves the continued attention of this Congress and this administration and the States within the Great Lakes region.

But that being said, I rise in opposition to the Camp amendment for the following reasons:

Principally, because I believe that this amendment would have a devastating effect on Hoosier jobs and the Ports of Indiana.

The Camp amendment would prohibit the Army Corps of Engineers from operating the navigation locks located in the city of Chicago.

It is the only waterway in the Great Lakes system with access to the Mississippi River Basin.

The separation of the Great Lakes from the Mississippi River will cost thousands of jobs and will cause great harm to many Hoosiers who manufacture and grow our products. According to a study by the Ports of Indiana, commerce through the Chicago locks is responsible for $1.9 billion in economic activity and nearly 18,000 jobs in my home State.

In addition to the economic damage this action will inflict, I would submit respectfully that there is no evidence that actually closing the locks will definitely keep the Asian carp out of the Great Lakes. The U.S. Fish and Wildlife found a year ago that there is no ''combination of lock operation scenarios that experts believe would lower the risk of Asian carp establishing self-sustaining populations in Lake Michigan.''

In fact, according to the Asian Carp Working Group, there are dozens of alternative methods fully to be explored. And Indiana is fully participating in the Federal Government-led effort to stop the Asian carp migration. Electronic barriers have shown promise. We need to continue energetically to work in that area. The gentlewoman from Illinois also outlined different areas.

Let me say, while I urge my colleagues to oppose the Camp amendment, allow me to use this moment to say that we will continue to lock arms with the gentleman from Michigan, with our neighbors in Michigan, our neighbors in Illinois to deal with what is a very, very real threat to the ecosystem, to commerce in the area, and to the enjoyment of the waterways in the area.

Mr. CAMP. Will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Michigan.

Mr. CAMP. I appreciate the gentleman's words and also his commitment to try to work together to resolve this issue, and I appreciate the arguments he is making. But the concern on the economics argument is that the damage to the Great Lakes, if this problem is not addressed, is irreversible and cannot be calculated. I can cite the statistics on the jobs and economic impact, but the ecosystem, the damage to that cannot be remedied.

The concern I have is this has really been a problem since 2006, when we worked to get the electronic barrier, which has not worked. And here and now we are, in 2011, saying let's wait another 5 years for the Army Corps to complete their study, and the problem is more imminent than that. And I cannot seem to get the administration to move on the immediacy of the threat to the system.

I thank the gentleman for the time.

Mr. PENCE. I was pleased to yield to the gentleman.

Let me just say that the demonstration projects of the electronic fence began slightly before 2006. The fence and the studies are ongoing.

Let me say, on behalf of other Hoosiers in that delegation, we're not patient to wait 5 years for action. We will continue to work with the gentleman from Michigan to work, Mr. Chairman, on behalf of immediate action and continue to call on this administration. The economic impacts are devastating. The impact on the ecosystem broadly would be equally devastating, and so we join the gentleman from Michigan in calling for urgent action by this Congress and this administration.

I just respectfully offer that both with regard to its economic impact and with regard to its questionable effectiveness, that dealing with this from the standpoint of the locks and this continuing resolution is not the best approach. So I urge my colleagues to oppose the Camp amendment.

I yield back the balance of my time.

□ 1350

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

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

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

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

AMENDMENT NO. 576 OFFERED BY MS. ESHOO

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to enter into any contract with a corporation or other business entity that does not disclose its political contributions.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, one of the things I admire the most about our country is our commitment and our love for democracy. We were founded on the ideal that it is the people who choose their government. We believe in the principle of one person, one vote; not $10,000 or $100,000 a vote. We believe in the free exchange of ideas to be able to decide which candidates deserve our votes.

But money, and lots of money, heaps of money from undisclosed sources, are having a corrosive influence on our political campaigns. Money distorts the voice of a particular point of view, making that voice seem louder, making it seem more influential, or making it seem more persuasive than it actually is.

We don't know who is saying what to whom. Is it Big Oil? Is it polluters? Is it the insurance industry? Is it the tobacco industry? All too often these distorted views come from corporate interests, and they try to undermine the public interest through campaign expenditures. These corporate interests can buy elections by throwing hundreds of thousands of dollars into a race for a particular candidate with attack ads against another.

Last year, sadly, the Supreme Court overturned landmark law and other centuries-old precedents aimed at limiting the influence of corporations in our elections. Now, today, we have stealth organizations formed for the sole purpose of running attack ads, and the American people don't have a clue who is footing the bills. The American people have a right to know who is trying to influence them, and if corporations want to try to persuade voters about their point of view, then they should stand behind their words.

Let voters judge the facts for themselves. Voters are smart. Let them make up their own minds on election day, as long as they have full and accurate information about the interests that are at stake.

So my amendment is a commonsense solution to a difficult political problem. It requires that any company that does business with the Federal Government disclose their political contributions. Period. It is simple, it is clear, it is fair, and it is called disclosure.

This amendment says if you are a Federal vendor receiving taxpayer dollars, you are required to disclose how much you spend to influence the political system. Why? Because with public funds come public responsibilities. My amendment honors the First Amendment and it places no limitation on political speech. It simply requires transparency.

I yield back my time.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. PELOSI. Mr. Chairman, I rise today to support the amendment presented by Congresswoman ESHOO on behalf of the public's interest, the people's interest, free elections, and a healthy, transparent, and open public discourse.

More than one year ago, the Supreme Court opened the floodgates to unlimited corporate spending, secret unlimited corporate spending and influence over our campaigns and our public policy debates. In doing so in the Citizens United decision, they dealt a harsh blow to a fundamental principle of our democracy: That voters determine the outcome of elections, not moneyed special interests.

In response, with bipartisan support in this House of Representatives, the House passed the DISCLOSE Act to require corporations to stand by their ads, the same way candidates do, and to keep foreign-owned entities from playing any role in our elections. The measure included a provision to keep government contractors and TARP recipients, beneficiaries of taxpayer support, out of our elections, preventing them from using taxpayer dollars for their own agendas.

In the Senate, the Republicans blocked the DISCLOSE Act. Yet the value it represented, that sunlight is the best disinfectant, must remain a call to action for both parties in both Houses.

Many of the new Members who are here campaigned on the principle that special interests play too big a role in our democracy. The American people have constantly called upon Congress to act in the people's interest, not the special interest.

Today, we have another opportunity, thanks to Congresswoman ESHOO, to answer the public's call to action for transparency, for openness, for true Democratic elections. Thanks to Congresswoman ESHOO, we are highlighting this critical challenge to our democracy through an amendment to ensure that taxpayer dollars are not directed to Federal contractors who refuse to disclose their political expenditures.

No dollars in this act can be used to enter into a contract with any corporation or company which refuses to disclose its political expenditures. They could be using taxpayer dollars to weigh in in a secret unlimited way in campaigns.

I know that some of you may not want to receive this message, but it is a message that the American people have delivered to us over and over again—that they do not want special interests with their secret unlimited expenditures dominating our elections, and therefore dominating public policy in this Congress.

So I am grateful to Congresswoman ESHOO for highlighting this critical challenge to our democracy, again through an amendment to ensure that taxpayer dollars are not directed to Federal contractors who refuse to disclose their political expenditures. With this measure, we could take one step forward in the fight to restore fairness to our political process and preserve the integrity of our elections by disclosing the unlimited, secret, endless flow of corporate dollars into campaigns.

This Republican majority, many of you voted for the DISCLOSE Act as presented by Mr. VAN HOLLEN in the last session. I hope that you will choose again between putting the corporate interest ahead, or choosing the public interest. It should not be a hard choice, but we will find out soon enough where you stand.

I urge all of my colleagues to join Congresswoman ESHOO in continuing the fight for meaningful reform and to advance the cause of accountability in our campaigns. We owe it to the American people, we owe it to our Founders who invested so heavily in this democracy, and we owe it to the future.

With that, I yield back the balance of my time.

□ 1400

Mr. ISRAEL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. ISRAEL. Mr. Chairman, I rise in support of this amendment by my distinguished colleague from California.

This isn't that complicated. It all gets down to the lesson that we all learned in grammar school: Honesty is the best policy. Not more complicated or not more complex than that. Honesty is the best policy.

There is not a Member of this Chamber, Mr. Chairman, who doesn't believe in the First Amendment. I believe in the First Amendment. I believe that in a democracy you can say almost anything you want about almost anybody. You have the right to say what you want. But people have the right to know who is funding your message.

When people turn on their television sets and they see a political commercial making outlandish claims, they deserve to know whether that commercial is being funded by a foreign-owned corporation. They deserve to know whether that commercial is being supported by a special interest group. They deserve to know when they're watching a commercial about how evil a candidate is whether it is being funded by a special interest that is trying to defeat that particular candidate because that particular candidate supports the Environmental Protection Agency, supports clean air, supports clean water, and whether a special interest is trying to defeat that candidate because they want to dismantle the EPA. They have the right to know when one of those commercials permeates our airwaves whether those commercials are being funded by a special interest, for example, that wants to dismantle Federal inspections of meat because those Federal meat inspections are impinging on the bottom line of that particular special interest.

And so this is simply about the right to know. This is simply about upholding our right to say what we want when we want about whom we want but making sure that the American people, no matter what side of the aisle you're on, understand who is behind that message. This says that the American people and the American taxpayers shouldn't be unwittingly subsidizing dirty campaigns and secret donations. And that is why this amendment is so important, because the American people and taxpayers have the right to know and because honesty is the best policy.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order.

The Acting CHAIR. A point of order is reserved.

Mr. ANDREWS. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

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

Mr. ANDREWS. Mr. Chairman, the issue raised by this amendment is to whom does this Congress belong; in whose interests are the Members of Congress working.

Now, Mr. Chairman, every one of our constituents will draw a conclusion about that question based upon how we vote, what we do, and what we say. And every one of us will face the consequences of that conclusion in the next election. One of the facts that I think every voter has a right to know is who is funding and supporting the campaigns of any one of us who seeks the honor of serving here.

Whether you belong to the most progressive group on the Democratic side, the most libertarian group on the conservative side, whether you're a member of the tea party, whether you're a member of a union or the Chamber of Commerce, I think every voter deserves and believes that they deserve the right to know who is funding the campaigns that bring people here. This is a basic matter of transparency and full disclosure.

Frankly, Mr. Chairman, I think if we're honest among ourselves, we know how much the American people despise the political ads that vandalize their television screens every fall. A lot of people I know turn the television off or turn the sound down because they're so exhausted of hearing ridiculous personal dirty attacks by one side against the other. I would hope that some day the level of civility could rise to where we all stop that, but I think until we get to that day, people, at the very least, have the right to know who's paying for it, from where is this money coming.

Ms. ESHOO's amendment is very simple, very plain, and should be supported by people of all ideological stripes. It says the public has a right to know where the money is coming from. And if you think a special interest group that promotes traditional energy supplies—oil and gas—is a good thing, then you'll be happy that they're paying for commercials. And if you think like someone who's running on a platform promoting the woman's right to choose, then you'll be happy knowing that some of their money may have come from people who sympathize with that point of view. So irrespective of where you come out on substance, shouldn't we all come out to a place to say the public has a right to know who's funding these campaigns.

So to whom does this Congress belong? Well, if we look at the legislation before us today, it certainly looks like it doesn't belong to oncological nurses, because money for cancer research is being cut in this bill. It certainly doesn't look like it belongs to police officers working the beats of America's towns, because upwards of 15,000 police officers will be laid off as a result of this bill. It certainly doesn't belong to America's schoolteachers and guidance counselors, because under this bill upwards of 10,000 reading tutors and math coaches will lose their job under this bill. Seven thousand special education teachers under one version of this bill would lose their jobs.

So if this Congress doesn't belong to nurses, police officers, teachers, to whom does it belong? One of the answers to that question would certainly come from answering the question: Who paid the bills to get the Members here? Who wrote the checks and who made the contributions?

I hope that our friends would join us in supporting this amendment. I think it's clear and simple. But if they don't, maybe one of the reasons they don't want to join us in supporting this amendment or even hearing this amendment is they don't want the public to know who wrote the checks, who paid the bills, and who paid the freight.

Everyone should have the right to know who funded the campaigns that brought people here. It's as simple as full disclosure. It makes great sense. And I urge a ''yes'' vote on Ms. ESHOO's amendment.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to this amendment.

This is a continuation of the effort by the other side to undo the even-handed approach that was utilized by the U.S. Supreme Court in their decision in Citizens United. In that case, the Supreme Court decided that the Fifth Amendment protections that you have for free speech are not in any way diminished by virtue of the fact that you say it not with a single voice but you join with others.

Every response that we've heard from the other side has said, Well, we don't like what the court did, so what we're going to do is put certain requirements on those who are corporations but not the same requirements on those who are unions representing those who are employees of the Federal Government. And there is as much a conflict of interest in that regard as there is on those corporations that have contracts with the Federal Government.

So, once again, they're trying to talk about how this action by the Supreme Court was unfair, it somehow requires that there is an unfairness involved, that our elections were taken over by corporations. Every study has shown that there were far more expressions of political thought in paid advertising by those on the left than those on the right in the last election, but we don't hear about that.

If they would bring forward something that would have equal treatment, maybe then we could take a look at it. But the fact of the matter is we have seen effort after effort. We can recall last year when they brought it to the floor, one of the things they wanted to do is not only have uneven treatment with respect to corporations and unions, but they were engaged in an auctioning off of First Amendment rights according to whether you were a favored or disfavored group.

We saw organizations that were given special exemptions. The National Rifle Association was one of them. And there were those on the left. And if you had enough political sway, you got exempted from the disclosure requirements. And that really is the definition of ''Capitol cronyism,'' where the government decides who is favored and who is disfavored, and that the essence of the decision by the Supreme Court was the acknowledgment that the First Amendment has its most essential protection in speech, which is political speech.

□ 1410

And if that be the case, we should tread very lightly where we require disparate treatment between different groups, those favored and those which are disfavored. If there's one thing the First Amendment stands for, it is that we treat everybody the same. And this again is in keeping with what we saw last year. Some people are more favored than the others, and when you're talking about First Amendment rights and expressions of political thought, we should be very wary of it. And, by the way, nothing with the Supreme Court decision changed the prohibition against direct contributions to campaigns by corporations. That has been, that continues to be, and will be a felony. And if people on the other side have evidence of that happening, they ought to give that information to the Justice Department and have people prosecuted.

So let's at least talk about what the facts are and let's remember the history of this effort on the other side of the aisle.

Mr. VAN HOLLEN. I move to strike the last word.

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

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

We've heard a lot about the Supreme Court decision, Citizens United, and we may agree with that decision or disagree with that decision. But the fact of the matter is that's the law of the land. This amendment does not try to overturn that decision. This amendment is perfectly consistent with that decision. It simply says that when you are spending the money, expending the money, you have to disclose to voters that you're trying to influence their vote. It's the right to know.

Now because we are dealing with an appropriations bill, a government spending bill, we can't address all of the entities out there in the country that may be trying to spend money to influence elections.

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

Mr. VAN HOLLEN. Not at this moment. I've got my 5 minutes and I'm going to use them, but I thank you.

What we're saying in this bill is that if we're really trying to save the taxpayers some money, which we should all be trying to do, we should try to curb the influence of the special interests who spend a lot of money hiring lobbyists to influence us and spend money in campaigns trying to influence the outcome of elections.

Now just in the last couple of days, we've had a lot of votes on some issues that could affect Federal Government contractors in a very big way. Just yesterday, we had a vote on something dealing with a big military contract. So here's my question. That contractor, the contractor that got taxpayer money or the one that didn't, could say, Look, I want to reward the folks that supported me. I'm going to run a bunch of TV ads in their campaign supporting them; say thank you, I want to get you reelected. Or they may say to the folks who voted against that Federal Government contract, hey, I want to make sure that person doesn't come back here because they may vote against my contract again, they may want to save the taxpayer some money, but we're going to spend some of our money—a Federal contractor, contractor getting taxpayer dollars—we're going to spend some of our money to try and unelect that person who voted against our contract.

This amendment is really simple and it would have a direct impact on all the conversations we're having. If you're a Federal Government contractor, if you're getting taxpayer money and you decide to run political advertisement in people's campaign to try and reward those who supported you or punish those that didn't, you at least have to disclose that information to the voters. You at least have to say who you are and how much you're going to be spending. And it seems to me if we're genuinely interested in saving taxpayers' dollars, which we all should be, we should give the taxpayer, whose dollars are going to those contractors, the right to know whether those contractors are turning around and spending money in these elections.

So if we're ever going to really work to try and curb those interests, those special interests that work so hard to try and get special benefits out of the Federal Government, we should at the very least say, ''Come clean with the taxpayers.'' This is not an infringement in any way on free speech. They can still run an ad in anyone's district and they can say whatever they want to the voters; no restrictions whatsoever. All we're saying is when you do that, let the taxpayers know. After all, the taxpayers have helped provide the funds for your contract. At the very least, you should tell the taxpayer, the voter, who you are that's spending money to try and influence the outcome of an election. It seems to me that that's the very least we can do to try and provide more accountability and more transparency. We keep hearing from everybody, that's what we want—more transparency. Okay, let's let the voters know. Why wouldn't you want to let the voters know?

Mr. Chairman, let me just conclude by saying, this is a very simple amendment. If you're a Federal Government contractor, you're getting taxpayer dollars, you decide to get engaged in the political process as is your right; and after the Citizens United, you can get directly involved expending money in those campaigns. You can do that and say what you want. Just tell the taxpayer who you are and what you're spending to try and influence their vote. I hope that we will adopt this amendment, and I thank the gentlelady from California (Ms. ESHOO) for offering it.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Does the gentleman continue to reserve the point of order?

Mr. FRELINGHUYSEN. Yes, I do.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

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

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

I would just say this: At the core of the Supreme Court decision was a protection of the First Amendment right of political speech, and that it would not be lost because you joined with others. As a corollary of that, the court in the majority opinion written by Justice Kennedy talked about the fact that one of the real fears of the Founding Fathers was the government acting in disparate ways; that is, treating different groups differently for a political reason.

And so I just say, in the scenario by the gentleman from Maryland, one would force an obligation of disclosure on one group and not another. So that the defense contractors, he said, would if he funded a statement on television, but the union members who work for the defense contractor would not; or those who are Federal employees represented by unions would not.

I guess what we're saying here is we know that corporations influence elections, but it is absurd to assume that unions do. And if you believe that, then support this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

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

Mr. GEORGE MILLER of California. I thank the gentleman for reserving his point of order so that we can speak to this amendment offered by the gentlewoman from California.

I really believe that this is about transparency. I'm for widening that circle of transparency as much as we possibly can. This amendment speaks to a very important part of trying to gain transparency for the American people. You know, it's a rather remarkable process how we all get here. We engage in some form of politics that is straight out of the first Congress of the United States. It's out of the first people who ran for office here. We go to our neighbors and we go to our friends and we go to town councils and we talk to people and we ask them to support us. We go into their organizations and we ask them to support us. We tell them what we're going to do, we tell them what we think, we tell them what we like and don't like, maybe what we like about them and don't like about them. But it's a process of interchange. It's a transparency of ideas. You're held accountable for those ideas. And you raise money because you want to publicize your message further. You go to your friends, you go to organizations that support you, organizations you support, and you raise money to do this. And right now that's essentially all disclosed.

But what we've seen now in the last few years, and especially after this Supreme Court decision, is there's two campaigns that are being run—you run one, the best you can under the rules we have; campaign contributions are all reported, and then an independent group comes in and they run a campaign either for you or against you in your district. Your constituents may never know what even hit them. They may never know where it came from. It may only be about an issue that's linked to you. It has nothing to do with disclosure.

□ 1420

That's their right now under the Supreme Court decision, but the question

really should be: Should those expenditures be disclosed? Because very often we all know that one of the unpleasant things that happens to you in this business, I guess unless you fund your campaign out of your own pocket, is that you'll cast a vote, and the newspaper will immediately go and say Congresswoman ''so and so'' got a contribution from this entity on this side or from this person on this side of the argument or a contribution from this person on the other side of the argument. It happens all the time. That's disclosure. That's the price you pay—except for these expenditures. They may come from the very same side of that argument and will be completely invisible to the press, to your neighbors, to your constituents, and that should not be allowed. The disclosure should be full and complete on people who spend money on behalf of these campaigns.

You can't have a situation where people move through the night, move with secret money—undisclosed money—and seek to influence the outcome of the elections in this country. This isn't Egypt where secret societies move through and create a party for the purpose of diverting votes from this party over here. This isn't Russia where the oligarchs and the billionaires move around and create parties to defer one another and where people never see where the expenditures are coming from or if they're speculated about.

In this country, in a long, hard struggle, one campaign has full disclosure—be you a working person or be you a corporate chief. Whatever the source of money is in your campaign it is disclosed. But now we have a shadow campaign, and the shadow campaign threatens to dwarf what is taking place in the other campaigns.

How many Members on both sides of the aisle know that they had a campaign run? We've all listened to our friends on both sides about the independent expenditures, about the undisclosed money that came into the campaign. Think how that turns the stomachs and the hearts and the minds of our constituents when they think that this was going on—an election where they in good faith maybe stood in line to vote and made sure they got in their absentee votes, and they might have asked the rest of the members of their families to vote. All of that was taken away by a tsunami of $6 million, $3 million, $9 million, $12 million that just showed up on the doorstep of your district, all of it undisclosed, now gathering the forces once again to get ready for the next cycle—people bragging about how much money they will have, people bragging about their involvement, their success ratios—all of that to intimidate Members of Congress, to make people think about the vote; but they will never be held accountable for those actions.

That's what transparency is truly about. Transparency is as much for us as it is for our constituents, and it is important to our constituents because they do make judgments about us; they do make judgments about issues; they have expectations of us; they have hopes of us. It is only that information and that transparency that will let them act in a rational way on behalf of their votes—to protect their votes, the votes they just cast and the votes they anticipate casting in the future.

We have an amendment here to rip away the $3 checkoff, which is a modest effort by constituents to say, I want to make sure the elections are clean and transparent. Now we see that the undisclosed far exceeds anything that they can possibly do.

I thank the gentleman again for reserving the point of order.

I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. It is, indeed, interesting to listen to the arguments that are coming on this particular amendment, Mr. Chairman, as I have been on the receiving end for a third cycle in a row of about $1.5 million in ads that have been run against me by a group that is protected, by a group whose secrecy is protected under the DISCLOSE Act that was passed under the last Congress. So the people who are here, proclaiming that transparency is the ultimate aim of this legislation, themselves are protected through this legislation of the last Congress, certain organizations if they fall within their parameters, which these groups do.

So I do find it amazing that we are sitting here talking about the transparency of some of the people who will enter into discussions of campaigns, but not all of them. We want some of those entire lists over there prohibited from disclosure. I find it refreshing to hear the comments about transparency and about the American system coming from the floor of the House, which decided it did not want that transparency for certain groups. I suspect those certain groups are still allowed to be fully clothed in secrecy even under the guise of this particular amendment.

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

The Acting CHAIR. Does the gentleman from New Jersey continue to reserve his point of order?

Mr. FRELINGHUYSEN. I do, Mr. Chairman.

Ms. EDWARDS. Mr. Chairman, I move to strike the last word.

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

Ms. EDWARDS. Mr. Chairman, I rise today in support of this very modest amendment by Congresswoman ESHOO.

In the words of the young people, ''This is a no-brainer.'' This should be an easy call for Members on both sides of the aisle—people who believe in fairness and democracy and transparency. It should be an easy call for us to say, You know what? We know that there may be Federal contractors out there who are getting billions of dollars in benefits from Federal contracts, but they should disclose the money that they are spending on campaigns. The American people expect that.

I wasn't a supporter of the decision in Citizens United v. Federal Election Commission, but that's not what this is about, Mr. Chairman. This is not about a protected First Amendment right.

I read the decision in Citizens United. What I took away from it is that, in fact, the one area in which the Congress does have some authority is in regulating the disclosure of expenditures in campaigns. The Court was very explicit about that. I know there have been a number of statements here on the floor that suggest otherwise, that suggest that this very fine and modest amendment would, in fact, impede our constitutional rights, but that's not what the Court said at all.

What the Court said is that it's important and that Congress has the authority to regulate the disclosure of corporate expenditures on campaigns. This amendment does exactly that. It says, You know what? To play by the rules, these are the rules that we set. If you spend money on campaigns, the public has a right and interest in knowing what your interest is.

So I am a strong supporter of this amendment. It is simple. Who funds campaigns? What is your special interest, Mr. Chairman?

At a minimum, government contractors who really stand to gain billions of dollars should disclose their interests in our campaigns. This is a simple question of democracy. Members can declare here today that either they are on the side of the public interest and will support this amendment or that they are on the side of secrecy and collusion and will oppose the amendment.

It is imperative that we really prevent secret donations in our elections. We have eliminated the Presidential Election Campaign Fund, so much more unfettered spending will take place in Presidential campaigns. We can't afford to continue to obstruct commonsense reforms that diminish the voices of the American people. I am not alone. Across this country, fully 80 percent of the American public actually believes that the Citizens United decision was decided wrongly, but that's not why we are here today. We will take that up at another time.

We are here today, Mr. Chairman, to declare once and for all that there will be some of us—and I hope a majority of us—who will stand in support of the Eshoo amendment, which is on the side of fairness, on the side of democracy, on the side of transparency: on the side of the American people. We will declare here today with our vote that we stand for the public interest, and some will so shamefully declare that they stand for special interests.

With that, I urge us to stand on the side of public interest and in support of the Eshoo amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language requiring a new determination of whether certain political contributions were disclosed, a determination not required by existing law.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

□ 1430

AMENDMENT NO. 195 OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the payment of fees and other expenses under section 504 of title 5, United States Code, or section 2412(d) of title 28, United States Code.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Chairman, I want to thank the staff of this House of Representatives. We adjourned this morning at 3:48 a.m. with a staff that diligently stayed and worked these amendments, the staff outside that provides security. It is an amazing effort by the people who serve this country as the staff members of the U.S. House of Representatives, and I want to take this opportunity to thank them for their outstanding service.

Mr. Chairman, I'm here to propose an amendment and tell a story about laws, and it is ironic that these two proposals came up simultaneously.

In 1980, a law was passed called the Equal Access to Justice Act, and it allows Americans who are being challenged by the Federal Government to recover their legal fees if they successfully sue the Federal Government when the Federal Government has wronged them. It is a very fair law.

The problem is, in 1995, the Federal Government quit keeping records on who is receiving payouts and how much under the Equal Access to Justice Act. Consequently, this law has been hijacked by certain groups who use it to sue and recover judgments. For example, there are 14 environmental groups that have recovered $37 million by filing 1,200 lawsuits for which they've recovered judgments and even legal fees under settlements with the Federal Government, thereby fueling the fire of suing the Federal Government over sometimes procedural issues.

There's a group at Virginia Tech University who, through the FOIA law, the Freedom of Information Act, has uncovered how many abuses there are of this law and how many unintended consequences there are of the use of this law by certain groups, and we need to have a 6-month moratorium on expenditures and payouts under EAJA so we can get information about who's receiving this money, what the lawyers are being paid per hour, and who it's going to, how many environmental groups are actually paying for their organization by routinely suing the Federal Government to stop certain activities on Federal lands.

This is taxpayer money that's being used for this purpose; and in light of my colleagues on the Democratic side of the aisle's enthusiasm for sunshine, for full disclosure, for knowing where taxpayer dollars are going, I strongly encourage you to support my amendment.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

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

Mr. MORAN. Mr. Chairman, equal access to our Nation's courts for all Americans is a hallmark of our democracy and our system of justice. Providing attorneys' fees to successful plaintiffs, which is what the Equal Access to Justice Act does, ensures that the government is held accountable when it overreaches its power. These fees are only available when a party prevails on the merits of a lawsuit and only then after careful consideration by the presiding judge as to how deserving each plaintiff is.

Attorneys' fees are available to individual citizens, local communities, small business, tribal entities, nonprofits, all regardless of where they stand on any particular issue. Providing attorneys' fees ensures that powerless, less wealthy individuals who wouldn't otherwise have a voice as a result of their not being wealthy or representing a corporate interest can nevertheless be heard by our government, by our court system; otherwise, they wouldn't have the means.

We already suffer under a system where too often big money, as was discussed in the last amendment, crowds average people out of our political system, squeezing them out of this political process here on Capitol Hill. Now you want a system where big money squeezes average people out of the courthouse as well, out of our justice system?

Awarding attorneys' fees makes it possible for environmental groups—I acknowledge that—to bring court actions to protect our environment. I happen to think that's a good thing, but it also allows small business owners, farmers, ranchers, timber workers to ensure that their rights are protected as well when they believe that the Federal Government is in the wrong. It works both ways.

This Republican zeal to target every program that protects natural resources is just difficult to comprehend. You're proposing an amendment that would slam the courthouse doors closed for any average citizen plaintiff, no matter where they fall on the political spectrum.

Instead of finding practical solutions that protect the environment and create jobs, this amendment would do nothing more than financially punish citizens who want and need, and deserve to have their voices heard.

That's why this amendment should be defeated.

Mr. SIMPSON. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. SIMPSON. Mr. Chairman and members of the Committee, I rise in strong support of this legislation offered by my good friend from Wyoming.

It would be one thing if what the gentleman from Virginia says were the case in reality. It's not the case in reality. I think that's the reason that this law was passed, so that those people, the powerless, less wealthy individuals that the gentleman referred to, would have access to the courts. And the last thing we want to do is deny citizens their right to have a say in how, in this case, our public lands are managed.

But it has become, frankly, a cottage industry: suing the Federal Government, which is suing the people, and then asking the people to pay for your legal fees to do so. The Equal Access to Justice will allow those suing the Federal Government to be reimbursed for their legal costs even if they don't prevail on a majority of the counts. The implication that the gentleman just gave is that you have to win. They can be reimbursed even if they don't prevail on a majority of the counts.

The law has been abused by several interest groups who have turned this into, as I said, a cottage industry and now sue the government on a regular basis. They fund their organization through this and that's a problem. If somehow we could get it back to what the gentleman said it was, that would be one thing. So far we haven't been able to do that. And, in fact, we had language in our last appropriations bill that didn't make it to the floor, along with the other appropriations bill, that would have at least said why don't we find out who's getting this money. If I'm a farmer out there and I get payments under the farm program, every

citizen in this country has the right and ability to look it up and see who's getting those farm payments. You know what, that doesn't happen with who's getting these fees, who's being reimbursed by the Federal Government.

They're supposed to keep track of that, but they don't do that; but, in fact, when we asked the Secretary, does this come out of your budget or does it come out of the justice fund, who pays for this? Nobody really knew.

□ 1440

And if it doesn't come out of their own budget, what's their incentive to do things the right way?

Quite frankly, many of these lawsuits prevent the management of Federal lands for the benefit of the people. For example, holding up important forest-thinning projects and wildfire prevention projects. This, as I said, has become a cottage industry and needs to be reformed. This would prevent these fees from being paid during the term of this CR the next 7 months or however long it takes.

Mr. MORAN. Will the gentleman yield?

Mr. SIMPSON. I yield to my friend from Virginia.

Mr. MORAN. I thank my very good friend from Idaho.

Is it not the case that you only get fees on that part of the suit that you brought where you actually win? That you do have to prevail in order to get something in order to get reimbursed. And it's only on where you prevail that you get any fee reimbursement.

Mr. SIMPSON. That's accurate. But you don't have to prevail in the overall case. You could actually lose the case for what you are trying to do. It is the problem that good intentions have gone awry. And I will tell you that there are groups all across this country who have seen this as a way to fund their organizations, and we need to put a halt to it. Because what we're doing is asking the people of this country to fund people to sue them. I don't know who else does that. But on the other hand, I agree with the gentleman that we want those people that don't have the ability or the resources to have a say in how public lands are managed, to have a say in that. But it has gone awry, and we need to put an end to it, and we need to reform the process.

I yield back the balance of my time.

Mr. MARKEY. I move to strike the last word.

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

Mr. MARKEY. This amendment is overbroad, to use a euphemistic term, in order to describe what its impact will be upon those who are the least powerful, and most agreed in terms of the impact in which the Federal Government has upon their lives as individual citizens.

Let me give you an idea of how broad the impact of this amendment is. If this amendment had been in place, would the citizens who had been unwittingly turned into nuclear guinea pigs in the 1940s and 1950s during Federal Government-sponsored radiation experiments using thousands of American citizens without their permission have been able to bring their lawsuits decades later in order to reclaim some small compensation for their families? Would they have been able to bring their suits against the Federal Government? Who do you want to empower, the people who were the guinea pigs or the Federal Government?

Would a widow who sued the Social Security Administration for refusing to provide the survivor's benefits that she was still due, would she be able to sue? Or are the legal fees just so great that the widow just has to live without the benefits? Would those who live downwind from a nuclear test and suffered cancer or other health effects, would they be able to sue? They've only found out years later what the impact is on them. How can they possibly afford the legal fees to take on the Federal Government?

Would the atomic veteran deployed at the test site during the atmospheric nuclear testing of the 1950s ever have been able to afford to bring their case to court? Would those people all across Nevada, Arizona, Utah, those States out West where these poor victims only found out later, how could they have ever afforded to have brought a lawsuit if they are not going to know that their legal fees would be covered when they win?

Would government whistleblowers be able to bring a case in response to retaliation by their supervisors? How can they sue the government? It's this lone individual against the Federal Government. We should be empowering these individuals against the Federal Government when it acts in an imperious, arbitrary, capricious way that ruins people's lives. Would citizens harmed by a contamination at a Superfund site at a military base in their neighborhood be able to sue the Federal Government because of the harm that has now gone into their neighborhoods? Or should we just say, Sorry, you are out of luck. The Federal Government did it to you. They did it to you in your neighborhood. You don't have the capacity because you are just some poor citizen living accidentally near a military base.

What would the black farmers who were discriminated against for decades by the Agriculture Department have been able to do in terms of bringing a lawsuit? They couldn't have done it. Those poor black farmers took a generation. Who funds that? How do they take on the Federal Government which had a policy of discrimination for 200 years against black farmers? How do they do it? You are defunding all of those lawsuits with this one amendment. What would have been the impact on Native Americans who trusted the government to protect their interests and natural resources and instead were ripped off? How do those Native Americans bring their case?

All of these things are now basically undermined by the amendment that we are now considering. That is this impact that is being visited upon all of these victims and all future victims, all actions by the Federal Government of the United States of America. This is where you get to show what your attitude is towards the Federal Government when they are acting in a way which does direct harm to the health, the well-being, and the safety of ordinary Americans in our country.

I will read the amendment. ''None of the funds made available by this Act may be used for the payment of fees and other expenses under section 504 of title 5'' of the U.S. Code. So this covers every suit that could be brought by any citizen against any Federal agency of the United States Government. I don't know how you can side with the Federal Government against ordinary citizens and their right to sue, especially those who have been harmed the most seriously.

So I urge a very strong ''no'' by every Member of Congress who really does believe that the Federal Government has to be put in its place when they harm ordinary citizens.

Mr. GEORGE MILLER of California. I move to strike the last word.

Mr. Chairman, Members of the House, I think Mr. MARKEY has it about right. You have to kind of decide where you're going to stand. Lawsuits are brought every day that infuriate us in one way or another, depending upon where you stand and what you think about that issue or what you know about that issue. But the idea that we would take this right away from the American people to go up against the government when the government every day makes a series of decisions—not all of them are perfect. Many of them are wrong-headed. Many of them had repercussions that they hadn't thought through when they made the decision. Those are the challenges that go on every day, whether it's in OSHA or the EPA or the Department of Labor, the Department of Interior. And many decisions that are made upstream have a lot of ramifications downstream.

Let's not pretend that every Forest Service sale is perfectly configured and thought about the externalities, the impacts on grazers, the impacts on farmers downstream, the impacts on the streams, the sedimentation, the impact on the fisheries. We live with that in California all the time. The salmon don't have a lawyer. But the harm to the fisheries, the harm to the small fishermen, to the small boat owners, the people who go out and brave their lives in the Pacific Ocean. When the Federal Government makes decisions about water flows and the Federal Government makes decisions about timber sales and when the Federal Government makes decisions

about construction on the dam, they have a right to be heard. But this isn't true if they were Taxpayers For Justice who argue about whether or not the royalties are fair and returned to the taxpayers, whether or not the Federal Government issued the permits in the right way. You think it's a right that somebody else has that maybe you don't like until you think you might want to exercise it.

This is a magnificent tool. I have no problem with the gentleman from Idaho who talked in terms of disclosure and accounting and transparency. That should all be there. I don't know why the Department stopped listing this, but they should have never done it. And I would assume in other agencies, they should disclose what the payouts are because it's a measure of the management, to some extent. This isn't just funding your organization to keep going to court; it's also a measure of the management. You know, it's like a business. If you keep paying out a lot, your insurance company says, Maybe we ought to change the operations. Maybe we ought to change the way you are thinking here. Something's wrong when you have these payouts.

You can argue that this is one of the metrics of performance of a governmental agency. If they keep losing the lawsuits, you might want to think that you've got to have somebody else running the show.

□ 1450

So I would hope that we would reject this amendment and understand that it's a much broader dissipation of citizens' rights to confront the government when the government may very well be wrong. And again, the pay-out comes only when you—you have to prevail on those measures. And on those measures where the court found that the government was wrong, you're entitled to recover your costs and your expenditures.

So I think this is very fair. It's worked for many, many years; and it's protected a lot of citizens of this country against arbitrary and capricious actions by the Federal Government.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I move to strike the last word.

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

Mr. BISHOP of Utah. Now, we have heard a lot about this particular fund and the difficulty it has and some exaggerations as to where it actually goes, what it actually does.

The problem is severalfold, one of which is that since 1994 there has been no clearinghouse of information. We do not know what has been funded. We do not know what has been used. We do not know what has been abused. And repeated requests to try and find that information have fallen on deaf ears.

In this CR, which is for a limited time, this particular provision would, once again, as I heard other people saying yesterday, raise attention to this issue and give someone a reason to actually give that information.

It is estimated in the last 15 years there have been around 1,100 lawsuits, and that doesn't even include administratively brought actions that go before Interior Land Boards, and within the Forest Service. So all of those are part of the situation.

I heard some great speeches about how this would hurt poor people. And he's actually right, except you're not looking at who are the poor people who are hurt with the current situation.

Under the way this is administered correctly, any nonprofit, regardless of the amount of money they have, is eligible for these funds. But a for-profit individual, these poor farmers you're talking about, if they have over $7 million in net worth, which means a farmer, a rancher who is land rich and cash poor, have several options. They can just sit out and hope something happens for them, or they can put money out of their own pocket to try and force their way into this particular situation.

Let me tell you how this has been abused. I'll go with one case that took place in Federal courts in Idaho in which there was a settlement. No one was right. No one was wrong. They came to an agreement. And yet, even though that settlement which represented no admission of fault on behalf of the government or what it did, the environmental special interest lawyers were given $43,000 in attorney fees under this proposal, under this program. And we don't know if that's just the top, or the tip, of the iceberg or how far it particularly goes.

This is simply an element that we have. We have an unfair balance of who is available to get these funds. We have an unfair balance of what happens if someone prevails, and we have an unfair balance if certain groups get paid with taxpayer money, even though they didn't win the case, even though the government did nothing wrong.

This system is broken; and this is a good amendment to say, all right, for the rest of the termination of the CR, we're not going to spend any more funds in a system that does not work, and we're going to demand some transparency so we can make some changes. This halts spending only for a short period of time till we can find out who was given what and what was spent from whom and to whom. And that's the point of the amendment. I urge everyone to support it.

I yield back.

Mr. REHBERG. I move to strike the last word.

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

Mr. REHBERG. Mr. Chairman, I just want to real briefly say I was here when it was created. I was a congressional staffer. And talk about the law of unintended consequences. I might point out the people from the other side of the aisle fought us on the creation of the Equal Access to Justice law. It was never intended to be used for the purposes it is currently being used for.

So I guess I'd better apologize to the people of America for having been a supporter of Equal Access to Justice. And, in fact, as a staffer, I helped talked my Congressman that I worked for into it. I was his small business aide; his name was Congressman Ron Marlenee of Montana. I helped talk him into it because it made sense. It was supposed to give an opportunity for small business to be able to counter the lawsuits that were going to occur against them by the government coming in oftentimes with frivolous regulations.

The other side has figured how to turn it into a jobs bill for trial lawyers. They very effectively, in the Endangered Species Act and some of the other environmental acts, figured out how to use it to stop development within the United States.

So, unfortunately, in about the early 90s, we, as small business advocates, were the ones that helped push this through. The only group at that time that was exempt was the IRS. We wanted everybody to be under this law, giving the small businesses an opportunity to protect themselves.

It has been twisted. They have done everything they possibly can to turn an industry into suing on behalf of people and then making money off it. It never was intended for this purpose.

We need to get back to its original purpose. It would be fun to go back and find out how some of the people that are talking about what a great law it is now, whether they were supporters at the time because, if I remember correctly as a young congressional staffer, a lot of the people that are supporting it today were our biggest opponents back in the early 80s when we wanted to create this on behalf of small business.

So I hope you will support the Congresswoman's amendment.

I yield back the balance of my time.

Ms. MCCOLLUM. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. I yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I rise just to make this very simple point so you all know what you're doing. The law that this amendment wants to prevent funding for was a Ronald Reagan law. This is a law Ronald Reagan signed and put on the books, just so you understand. And of course the reason he put it on the books was that he sided with the little guy against the Federal Government. This is a way to make the Federal Government accountable. And recovery of attorneys' fees and legal expenses is needed to ensure that the people can keep their own government accountable when they, the smallest of the

small, are having the Federal Government intrude itself into their lives and bringing tremendous harm to the health and well-being of the families in any particular community in our country.

As of 2009, by the way, Social Security and veterans cases make up the majority of Equal Access to Justice awards. So you're going to be disempowering, for the most part, Social Security and veterans cases that otherwise would not be able to be brought against the Federal Government. And I just think that this is not well thought out.

This is an across-the-board blunderbuss attack upon the rights of citizens all across the country who otherwise are just going to sit there in their home wondering what's going on in Washington. If ever there was a tea party amendment that has to be made to counter what you're doing, this is it. You guys are here representing Big Government against the essence, the heart, the soul of the tea party movement, wondering how the Federal Government can get away with intruding themselves. And all we're really providing here is minimal financial assistance if they win. If they lose it's a frivolous case. If they lose, the jury decided against them. This is only if they win, if they put up their life savings to try to take on the Federal Government and they win because the Federal Government had compromised the rights of their family.

So, I just want to let you all know, environmental cases amount to a very, very, very tiny fraction of all the cases that we're talking about. We're talking about, for the most part, ordinary families. And I understand why some people might not want to give these people the right to sue, but you're making a big mistake. It's at the heart, it seems to me, of what the tea party movement was about, and voting for this will be a very difficult thing to explain.

The Acting CHAIR (Mr. TERRY). The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

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

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

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

□ 1500

AMENDMENT NO. 222 OFFERED BY MS. LEE

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by division A of this Act may be used for any account of the Department of Defense (other than accounts excluded by subsection (b)) in excess of the amount made available for such account for fiscal year 2010, unless the financial statements of the Department for fiscal year 2010 are validated as ready for audit within 180 days after the date of the enactment of this Act.

(b) The following accounts are excluded from the prohibition in subsection (a):

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

(c) In this section, the term ''validation'', with respect to the auditability of financial statements, means a determination following an examination engagement that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Mr. Chairman, this is unbelievable. But I rise today in support of my amendment.

It really does hit at the heart of the issue of fiscal responsibility, discussed with such passion on the floor over the past few days. And for the life of me, I can't figure out why a point of order would be called on this amendment. It's short and to the point.

If enacted, all it would do is freeze the Department of Defense programs at the fiscal 2010 level, unless the financial statements of the Department of Defense for fiscal year 2010 are validated as ready for audit within 6 months of enactment of this act.

This amendment would exempt military personnel, Reserve personnel, and National Guard personnel accounts, as well as the defense health program account from this potential funding freeze.

Let me take a moment and clarify what is expected of the Department of Defense in this amendment.

My amendment would simply require a determination that the Department's financial statements comply with generally accepted accounting principles, applicable laws, regulations, and that they reflect reliable internal controls. These are just basics if you are managing a budget.

Sadly, the Department of Defense Inspector General and the GAO have documented time and time again the Department's inability to answer this basic question: Where are our defense dollars going?

I would like to summarize just a few highlights from a 2009 Pentagon Inspector General's report on the subject of DOD audit activities and financial controls.

The Department of Defense ''acknowledged that it does not meet accounting standards for the financial reporting of public accounts payable because it lacks standard procedures for recording, reporting, and reconciling the amounts of the financial accounting and reporting systems.''

We're talking about a $700 billion budget. No standard procedures for recording, reporting, and reconciling these amounts.

The Department of Defense ''continues to enter material amounts of unsupported accounting entries.'' In other words, they are balancing the books with figures not tied to specific programs or expenditures.

The Department of Defense audit trails ''for estimated environmental liabilities are insufficient, and there is uncertainty regarding the accounting estimates used to calculate the reported environmental liability.''

And, lastly, ''despite efforts and limited progress towards auditable financial statements, DOD still struggles with material control weaknesses that make the financial data unreliable.''

Until these and any other weaknesses in this $700 billion budget are resolved, DOD will not be able to meet its goal of an unqualified audit.

I anticipate that some of my colleagues may make the argument that DOD is making progress on this issue in response to congressional engagement. They might reference language in recent Defense authorization bills requiring the DOD to develop and implement plans to achieve auditability by September 2017.

That is kind of hard to believe. We're talking about taxpayer dollars; we're talking about a huge deficit, a recession. We can't even audit the Department of Defense until 2017. It doesn't make any sense.

It's unacceptable that we are still developing plans. Do you hear me? Developing plans for the Department of Defense? This is almost laughable. Developing plans for the Department of Defense to have its fiscal house in order until 6 years from now, 2017. It makes no sense.

The problem is not newly discovered, and further delay is unacceptable given the enormous and increasing proportion of Federal dollars going toward the defense budget. Even if we do freeze base Defense Department appropriations at fiscal year 2010 levels, if we wait until 2017, Congress will watch more than $3 trillion—you hear me again?—three trillion taxpayer dollars will be allowed, once again, to go to a black hole at the Pentagon, with no oversight, no accountability, and no consequences.

In the 1990s, Congress was promised these financial deficiencies would be solved by 1997. The timeline was delayed to 2007. That was in the early 2000s. Is there any expectation that the 2017 timeline will not be delayed without Congress demonstrating a willingness to hold the Defense Department accountable? Come on.

I think that this should be a bipartisan vote. We should look at this amendment. It should not be subject to a point of order. We have to have some fiscal responsibility in our defense fund.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change the existing law and constitutes legislation in the appropriations bill. Therefore, it violates clause 2 of rule XXI.

The rule states, in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law.

The amendment imposes additional duties. I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Ms. LEE. Mr. Chairman, on the point of order, when you talk about fiscal responsibility with the Defense Department, taxpayers' dollars, trillions and trillions of dollars that are unauditable, there should not be a point of order.

These are our dollars, our constituents' dollars. They deserve a vote to see who wants to make sure that there is some fiscal responsibility at the Department of Defense.

The Acting CHAIR. The Chair is prepared to rule.

The amendment contains a legislative condition on the availability of funds in the bill. As such, the amendment violates clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT NO. 211 OFFERED BY MS. WASSERMAN SCHULTZ

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. For ''Department of Justice, Office of Justice Programs, Justice Assistance'' for an additional amount to amounts otherwise made available by this Act for carrying out title I of the PROTECT Our Children Act of 2008, as authorized by section 107 of such Act (Public Law 110-401), there is hereby appropriated, and the amount made available by this Act for ''Department of Justice, Office of Justice Programs, Justice Assistance'' is hereby reduced by, $30,000,000.

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

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise to ask for my colleagues' support of an amendment to protect our most vulnerable constituents, our children.

This bipartisan amendment is a simple one. It says that child victims of sexual predators should not be forced to fight for funding scraps if deep cuts to the Department of Justice occur.

This amendment fences off $30 million within the Department of Justice's Justice Assistance Account for child exploitation prevention and interdiction. It ensures that, even in this time of painful budget cuts, that we will protect the most precious and vulnerable among us.

Over the last decade, child pornography trafficking has exploded into a multi-billion-dollar global industry. The majority of both demand and supply is based in the United States and, sadly, most often involves parents or adults that the victim knows and trusts.

Tragically, the demand for images of young children being sexually exploited, raped, and even tortured can only be supplied through the continued sexual abuse of more children. Literally, every image of child pornography is a crime-scene photo.

Several years ago, law enforcement informed Congress that it could identify hundreds of thousands of individuals perpetrating child exploitation offenses online, but admitted it was investigating fewer than 2 percent of these known individuals due to a lack of resources that left them outnumbered and overwhelmed.

The vast majority of these identifiable sexual predators remained at large, and their young victims beyond rescue.

Congress and the President responded by passing and signing into law the PROTECT Our Children Act, which provides desperately needed resources for the vital Internet Crimes Against Children task forces.

These task forces are teams of local, State, and Federal law enforcement agencies and prosecutors that lift the digital fingerprints, rescue the children, and hold perpetrators accountable.

The ICAC task forces rescue child victims in real time, victims like Alicia Kozakiewicz, who was sexually assaulted at age 13 by a man who befriended her online and abducted her from her Pittsburgh home. She was rescued by the FBI and the Virginia ICAC task force.

Now is not the time to pull the funding rug out from under these ICAC task forces. Congress is already funding this effort at only half of its authorization. Yet the law is making a difference. The Department of Justice recently released its ''National Strategy'' to combat child exploitation, but it is only first getting up and running. Now is not the time to impose draconian funding cuts on the Department of Justice that could thwart this progress.

I want to thank Congressman SHULER, Congressman LAMAR SMITH, and Congressman DAN LUNGREN for supporting me in this bipartisan effort. This important amendment will give State, local, and Federal law enforcement the resources they need to protect our most vulnerable.

I yield back the balance of my time.

□ 1510

Mr. FRELINGHUYSEN. Mr. Chairman, we are pleased to accept the amendment.

Mr. DICKS. We accept the amendment on our side.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

AMENDMENT NO. 165 OFFERED BY MR. CARTER

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ''National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants'' published by the Environmental Protection Agency on September 9, 2010 (75 Fed. Reg. 54970 et seq.).

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

Mr. CARTER. Mr. Chairman, the U.S. cement industry is among the most regulated in the world and has long served not only as a responsible steward of the environment, but as a provider of high-wage family jobs in communities throughout this country. It competes against imported Asian cement, which has the advantage of low wages and nonexistent environmental regulations. Yet the EPA has plans to drop a bomb of job-killing, ineffective regulations on this industry which, by the EPA's own admission, could result in an increase in global mercury pollution as production moves to those countries with no air quality standards. Specifically, in September of 2010, EPA finalized the Portland Cement National Emissions Standards for Hazardous Air Pollutants, NESHAP, a rule based on questionable science.

The U.S. cement industry provides more than 15,000 high-wage jobs with an average compensation of $75,000 per year, and, along with allied industries, accounts for nearly $27.5 billion of the gross domestic product. Due to the recession, the cement industry has already lost over 4,000 jobs. This bad rule threatens to close another 18 of the 97 cement plants nationwide and throw another 1,800 Americans out of good-paying private sector jobs.

Mr. Chairman, as bitter as this would be in the middle of a horrible recession, if it were to guarantee that it would reduce mercury pollution, at least this high human cost might be justified. But when the cement production from these plants is shifted to China and India with no air quality standards, we could face increased mercury pollution worldwide and in this country.

Today, 75 percent of our annual mercury deposits are already coming to the United States from outside this country. That is indicated by this map prepared by the Electric Power Research Institute.

If you look at this map very briefly, here is the regulation chart. Red is somewhere between a little under 80 percent and 100 percent of the mercury.

If you look west of the Mississippi, in fact it actually crosses the Mississippi, all this area of red, that means the Asian pollution, Asian pollution, pollutes the mercury in this part of the United States in a percentage between 80 and 100 percent.

Now, as you move across into the Midwest and the South, it is only between 60 and 78 percent that is provided by the winds bringing pollutants from Asian pollution. Of course, Florida is down here. It is in the red, so it is between 80 and 100 percent.

It is only on the east coast that you get down in this range here, which is 20 to a little over 55 percent, and the blue is below that, which is just a few dots over here on the east coast.

So right now our mercury problem is not our problem; it is from outside the United States right now. And we are going to implement rules and regulations dropped on this industry by the EPA, which is going to drive at least 18 of these plants and possibly the vast majority of these plants offshore. Where are they going to go offshore? They are going to go to Asia.

Right now we have ways to measure this and protect ourselves in our plants already in place, and most of the things that EPA is asking for are in place. But they changed the rules in the middle of the game. Therefore, we are asking that we do the right thing and force the EPA to sit back down at the table and draft a rule that actually reduces mercury pollution and saves U.S. jobs.

This is important. This is a bad rule, and it is going to be bad for our environment. And the best thing we can do is say time out on this by basically saying no funds will be spent on the enforcement of this. And we would hope that EPA would go back to the table, sit down with industry, and come up with a real solution for what they are trying to do.

This is the purpose of my amendment, and this is what this is all about.

Mr. DICKS. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Washington.

Mr. DICKS. Is this for 1 year, or what is the timeframe?

Mr. CARTER. Basically, I don't have a timeframe in here.

Mr. DICKS. So it is permanent law?

Mr. CARTER. It is basically permanent.

But what we are saying is the real issue is the mercury issue and the hydrochloric acid issue, and those things have not even been discussed.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

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

Mr. MORAN. This amendment would attempt to put to an end a rule that, first of all, would increase revenues in the industry sectors that design, manufacture and install pollution control equipment by as much as $2.2 billion and increase employment in the cement industry by as much as 1,300 jobs. So, in effect, the amendment could be considered a job-killer amendment.

But what it does is to prohibit EPA from implementing, administering or enforcing final rules to control air toxins from the Portland cement industry.

The standards for Portland cement kilns have already been promulgated. The amendment would not relieve the industry of the obligation to meet these standards. Even though the agency would be precluded from spending funds to enforce the standards, citizens or States could bring enforcement actions against these sources of pollution that didn't comply with the standards.

This amendment would also prevent EPA from providing technical assistance to such sources of pollution to assist them in understanding and complying with the rule or to the States to assist the States in enforcing the rule.

The compliance date is 2013, so the regulated industry sources are now in the process of evaluating control equipment needs and preparing to order large amounts of equipment in order to be in compliance. Lack of EPA assistance and oversight at this critical time may ultimately result in a number of facilities not being prepared to comply on the compliance date. This in turn could result in numerous enforcement actions and citizen lawsuits, all of which would ultimately result in significant costs that would have to be borne by the States and regulated sources which this amendment would make avoidable.

These funding limitations to stop EPA rules really have unintended consequences. They don't stop the legal requirements to regulate polluters. They really do, though, contribute to the pockets of lawyers that would litigate these issues out in the courtrooms.

It seems to me that we should defeat what is really an unnecessarily costly amendment and an ill-advised and ill-timed one. So I would urge defeat of this amendment, Mr. Chairman.

I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Chairman, in advance of last fall, the election last fall, the Republican Conference presented a governing document called the Pledge to America, which put forward our ideas on how we intended to deal with the unsustainable level of deficit spending that has created a crippling debt being forced upon our children, our grandchildren and future generations.

The American people agreed with us and entrusted the Republican Party with a new majority here in the House in order to carry out what we put forward. In that pledge we promised that we would cut $100 billion from the fiscal year 2011 budget, and with the passage of this legislation, the underlying legislation, which I support, we will have kept that promise.

Unfortunately, President Obama did not seem to get that message, as he has threatened to veto this legislation.

□ 1520

The President remains committed to an agenda that calls for ever-higher spending, higher taxes, trillion-dollar deficits, huge debt, and a government that is out of control. The President presented his budget to the Congress this past Monday and patted himself on the back by saying that his budget, Mr. Chairman, reduces the deficit over the next 10 years by about a trillion dollars. But he said little of the fact that, according to his own math, more than $7 trillion would be added to our national debt. Today, our national debt is in excess of $14 trillion. At the end of the President's 10-year budget window, it will be nearly $23 trillion. It's clear that the President's budget was not a governing document like the Pledge to America was. It was a political document in which he refused to take on the tough challenges that we face in our Nation.

In the Illinois State Senate, President Obama, then-State Senator Obama, voted ''present'' 130 times, refusing to take a position on the various issues facing his State. In his irresponsible budget on Monday, President Obama once again voted ''present.''

Mr. Chairman, President Obama needs to know with the many challenges facing our Nation, now is not the time to vote ''present.'' Now is the time to provide leadership.

You don't have to believe me that the President's budget doesn't provide the serious leadership that our Nation needs now. Just read The Washington Post. One of the President's strongest supporters in the media said this about the Obama budget: ''The President punted. Having been given the chance, the cover, and the push by the fiscal commission that he created to take the bold steps to raise revenue and curb entitlement spending, President Obama in his fiscal 2012 budget proposal chose instead to duck. To duck and to mask some of the ducking with the sort of budgetary gimmicks that he once derided.''

Well, Mr. Chairman, punting in football is the equivalent of voting ''present'' in politics. By once again voting ''present,'' the President refused the mantle of leadership at a time of fiscal crisis in our Nation.

Mr. Chairman, we in the Republican Party will take that mantle and continue to put forward an agenda for America that gets our fiscal house in order and empowers the private sector to create new jobs. We listened to the American people, and they concede today our seriousness in dealing with the out-of-control spending problem that we have. In our budget we will show once again that we are serious about reducing these unsustainable deficits.

We understand, Mr. Chairman, that out-of-control government spending, borrowing, and debt limits the opportunities available to our children and to our grandchildren to help them achieve the American Dream. We will continue to tackle these tough issues head on. If President Obama believes that his political supporters simply will attack all of our efforts to return this Nation to fiscal sanity, if he believes that by voting ''present'' and by taking a pass on the tough decisions that somehow he will gain political advantage, Mr. Chairman, I believe that the President has seriously underestimated the political will of the American people and seriously misread the message from the last election.

The American people, Mr. Chairman, understand that the status quo is not sustainable. They understand that we cannot build our economy on top of a mountain of debt. And the American people understand that it is simply unacceptable for the leader of our Nation at this time in our history to be voting ''present.''

This week, the Members of the House are making the difficult choices on this continuing resolution which we have been debating this week. The Republican majority will be presenting our budget in the near future—and we will not be voting ''present.''

I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I move to strike the last word.

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

Mr. DENT. Mr. Chairman, first, I want to say I rise in strong support of Judge CARTER's amendment. It's absolutely necessary. Let me give you a few reasons why.

First, I'm cochair of the Cement Caucus along with Congressman MIKE ROSS of Arkansas. My district is one, if not the top, cement-producing district in America. This is a critical industry to our infrastructure and certainly to the people of our country.

Nationally, the cement industry employs about 17,000 Americans. We've lost more than 4,000 jobs in this industry since 2008. I am deeply concerned that EPA has failed to properly address the economic impact of this NESHAP rule. I'm extremely concerned about this for a variety of reasons. It seems to me in many respects this industry seems to be specifically under attack by the EPA. This rule is critically flawed. It cobbles together a range of different performance characteristics for different pollutants without determining if it is possible for any single cement plant to comply with all the standards simultaneously.

Nobody has determined if anyone can comply with this rule. This means a lot to the people of my district. This rule is going to restrict our ability to remain competitive with foreign cement producers. Foreign imports currently make up about 20 percent of total U.S. cement sales. Most foreign operators basically are producers. They operate without anything close to the level of environmental standards currently in place in America. While the EPA is trying to limit cement production with this ill-advised, job-destroying regulation, the Obama administration stimulus is providing financing to build a cement importation terminal in New York City. Stimulus dollars are being used to fund a cement importation terminal in New York City. The cement that's produced in my region supplies the New York market. It's the equivalent of one full plant. Why are we subsidizing foreign producers of cement with our stimulus dollars? It makes no sense.

So the Federal Government on the one hand is enabling foreign producers and on the other hand it's using the EPA to further cripple the domestic industry, which was flat on its back in 2010 and this year in 2011 is going to be even worse. We need a viable infrastructure, we need a viable cement in America. This amendment I think in an effective manner addresses this problem.

Somebody at EPA is going to have to answer for this because I know my constituents were enormously offended that the Federal Government would be doing so much to undermine this industry on the one hand through a stimulus and then on the other hand using EPA to further limit their ability to operate.

Again, this rule could force, we estimate, as many as 18 to 90 cement plants to end operations. Others will be forced to dramatically reduce those operations. So, again, I urge everybody in this Chamber, everybody who's listening, paying attention, please support Judge CARTER's amendment. It's important for American jobs and American infrastructure.

Mr. CARTER. Will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding.

I would like to address for a moment some of the things that were said by my friends on the other side of the aisle. It's true that there may be 1,300 new jobs, as he quoted. But 1,300 new inspectors are not jobs in the cement industry. The cost of doing the conversion, according to the industry spokesman, is about $3.5 billion industrywide, and even then they're not sure they're meeting all standards that are being required by EPA.

One for-instance in this requirement of EPA is, hydrochloric acid has never been considered a problem by EPA, and all of a sudden there's a regulation on hydrochloric acid. This is an almost $4 billion cost to an industry whose total net worth is approximately $10 billion. That is a tremendous, tremendous burden to place on this industry.

Quite honestly, what we're trying to accomplish by this before this regulation is actually implemented is to say, Time out. We're not funding this until you get back to the table and start working out a reasonable way to save American jobs and not encourage foreign jobs to take jobs away from America. That's what this does. And obviously with this thing that's going on in the port in New York, that's even more horrendous, that we are actually attacking American jobs by our own efforts.

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

Mr. WAXMAN. I move to strike the last word.

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

Mr. WAXMAN. Mr. Chairman, I wanted to be recognized in opposition to this Carter amendment. This has nothing to do with saving costs. This has nothing to do with lowering the deficit. What this amendment would do is to stop EPA from going ahead and enforcing a rule that they put into place dealing with mercury toxic emissions.

It took them 10 years to get that rule in place. And why did they finally adopt a rule? Because mercury is a powerful neurotoxin that causes learning disabilities and developmental damage, especially in young children.

□ 1530

Every year an estimated 60,000 American newborn babies are threatened with a diminished ability to think and learn due to exposure to mercury pollution.

Now we have to balance things out. We want to protect the cement manufacturers. We want them to be profitable. But if we're going to let them continue with that mercury pollution, we're going to have 60,000 kids that are going to be born with neurological problems. Are we a Congress that cares about life? Well, I think we want both—the industry to prosper and to stop the poisoning of our kids.

So we asked the Environmental Protection Agency to adopt a rule. They met with the industry people. They put out a proposed rule. They got comments to their rule. They finally put it into place. And now we would be asked under this amendment to stop it. As the gentleman from Texas suggests, go back and renegotiate. Well, there's nothing to renegotiate. There's no rule in place. The National Association of Clean Air Agencies wrote a letter, which I'm going to make part of the record at the appropriate time, and they said, Please oppose this amendment. They said, While there will be costs associated with the implementation of the rules, the benefits will far outweigh them. EPA estimates that the regulations will yield $7 billion to $18 billion annually in benefits, which is enormous when compared to the estimated $350 million to $950 million in annual costs that EPA has calculated.

If you want to do it by dollars and cents, this is a real good deal for the

American people. But if you want to do it for something even more important—life of babies and children. We're talking about keeping them from being poisoned.

These standards that are being put in place will limit toxic mercury pollution from cement kilns, the third largest source of mercury pollution in America. These standards will reduce mercury pollution from cement kilns by 92 percent. They also reduce other hazardous air pollutants, such as lead, arsenic, dioxins and benzene which are known to cause cancer, birth defects and other catastrophic health consequences. Reducing these toxic chemicals also reduces the fine particulate pollution, or soot, which interferes with heart and lung function and triggers strokes, heart attacks and lung disease.

The Carter amendment would stop all of these efforts to protect the public health. And the only reason we've heard is that they fear there's going to be a cost to the cement industry. Yes, there will be. But that cost can be handled. And we've always heard throughout the debate on environmental laws that the costs are going to outweigh the benefits. A rigorous economic analysis was conducted and the economic analysis shows that the benefits of this regulation far outweighed the costs to the industry. Let's not put corporate profits ahead of our children. I urge my colleagues not to agree to this amendment. They're common sense, they'll save money, they'll create jobs, and they'll save lives.

Let me just tell you further what EPA estimated what these standards will prevent.

Up to 2,500 premature deaths; 1,000 emergency room visits; 1,500 heart attacks; 17,000 cases of aggravated asthma; 32,000 cases of upper and lower respiratory symptoms. We're talking about reducing health costs that could amount to $18 billion every year and I think that's a great savings for the American people. I urge opposition to the Carter amendment.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I yield to the gentleman from Pennsylvania.

Mr. DENT. Thank you.

I just wanted to address a couple of issues about the EPA. I've tried to point out, very thoughtfully, that the EPA has failed really to properly address the economic impact of this proposed rule. It is critically flawed.

Let me restate once again why this rule is so flawed. Because it does bring together, cobbles together, a range of different performance characteristics for different pollutants without determining if it is possible for any single cement plant to comply with these standards simultaneously. That is the problem. My distinguished colleague from California is making a point that there will be less emissions. That is true. Because there will be fewer plants. They will not be emitting anything. We expect 18 plants that may be shuttered out of the 90 in this country; tremendous capital investment for an industry critical to our basic infrastructure.

These are high-paying jobs that we're talking about. We can't afford to lose that many more. That industry has become much more efficient over the years. These plants today produce far more than numerous plants would have produced years ago. I just can't emphasize enough that as we are having this great debate about the nature of the economy and jobs, that we would be willfully using regulatory agencies that we know are going to cost thousands of jobs in America, high-paying jobs. When is enough enough? I won't get into the New York plant again, about how we're using stimulus dollars to bring cement from Peru to New York to serve the market. They're going to kill more jobs than they're going to create with this importation terminal.

I just can't get over this. They're bringing this cement here because they would prefer to have fewer cement trucks from Pennsylvania, and even upstate New York and Maryland supplying New York, they would rather have fewer cement trucks on their roads. They would prefer to have huge ships coming in from Peru with cement rather than deal with the inconvenience of those cement trucks.

My region takes a lot of garbage—trash, waste—from New York. We get garbage trucks every day in my district, with New York garbage. We landfill it. We're required to under the U.S. Constitution, under the interstate commerce clause. It's been to the Supreme Court. We do that. We're not shutting down our State line to them and that industry.

The point is, it's about cement. It's about a basic industry. It's about American jobs. Judge CARTER's amendment is the right thing. It's the right thing to do.

Mr. CARTER. Will the gentlelady yield?

Mrs. EMERSON. I yield to the gentleman from Texas.

Mr. CARTER. I thank you for yielding.

I just want to point out what my friend from California was pointing out. Under the plan that's before us from the EPA, we're pretty well sure that 18 of our 90 plants are going to move offshore. So we get to add 18 plants to the people who are polluting this area of the United States at an almost hundred percent pollutant, and good scientific evidence already tells us that 75 percent of the mercury pollution, which is the argument the gentleman made, is coming from outside the United States. Now we're adding 18 new plants to the 75 polluters and we're taking 18 plants away from the 25 percent side. To me, I wonder how that balances out to make good sense for those poor sick kids that he was talking about. We're adding more pollution to the unregulated, full-scale polluters, and we're harming and taking American jobs, the fathers and mothers of those very children he was talking about. They're no longer going to have a job and somebody in China or India is going to have that job. And I think the American people are pretty fed up with us trying to constantly ship good American jobs overseas.

I hear my friends talk about, we are outsourcing. This is a form of outsourcing by regulating us out of business and sending those jobs over to where they open with open arms and no regulations and lower wages, come on in, make your cement, we'll ship it back to the United States and use that New York terminal to bring it into the United States.

I think we need to rethink this. All we're asking is an implementation that doesn't drive us out of the country. It's that simple. It's not that tough.

Mr. WAXMAN. Will the gentlelady yield?

Mrs. EMERSON. I yield to the gentleman from California.

Mr. WAXMAN. If some of the pollution is coming from offshore, from China, which is true, that's no excuse for us to allow more pollution to come from the sources here in the United States. And simply asking businesses to lower their emission levels does not mean we push them to do business overseas. American businesses have thrived even with environmental regulation.

□ 1540

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

Mr. MARKEY. Mr. Chairman, I move to strike the last word.

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

Mr. MARKEY. What we are hearing this afternoon, Mr. Chairman, is a whole bunch of phony baloney numbers about how this is going to affect the cement industry, about how this is going to affect the concrete industry, when, in fact, industry after industry in the United States has been able to comply with rules which protect the public health and safety.

First, let's just define what we're talking about and why American families are concerned about what the Portland cement industry is doing:

It is airborne mercury which settles in lakes and rivers. It accumulates in fish and shellfish. In its most dangerous form, it is a neurotoxin that can lead to birth defects and stunted brain development.

Since we are at the top of the food chain and doctors and dieticians across the country are urging families to eat more fish, we are simultaneously urging them, especially those with small children or who are women who may be pregnant, to consume these fish that

have the neurotoxins in them that we know lead directly to brain damage, that lead to harm in children in our country.

So this is a concrete example of what the Republican majority is now trying to do. This is kind of a regulatory earmark for a single industry, aimed at giving it the right to pollute, to send mercury into our atmosphere, and ultimately into the bodies of the children of our country when we know that thousands of them are going to die from the consumption of that mercury and that thousands more will have an aggravation of asthma, which they already have. The same thing will be true for senior citizens. Yet they're over here and are almost ignoring the health care impacts on families in our country.

We have people all across the country who are now going through food stores, looking to find what the mercury count is in the food which they're purchasing for their families. Instead, what the majority wants to do here today is to put a pair of Portland cement shoes on the EPA and then throw it into the river. And if the EPA doesn't die from drowning, the mercury is going to kill it. That's ultimately what the impact is going to be of this amendment.

So I understand, if I were a trade association, that I would be arguing, You can't impose any kind of restrictions upon us to protect the children of our country. It's just too expensive. It's too hard for us to do. The Chinese will take advantage of our protecting children from having mercury put into their brains, into their systems.

But do you want to know what? That's not a good enough excuse for our country. Our country is supposed to be the leader in ensuring that the public health of our citizens is protected. What has been constructed here is a very careful balance which ensures that the industry can survive and thrive at the same time that it is protecting the health and safety of the children in our country.

There are, by the way, many other people in the cement manufacturing industry who have contacted me, including companies in my own district, who do not support this position. They say that it is actually quite within their power to be able to comply with these rules in terms of ensuring that mercury is reduced in the production of cement, of concrete in our country.

So this is for the narrow number of small companies which are seeking to be exempted from having to participate in something that the vast majority of the industry can comply with. I do not believe that our country is going to sink to a level where the health and safety of the children in our country are going to be allowed to be compromised by amendments on this House floor on behalf of a single small industry, without any scientific justification except the bleatings that come from those who do not want to comply, and knowing that the consequences will be the loss of thousands of lives and brain damage done to thousands of more who are children right now but who will be affected by the vote that we cast here today.

I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I want to very quickly rise in strong support of Congressman CARTER's amendment.

I have three cement plants in my district in Midlothian, Texas. It is the cement capital of Texas.

Mr. Chairman, Republicans are not for no regulation of mercury. We think this particular mercury rule is flawed. My good friend, the former chairman Mr. WAXMAN of California, talked about the rigorous analysis that was done. His definition of ''rigorous'' and my definition of ''rigorous'' are not one and the same. We think that analysis was fairly flawed.

I would point out that most pollutants—and we do agree that mercury is a pollutant—are measured in tons. Mercury emissions from these plants are measured in pounds per year, so mercury is a trace element of these pollutants. We think that we should go back and actually do a real economic analysis and also a health analysis.

My good friend from Massachusetts was talking about the dangers of health. Those are real dangers. But again, given that the trace amounts of mercury that are emitted per year are in pounds, it is a very tenuous connection to say that the mercury from a cement plant has a direct correlation with some of the potential side effects that the gentleman from Massachusetts was talking about.

So I think this is a good amendment, and I want to support it.

I now yield to my good friend Mr. AKIN. I believe he has an amendment to the amendment.

Mr. AKIN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Is the gentleman offering a secondary amendment?

Mr. AKIN. I was intending to offer amendment No. 181, Mr. Chairman, but I decided to withdraw the amendment, and was going to simply speak on the subject.

The Acting CHAIR. The Carter amendment is pending, and the gentleman from Texas has yielded his time.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. BARTON of Texas. I yield to my good friend from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Just very briefly, look. Come on. Let's get real.

Mr. Chairman, everybody supports protecting the environment. Every American supports protecting the environment. We also support protecting the jobs of the people who live within that environment. Yet some of us don't support arbitrary decisions that are made that are going to cost thousands of jobs and that are going to close plants.

So, again, while there is a consensus in this body on protecting the environment, there does not seem to be, Mr. Chairman, a consensus on protecting the jobs of the American people, of those who are desperate for jobs. But without this amendment, we are going to lose more jobs. Let's have some common sense. Let's protect the environment and protect American jobs.

Mr. CARTER. Will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. CARTER. Having raised four children and being a person who cares about children, I was a little offended that I was being accused of wanting to harm children, which is not the purpose of this.

In fact, I would argue that between 75 and 100 percent of the mercury pollutants on two-thirds of the American continent, of the country of America, is coming from foreign sources. Of those who cannot meet these onerous requirements, the only solution they have in order to stay in business is to move to foreign countries, where they do not regulate air quality. I would argue, with this amendment, we are taking it away from the polluters and are saying, Wait a minute. Let's look at this and talk it out.

□ 1550

That's really what we are trying to do, and so I would argue that I'm trying to save the lives of American children because the foreigners are polluting our air, and 75 percent of those pollutants were created by foreign companies where the only choice for these people to stay in business is to move there.

Mr. BARTON of Texas. I yield back my time.

Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank you for yielding.

I just am astounded by some of the things that are said in the House, that there has not been a careful analysis of this proposal and the harm that comes with these mercury pollutants, because the National Association of Clean Air Agencies, the people in your State that enforce the clean air laws, talked about regulation yielding $7 billion to $18 billion annually in benefits, which is

enormous when compared to the estimated $350 million and $950 million in annual costs.

Cement plants employ workers who also can get sick from all of this, but the American cement industry did us a report of their own on this; and in November of last year, analysis by the Portland Cement Association predicts that domestic cement production will increase more than 25 percent from today's levels by 2013 when these rules go into effect and more than 50 percent by 2015. So they don't think they're going to be losing jobs under this proposal.

My friend from Texas (Mr. BARTON) says, well, these are trace amounts. This is a very intense toxic substance. And he said there hasn't been a vigorous analysis. Well, we've got numbers with the analysis that we've had. I don't know what analysis the cement caucus has for us, but I think that Mr. MARKEY was correct when he stated this is an industry in certain areas that wants to avoid spending money to stop the pollution from their plants, and it is just not a good excuse to me to say that because some of the mercury comes from overseas and other places we should allow the mercury to continue right here in the United States.

NATIONAL ASSOCIATION OF
CLEAN AIR AGENCIES,
*Washington, DC, February 17, 2011.*

DEAR REPRESENTATIVE: On behalf of the National Association of Clean Air Agencies (NACAA), we are writing to express our opposition to Amendment No. 165 to H.R. 1 (introduced by Rep. John Carter and expected to be considered on February 17, 2011), which would prohibit FY 2011 funds from being used to implement, administer or enforce the ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants.'' The standards affected by this amendment were published on September 9, 2010 and are designed to reduce emissions of air pollutants from Portland Cement Manufacturing facilities. NACAA is the association of air pollution control agencies in 51 states and territories and over 165 major metropolitan areas across the United States.

The rules EPA adopted are not only consistent with the provisions of the Clean Air Act, but are necessary to protect public health. Portland Cement manufacturing facilities emit mercury, hydrochloric acid, hydrocarbons, dioxins, sulfur dioxide, particulate matter, and other harmful pollutants, which are known or suspected to cause a host of significant health problems, including cancer, and even death. These facilities are the third largest source in the United States of air emissions of mercury, which is a persistent, bioaccumulative and toxic air pollutant. Even very low emissions of this potent neurotoxicant can result in unacceptable impacts to the nation's water bodies. To date, all 50 states have issued health advisories for fish consumption due to mercury contamination, with the primary loadings being from atmospheric deposition.

NACAA believes the controls contained in the regulations are essential and should be implemented. The rules will result in significant and much-needed reductions in emissions from cement kilns, including decreases of 92 percent in mercury, 83 percent in total hydrocarbons, 92 percent in particulate matter, 97 percent reduction in acid gases (e.g., hydrochloric acid), 78 percent in sulfur dioxide and 5 percent in nitrogen oxides, according to EPA data. The agency also estimates that the cement kiln rules will prevent up to 2,500 premature deaths each year and will avert a host of health problems, including cases of aggravated asthma, heart attacks, chronic bronchitis, and upper and lower respiratory symptoms. The reduced emissions from the rules will also result in fewer emergency room visits, hospital admissions, lost work days and lost productivity.

While there will be costs associated with the implementation of the rules, the benefits will far outweigh them. EPA estimates that the regulations will yield $7 billion to $18 billion annually in benefits, which is enormous when compared to the estimated $350 million to $950 million in annual costs that EPA has calculated.

If the amendment is adopted, EPA will be unable to proceed with the implementation of this rule during this fiscal year. As it is, the rules for this source category are already several years overdue, during which time public health has suffered as a result of exposure to unnecessarily high emissions. Further delaying the public health protection from these rules would be detrimental to our nation's residents.

NACAA urges you to allow the NESHAPs and NSPS for Portland Cement plants to proceed as adopted and to provide the public with the cleaner and more healthful air it deserves. Please do not support Amendment No. 165 to H.R. 1.

Thank you for your consideration.

Sincerely,

G. VINSON HELLWIG,
*Michigan Chair,*
*NACAA Air Toxics Committee.*

Mr. BARTON of Texas. Will the gentleman yield for a question?

Mr. SERRANO. I yield to the gentleman.

Mr. BARTON of Texas. I thank my friend Congressman SERRANO.

Would Mr. WAXMAN agree with me that, if you get one of these new squiggly mercury bulbs and break it, you're going to be exposed to more mercury than the amount of mercury you're exposed to from a cement plant?

Mr. WAXMAN. Absolutely not. I don't agree with that.

Mr. BARTON of Texas. I think that's a factually correct statement.

Mr. WAXMAN. I don't know enough to answer that question.

Mr. BARTON of Texas. Well, you might check it out because some of the benefits and some of the costs you talk about are not borne out in the real world when you do a real analysis.

Mr. WAXMAN. I should trust your analysis more than the Environmental Protection Agency, OMB, the people in the air pollution control business?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise to oppose the Carter-Ross Amendment (#165) to H.R. 1, the Continuing Resolution. This amendment would stop the Environmental Protection Agency from implementing and enforcing long-overdue safeguards that will protect our children from toxic air pollution generated by cement kilns.

Cement kilns are the third-largest source of mercury pollution in America. Mercury is a dangerous chemical that impairs a child's ability to learn, write, walk, talk and read. Mercury especially is a concern for women of childbearing age, unborn babies and young children because studies have found that high levels of exposure damage the developing nervous system. Cement kilns also pump lead, arsenic and dioxins into the air, which can cause cancer, birth defects and other catastrophic health impacts.

Last year, EPA finalized standards that will limit this toxic pollution from cement plants. These standards will prevent 2,500 premature deaths, 1,000 emergency room visits, 1,500 heart attacks and 17,000 cases of aggravated asthma every year. We'll achieve these health benefits while improving the economy because reduced pollution will allow people to do their jobs and go to work on 130,000 days they would have otherwise missed. We'll reduce health care costs by up to $18 billion every year. The benefits of reducing this dangerous pollution are between seven and nineteen times greater than the costs.

In fact, despite hyperbolic claims of economic collapse, EPA estimates that as many as 1,300 net new jobs could be created as a result of these new protections. That is because cement plants will employ American workers in building, installing, operating and maintaining the equipment that will keep these dangerous toxins out of our children's fragile bodies.

The Carter amendment would overturn affordable, commonsense protections that provide tremendous benefits at a reasonable cost. As a nurse, mother and grandmother, I urge my colleagues oppose this amendment and protect our children.

Mr. SERRANO. Reclaiming my time, I yield back the balance of my time.

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

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

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

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

Mr. AKIN. Mr. Chairman, I move to strike the last word.

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

Mr. AKIN. Mr. Chairman, the amendment that I was thinking I was going to offer, and actually we can't, is on the Energy Independence and Security Act of 2007. It's an interesting topic because we're going back again once more to the subject of mercury; but, really, we're going to a more basic subject than mercury, and that is the subject of freedom because this Energy Independence and Security Act of 2007 is a de facto ban on the plain old lightbulb that Americans have known a long time. It's the incandescent bulb.

And this de facto ban essentially says that all the new lightbulbs have to be these mercury vapor fluorescent lightbulbs. And so the question that comes to my mind is, aside from the benefits of one type of lightbulb over another—and you could argue the benefits, the mercury vapor lightbulb is a little more expensive but it saves energy, but the incandescent lightbulb

burns more energy. But it doesn't have any mercury you're bringing into your living room.

But the point, though, is don't we trust our constituents to pick the kind of lightbulb that they want? I'm just wondering if there's anybody in this Chamber who wants to stand up and vote and say, I'm going to tell my constituents what kind of lightbulb they ought to buy. I mean, lightbulbs are used in a lot of different contexts, a lot of different situations; and if people want one of those mercury vapor bulbs that's got good efficiency, fine, let them buy one. But don't tell them they can't buy another kind of bulb that may meet their circumstances.

And I think that's the kind of arrogance that the public is really fed up with out of Congress is when we have this arrogant attitude that we're going to tell people even what kind of lightbulb to buy. And so what my amendment was going to do was, of course, to strike this piece of legislation. Technically, we can't do that on this appropriations bill so we have to wait for a different venue in order to do it.

But I would conclude with the observation that for decade after decade in America the symbol of innovation and bright ideas was always the lightbulb, and unfortunately this bill is a bulb that just seems to barely get dim.

AMENDMENT NO. 204 OFFERED BY MR. SCALISE

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions and their offices:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Special Envoy for Climate Change.

(4) Special Advisor for Green Jobs, Enterprise and Innovation, Council on Environmental Quality.

(5) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(6) White House Director of Urban Affairs.

(7) Special Envoy to oversee the closure of the Detention Center at Guantanamo Bay.

(8) Special Master for TARP Executive Compensation, Department of the Treasury.

(9) Associate General Counsel and Chief Diversity Officer, Federal Communications Commission.

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

Mr. SCALISE. Mr. Chairman, we've seen over the last 2 years under President Obama a very disturbing proliferation of czars, these unappointed, unaccountable people who are literally running a shadow government, heading up these little fiefdoms that nobody can really seem to identify where they are, what they are doing.

But we do know that they're wielding vast amounts of power, many of them making six-figure salaries, and yet you can't find out exactly what they're doing. Yet you have got the separate Cabinet that's actually appointed, goes through the scrutiny of Senate confirmation, which is the process that is supposed to be followed for the people who make these kinds of high-level decisions.

In fact, I support the ability of the President to organize his administration; and, of course, if you look at article II, section 2 of the Constitution, it lays out the process for having these types of appointments, and it requires Senate confirmation. Yet you've got this shadow government that literally, completely avoided the transparency and the accountability of that Senate scrutiny.

What we do in this amendment, which actually sacks these czars, we actually go through, and I'll start with the ObamaCare czar. Of course, we had a vote here on the House floor to repeal ObamaCare, which I'm proud to have supported, hope we continue to see move through the Senate. But in the meantime, we just had a hearing the other day, over 900 companies have already gotten exemptions, went and I guess lined up at the White House and must have known somebody right over there and were able to get exempted from this law that the President says is so important, so great, going to solve all these problems, and yet 900 companies have already been able to get secret exemptions.

How have they done this? Who didn't get an exemption? Of course, our local businesses on Main Street would love to get that exemption. They didn't get that opportunity. We can't even find out who got these exemptions.

□ 1600

So we are getting rid of the ObamaCare czar.

Let's go to the climate czar. Of course you've got a person in there right now that supposedly is going to be leaving. This is a person who's continued to do things behind closed doors. In fact, when the moratorium on drilling came out, it was found out that it was the climate czar that actually doctored the President's own scientific study to try to say that the scientists that the President appointed recommended a moratorium on drilling. It turned out the scientist didn't say that at all. The White House actually had to apologize for the actions of the climate czar, for what they did. Again, behind closed doors, nobody can find out exactly what they are doing. So she's leaving. Let her leave, and take the funding, too.

The global warming czar. There's actually a czar out there trying to still impose the cap-and-trade regime. Of course Congress has rejected cap-and-trade. We've seen study after study. In fact, Spain came up with a study that showed what happened when they tried to implement a cap-and-trade regime. What they found out was that for every green job that they created, they lost over 20 full-time jobs in the private sector. And they detail that out very well in their study about what that policy does. The National Association of Manufacturers said cap-and-trade would run over 3 million jobs out of this country. Yet we have got a global warming czar that's running around out there with taxpayer money, promoting a policy that would destroy jobs that this Congress doesn't even support.

Again, you have got the green job czar. The green job czar, they haven't even filled the job of the green job czar since the last one resigned in disgrace. The last green job czar we had left in disgrace because he expressed comments embracing communism and actually tried to blame the American Government for the September 11 attacks. So of course that person left in disgrace. The job is still vacant. Let's get rid of it.

The Guantanamo closure czar we get rid of in this amendment. Guantanamo Bay—in fact, if you look at it, it's estimated that we have to spend over $200 million to build another facility to hold them. Nobody wants them. New York said, We surely don't want to try these terrorists on American soil right down the street from where the World Trade Center was attacked. And yet you've got a Guantanamo Bay closure czar when the President, himself, now has even backed off of closing Guantanamo Bay. I support him in that. We shouldn't be closing Guantanamo Bay, but we surely shouldn't have a czar that's running around out there doing who knows what for closing down Guantanamo Bay.

There is a fairness doctrine czar that we get rid of. A fairness doctrine czar that is trying to undermine the First Amendment right of talk radio hosts. You know, there may be some people on the other side that don't like some things said on talk radio. That's their prerogative. The beauty is you have got a First Amendment that dictates that, and you have a marketplace.

So the bottom line is it's time that we reestablish our responsibility as a legislative branch. Let's get back to those constitutional principles, and let's get rid of these czars. We shouldn't have the government running car companies. We shouldn't have the government running the shadow government, and we shouldn't have all these czars.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I rise in strong opposition to this amendment.

The so-called czars in the Obama administration are basically exercising a

traditional function of the White House staff, which is advising the President, coordinating policy on complex issues that cut across Cabinet departments and Federal agencies.

Let's take a look at one example. One target of criticism has been the climate change czar. But what Cabinet Secretary or other agency head would otherwise have to lead on climate change issues? The administrator of EPA? The Secretary of Energy? The Secretary of the Interior? The Secretary of State, because climate change is fundamentally an international issue?

The fact is that all of these officials, and many more, have a role, and that's why the President has designated a senior White House staff member to coordinate activity and policymaking on climate changes. They do not have legal authority to take action. Rather, that final decisionmaking authority can only be exercised by heads of agencies or other officials properly appointed and, in most cases, confirmed by the Senate. In modern times, there's nothing unusual about the White House and its staff playing a leading role in policymaking, especially on issues important to the President.

But let me touch on a subject now that some people may not want to touch on. Look, let's be honest. This is not about czars. This is about the person that lives in the White House. Today we're going to see amendments that say we should not have repairs on the White House structure. Tonight we're going to see an amendment that says—listen to this—that the President should not have, paid for by the taxpayers, a teleprompter. Can you believe this? This may be the 6 o'clock national news. There's an amendment up there about the teleprompter.

So I'm going to give some folks on the other side, with all due respect and love and affection, some advice. When you look at the White House, think of it as the monument it is. Think of it as the structure where the President of any party lives. Don't get hung up on the fact that he lives there. Notice I didn't mention the name because I don't want to upset you. Don't get upset at who uses the teleprompter. Don't get upset at whose plumbing needs repair in the White House for 50 years. Make believe it's the last President. Please repair the White House. Please allow him to have staff. Please allow him to be President. But don't get hung up on the fact that ''he'' is the President, because I know that upsets you. You can't accept the fact that ''he'' is the President. So don't let that bother you. Just concentrate on the issue.

Mr. Chair, I think we should concentrate on the fact that the White House structure itself is a building we should keep in good shape. It falls under my subcommittee's jurisdiction and Mrs. EMERSON's chairmanship. We have a President who may at times use a teleprompter. Let him use it because if we get into that, then our staff may not be able to write notes for us in the future, because it's the same thing.

So, yeah, sometimes it may not be this President. It may be another. I wish I could mention his name right now, but I know it upsets the heck out of many people on that side. So don't go after him, just do what needs to be done.

This is a terrible amendment, and it should be defeated.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, I would love to allow my very close friend and colleague from New York to continue. However, I will say that I do agree with him—and we will discuss this later this evening—that, in fact, the White House is the White House, and it's a historic building, and it should be cared for. But the issue at hand is the number of people not subject to Senate confirmation who work there.

I want to rise in support of our colleague from Louisiana's amendment to address the issue of czars in this administration, and I will admit that there were too many in several of the past administrations as well. And I also hope that the Oversight and Government Reform Committee will actually mark up the Scalise bill so that we can address this issue once and for all.

I do know for a fact that, in spite of what my good friend from New York said, the health care czar who is no longer in that position—and that is why we have actually eliminated that position as well as the climate change position in the continuing resolution—I believe that several colleagues had set many, many meetings with the health care czar in the White House when that position was filled and that she was actually coordinating all of the work done on the current health care law. So the statement that these folks don't have any power is absolutely not true, based on personal experience with the person who actually held that position.

I love the idea of getting rid of more of these czars. It will save us a lot of money. We have excellent people, even if we don't agree with them, who are the heads of agencies and departments in the government. They should be allowed to do their jobs themselves instead of having interference from even more people.

So with that, I support the amendment from Mr. SCALISE.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. I move to strike the requisite number of words.

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

Mr. FRANK of Massachusetts. Mr. Chairman, being of an optimistic nature, I look for silver linings. So I welcome the fact that my colleagues on the other side have decided to adopt gender-neutral language, because a lot of the czars would have been called czarinas in the old days.

□ 1610

So I appreciate the fact that we've gotten beyond sex stereotyping of people.

Also, I guess they were in a little bit of a hurry. The gentlewoman from Missouri has spoken, the gentleman from Louisiana, and they listed the czars they didn't like. They overlooked one. Maybe it was hard to read. Here's one of the ones they want to eliminate. By the way, you notice that many of the ones they want to eliminate have already been eliminated. They're not there. So they are denying funding for nonexistent positions—climate change, healthcare.

Mrs. EMERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. But the money and the funds still exist; so we're trying to save some money here.

Mr. FRANK of Massachusetts. Then rather than deal with it this way, I would have thought in the CR, you're telling me that the Republican Appropriations Committee majority funded some nonexistent positions.

I would have some advice, Mr. Chairman, for the gentlewoman. Next time, don't do that and we won't have this problem.

But there are some positions that they did fund that they would defund that still exist. And I understand they were in a hurry; so they forgot to mention all of them. They talked about climate change and they talked about health care.

Here's the one they forgot to mention: The special master for TARP Executive Compensation, Department of the Treasury, that is the special master, whose job it is to monitor excessive compensation of those TARP recipients who got special assistance and still owe the Federal Government money.

So what they want to do is knock out the person whose job it is to monitor compensation at AIG and at General Motors and at Chrysler and at Ally.

Mrs. EMERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. I'm pleased to tell my good friend that that position is removed from this legislation as well.

Mr. FRANK of Massachusetts. I have an amendment which says special master for TARP Executive Compensation, Department of the Treasury. So the amendment I have defunds and says you can't pay—I want to make it clear. This is the amendment offered by the gentleman from Louisiana. The one I got says, lines 18 and 19, Special Master for TARP Executive Compensation, Department of the Treasury.

Is the gentlewoman telling me I was given a defective copy?

I yield to the gentlewoman.

Mrs. EMERSON. Yes. I must tell you, my good friend, that you must have received a copy that perhaps missed a page. Do you have the diversity czar or the pay czar?

Mr. FRANK of Massachusetts. I reclaim my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. I have a parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. What's the text of the amendment? This is the one we were given. Could I get a reading of the text of the amendment, or could I get a copy of the amendment?

The Acting CHAIR. The gentleman may ask unanimous consent for that.

Mr. CARTER. Will the gentleman yield for a moment?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Excuse me. Does this have anything to do with cement? If you mention cement, I'm not yielding.

Mr. CARTER. I promise not to mention cement.

Mr. FRANK of Massachusetts. Then I yield. Because where I come from, cement was not good news for the people who were put into it.

I yield to the gentleman.

Mr. CARTER. I'm a little confused on your question and I may be able to clarify.

If you're asking the question are we attempting to defund that czar, we are.

Mr. FRANK of Massachusetts. Well, then reclaiming my time, and I ask unanimous consent that special debate time be allotted so the gentleman from Texas can debate the gentlewoman from Missouri because they seem to be undecided between them about it.

So the question I have is, this amendment, as it was presented, says you can't pay the person whose job it is to stop excessive compensation at TARP recipients. Now, the gentlewoman from Missouri says it's not in there, that I've got a bad copy.

Okay, so it is in here.

So this amendment would say to AIG and General Motors and Chrysler and Ally, the financial company, no one will now be supervising what you do. And even though you haven't yet paid back the Federal Government, there will be no enforcement of restrictions on your bonuses, no enforcement of restrictions on your compensation.

I should note, by the way, in the condemnation of these czar positions, one of the ones that's now vacant that they'd bravely get rid of is the senior advisor on the auto industry. That's one of the great successes of the Bush-Obama administration and transition.

I would tell the gentlewoman that she should work it out with the gentleman from Texas and then come up with a joint answer. But I want to make my other point.

One of the czars they are complaining about presided over a Bush-Obama transition policy that kept General Motors and Chrysler alive. We have auto industries flourishing in America and suppliers today. That was partly because of this position that's now vacant that they want to get rid of retroactively.

Please explain to me what it means when you say you were going to deny the funds for the special master for TARP. I will yield to whoever wants me to yield. The gentleman from Kentucky. The gentlewoman from Missouri.

Mrs. EMERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. I would just like to tell my friend that the Office of Financial Stability in the Department of the Treasury, which does oversee all of this, still remains and it is mandatory funding.

Mr. FRANK of Massachusetts. Reclaiming my time, so now the third answer I get is, yes, they do get rid of the special master. There's an office there with nobody heading it.

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

Mr. FRANK of Massachusetts. I would ask for an additional 2 minutes, having yielded so much of my time.

Mr. ROGERS of Kentucky. Reserving the right to object, we have tons and tons of amendments to go, ladies and gentlemen. I hope we can expeditiously move.

Mr. FRANK of Massachusetts. Well, I just asked for 2 minutes, having yielded so much of my time.

Mr. ROGERS of Kentucky. I withdraw my reservation, Mr. Chairman.

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

There was no objection.

The Acting CHAIR. The gentleman is recognized for 2 additional minutes.

Mr. FRANK of Massachusetts. I appreciate that.

Mr. ROGERS of Kentucky. Will the gentleman yield briefly?

Mr. FRANK of Massachusetts. I yield to the gentleman.

Mr. ROGERS of Kentucky. To the czars, I say, ''Nyet.''

Mr. FRANK of Massachusetts. Well, I will leave to the gentleman to work out his Lenin fantasy, but I want to reiterate what this amendment now does.

There is a special master, a high visibility individual whose job it is to prevent excessive compensation from those TARP recipients that are still out there: AIG, General Motors and Chrysler and Ally. This amendment strikes it. This amendment leaves us without a person of great responsibility, and I think that—and, by the way, it's only the top hundred employees, and there are two levels, 25 and 75.

I cannot understand why Members would want to send this signal, because many of these positions are already vacant, that one of the positions that is not vacant is our effort to put limits on compensation bonuses and other excessive compensation for those entities that still owe the Federal Government money. And why our colleagues decide that that position should be abolished and a high-level individual charged with that responsibility should not be there is baffling to me. I cannot believe that that's what people think the American people want; namely, a restriction on the restriction, a relaxation on the restriction of bonuses and other compensation paid to large recipients who have not yet paid back their TARP money.

And I thank the gentleman from Kentucky for his consideration.

Mr. HUELSKAMP. I move to strike the last word.

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

Mr. HUELSKAMP. Mr. Chairman, I appreciate the opportunity to speak on this amendment very similar to one I was going to offer as well. This amendment, as we know, would strike the climate change czar, the global warming czar, also known as the cement czar, as well.

Mr. Chairman, all kidding aside, my question I would have is: What is the President afraid of? This is not an issue of what is covered here. The issue is that the President has overstepped his constitutional authority in naming these czars and disregards the separation of powers and refuses to resubmit these names for confirmation. And it's, of course, my opinion, one of many examples of executive excess from this administration. Czars are unaccountable, unelected, and they're given considerable authority, which undermines the rule of law.

Again, why is the President afraid of submitting these names for consideration? I would argue, probably because they might not be confirmed. More than 30 czars have been appointed by the President. Not all of those are directed at in this amendment, but this amendment seeks to defund approximately nine of these czars, including the czars to oversee global warming policy as well as the closure of Gitmo.

Mr. Chairman, I would like to note that just yesterday the administration indicated that if they did catch Osama Bin Laden, they would send him to Gitmo. At the same time, they have a czar that continues to close Gitmo.

Certainly, the President has the authority to appoint staff as necessary. But, at the same time, his advisers are not there to make laws, Mr. Chairman. That is our job. That is the job of the Senate. This is an issue of whether the legislative branch is going to write the laws, Mr. Chairman.

Supporters of this type of style of government suggest in the past other Presidents have appointed czars. And, Mr. Chairman, czars might not have started with the Obama administration, but they should end with this budget.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

□ 1620

Ms. JACKSON LEE of Texas. Let me do as my good friend from New York did, Mr. SERRANO, and not mention any President's name. And I just ask my colleagues, how do you—again, I explain to all of us and hopefully those who are listening, this CR stops work in the middle of its tracks. This is a cutoff of functioning work as we speak, and there is functioning work.

Just as we have a prototype of a special master who is attempting to refund to the damaged, the worn and the torn of the BP oil spill, czars, or names that you would call, them are working.

And I am reminded of the fact that czars also are an exploratory term that Presidents use to get tasks done that ultimately may be valuable enough that are actually placed in a position that responds to a particular agency.

Now, we still call the drug czar the ''drug czar.'' And I am reminded of a number of drug czars who were enormously effective. And the reason for the czar term for the President is to emphasize how important the issue was or is to the American people.

Why would my friends desire to tie the hands globally, if you will, in a broad-based amendment that eliminates funding for individuals who are in the course of their work impacting for the American people, whether it's the TARP, whether it's the BP oil spill? They are in fact helping get through a difficult problem. The very nature of the term, a difficult problem.

So I would say to my friends, as I will be saying later about an amendment that has been offered, but I'm disturbed about denying funding to the Transportation Security Administration. What I would say in cutting their office not recognizing the value of their work, I would likewise say that it is crucial that we allow the Presidents, plural, to establish difficult tasks and to be able to select individuals to complete those tasks. I rise to oppose the amendment.

I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

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

Mr. CARTER. Mr. Chairman, I rise in support of the Scalise amendment. I actually also have an amendment which I filed which I am withdrawing to de-fund 24 czarships, instead of czar and czarina-ships to suit the other side. But I decided that comity would be better if I joined Mr. SCALISE.

I think he has a good amendment here. My chairman has asked that we move forward, and I agree.

I yield back the balance of my time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, I rise to speak on this amendment that's being offered by the gentleman from Louisiana (Mr. SCALISE), and I just want to say at the outset that I don't think any of this is a joke.

First of all, czars and czarinas are from Russia. This is the United States of America. And I think that throwing this kind of terminology around is really not befitting of the House and what we do. If we disagree with policy, and we do, we debate that.

If in fact there are people that work in the government that are policy advisers and have no legal weight to their position, so be it. Most frankly, every single one of us has them in our offices. Your chiefs of staff, your policy advisers on legislation, they don't carry any legal weight, but they are policy advisers to us.

This particular target is to one individual. One individual. This is very unusual where you go after one individual in the middle of a bureaucracy who is the chief diversity officer at the FCC, the Federal Communications Commission. This individual is in charge of expanding opportunities for women, minorities, and small businesses to participate in the communications marketplace.

Now, I think one of the things that absolutely goes to the core of democracy is how many voices speak to the many, whether there is media consolidation in this country or not.

There's some right-wing radio people that seem to dislike this person. I don't really agree with these right-wing radio talk show hosts, nor do I care to jump into what they dislike about this individual. But to bring something like this to the floor of the House, where an individual is working to expand opportunities for women, minorities, and small businesses, an appropriate role, participating in the communications marketplace, I think, is an amendment that is not worthy of the support of Members.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

I want to stress again, I have not heard a defense of the proposal that we remove from the Federal Government the highest profile individual charged with controlling compensation excesses at four companies which continue to be the recipients of special assistance. I do not understand this desire to free AIG from restrictions and General Motors and Chrysler. They have been successful, and I'm glad, but they owe the Federal Government money. Allied, the financial company, owes the Federal Government money.

I do not understand, you can go one by one and I haven't heard a defense of it. Why would we say that the individual most responsible for limiting excessive compensation to TARP recipients should no longer be able to work for the Federal Government and no one should be able to fill that position?

I thank the gentlewoman.

Ms. ESHOO. Reclaiming my time, I think that we need to start rethinking some of this. I can't help but think that campaign ads should just be played on the floor, get it out of everybody's system on this czar issue, and move on. But these are individuals that are carrying out their duties in the executive branch.

If you want to vote against expanding opportunities for women and minorities in the media, then do an amendment on that. Why saw this guy's head off? Because some talk show host says so?

So I think that this is poorly devised, poorly thought out, and does no grace to the House of Representatives.

Mr. DICKS. Will the gentlewoman yield?

Mr. ESHOO. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate it, and I associate myself with your remarks.

Did you mention that the associate general counsel and chief diversity officer of the Federal Communications is cut out of this as well?

Ms. ESHOO. Yes.

Mr. DICKS. That's rather shocking.

Ms. ESHOO. That's what's in the amendment.

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

Mr. BOUSTANY. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry. Hasn't the gentleman already spoken?

Mr. BOUSTANY. No, I have not spoken.

Mr. DICKS. Did you offer the amendment?

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

Mr. BOUSTANY. Thank you, Mr. Chairman.

I rise in very strong support of the Scalise amendment, and let me explain why. One word: accountability.

Americans across this country are tired of the lack of accountability. They want to know what is going on with their government, and they are tired of empty platitudes.

We have seen this when we brought Cabinet Secretaries and others who are in official positions in front of our committees, and we can't get answers to simple questions on energy policy, tax policy, health care policy. No, we get empty platitudes, because the policy is being formulated in the White House with these so-called advisers, these czars, whatever you want to call them.

I just want to point out something. When we had this situation with the oil spill in the Gulf of Mexico and a panel of experts, engineers, scientists, came forth and looked at this and gave their initial report, there was no recommendation for an industry-wide

moratorium on drilling. They issued a formal report. And what happened? This formal report was altered after the fact by somebody within the White House, the so-called Special Assistant to the President for Energy and Climate Change.

□ 1630

Now, this is not the kind of open and transparent policymaking that the American people deserve and demand. I think in the last election they spoke out because they did not like what was happening, the lack of oversight. And if this Congress is going to do oversight, we have to have access to those who make the policy and get answers. When we get railroaded and the runaround and just empty platitudes time and time again, whether it is on health care policy or energy policy or tax policy, trade policy, whatever it is, that is not what the American people want, and if this Congress is going to be able to legislate and do right by the American people, we have to be able to get the information from this White House.

That is why I stand here with the American people and say it is time to put an end to this opaque atmosphere in Washington. Let's be open with the American people. Those who are making policy should come before our committees and testify so we know what the policy is the White House is advocating and we can legislate in a responsible way.

So for those of you who didn't understand the Russian word ''no,'' which is ''nyet,'' I want to say it is ''no'' to the czars.

I yield back.

Mr. POLIS. Mr. Chairman, I move to strike the last word.

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

Mr. POLIS. I think that this amendment is typical of many of the proposals from the other side of the aisle that paint with a broad brush the entire Federal Government.

This is a complex world. A President needs an ability to govern. The President relies on many of these executive positions to effectively govern this country. It is not a Democratic or Republican thing. It is about having an effective executive and effective administrative branch.

That doesn't mean that there is not common ground; and while I certainly oppose this amendment, I would love to work with the gentleman and others to look at these positions one by one. We have discussed a proposal to eliminate the drug czar, for instance. The drug czar's office spends $21 million a year, and yet drug use has gone up since its inception, illegal drug use.

There are ways that we can work together, but a blatant removal of the ability of a President to effectively govern the country is not a wise measure, and one that I rise in opposition to. I encourage a more thoughtful discussion that could in fact lead to the elimination of some of these so-called czar positions.

I yield back the balance of my time.

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 458 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for the ''Department of the Treasury, Internal Revenue Service, Enforcement'', by reducing the amount made available for the ''Department of the Treasury, Internal Revenue Service, Operations Support'', by reducing the amount made available for the ''General Services Administration, Real Property Activities, Federal Building Fund'', by reducing the amount made available for the ''General Services Administration, General Activities, Government-Wide Policy'', and by increasing the amount made available for the ''Independent Agencies, Securities and Exchange Commission, Salaries and Expenses'', by $77,000,000, $46,000,000, $7,000,000, $1,000,000, and $131,000,000, respectively.

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

Mr. FRANK of Massachusetts. Mr. Chairman, this is a deficit-neutral amendment. It provides more money for the Securities and Exchange Commission than the resolution. It takes it from other agencies.

I should say that I regret some of the choices I had to make here. Particularly I have spoken with the ranking member of the subcommittee. I was not happy to have to ask that the General Services Administration be diminished, although by small amounts; and I would hope that this could be amended later in the Senate when there was more flexibility.

But the key issue here is therefore not a deficit issue, but a policy issue: Should the Securities and Exchange Commission, which was given increased responsibilities in the financial reform bill, be given less money in this fiscal year than it had in the previous one?

The current budget of the Securities and Exchange Commission is $1.118 billion, or the last year's budget. Under the CR, that would be reduced by nearly $50 billion—$50 million. I shouldn't say ''billion.'' This is a relatively small agency. The Republican resolution would reduce the amount given to the SEC for this fiscal year by $48 million from the last fiscal year.

Now, one of the things we did in the financial reform bill was tell the SEC that we want hedge funds to register. We want them to begin to regulate derivatives, not by putting margins on end users as they just made clear they are not planning to do, but by requiring that the price be made public.

There has been a lot of talk about the shadow banking system. Well, in the financial reform bill, with regard to a variety of these entities not regulated now by the bank regulators, we are asking them to show some information. Hedge funds aren't being told what to do; they are being asked to register. We have tried to, frankly, bring some light to the shadow banking system; but as a result of the CR, the shadows will remain unpierced.

The SEC is given new responsibilities for investor protection. We have asked the SEC to enforce a new fiduciary responsibility for people who are telling other people how to invest their money in various ways. They won't be able to carry it out. Technologically, they are not yet up to the point where they can deal with things like the flash crash.

Now, people will point to mistakes by the SEC in the past. Of course there were. They were partly ideological by people who didn't believe in regulation, but they were partly a matter of competence; but it was also partly inadequate resources.

What we do in this amendment, frankly, is not even reach the proposal that the administration wanted. I would have liked to have done that, but there were constraints here because we had to take money from the IRS and the General Services Administration and from the Treasury Department. So what we have done is to give them part of what was asked. We do give them an increase over fiscal 2010. We do not reach the amount the administration says they need to carry out the new responsibilities given.

So let's be very clear: this is not about the deficit. This is deficit neutral. The question is, Do you want to fund increased responsibilities for the SEC, or do you not? Do you want them to be able to hire the kind of people they need? Do you want them to improve their technology?

The issue here is that in fiscal 2010 this agency spent $1.118 billion. The administration asked for $1.258 billion. We would get them to $1.2 billion. We would undo the reduction and get them part of the way there. We don't get them all the way there because we are under constraints; but the notion that you should give the SEC less in the current fiscal year than they had last year and ask them to monitor hedge funds, to ask them to improve investor protection, to ask them to look at derivatives, makes no sense.

Now, if you don't believe we should increase transparency of hedge funds and derivatives, then don't vote for this amendment. If you think we are at a perfect solution here, don't vote for this. But it is hard for me to believe

that people think the SEC is adequately funded.

By the way, what the CR will do is to make the SEC not so much a regulator as a profit center, because the SEC brings in more money than this budget will give them. They bring in money with transaction fees, and then they distribute money to investors.

So here we have, and I know there were many on the other side that didn't like the bill we passed, but I thought there were some parts they liked more than others. I didn't know we had a view that derivatives should remain totally unregulated.

By the way, when I talk about derivative regulation at the SEC, we are not talking about imposing margin requirements. We are talking about making things transparent.

So I hope the amendment is agreed to and we begin to get the SEC back into the position of being a responsible regulator.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Since 2001, in the wake of the Enron scandal, this committee has more than doubled the SEC's budget. In fact, the SEC's budget has increased 163 percent since 2001. I would like to remind my colleagues that in 2001 the SEC was funded specifically at $423 million; and last year, with the fiscal year 2010 act, this committee provided the SEC with an appropriation of $1.1 billion.

Yet even with all of the money that we have given them and the opportunity they have had to begin upgrading their computers so, yes, they could deal with flash crashes and the like and hire more people and tougher enforcers, in spite of that they missed two major Ponzi schemes. They have had difficulty every single year since 2004 submitting clean budget statements for audit. They have had consistent trouble in their leasing practices, which has led to millions of taxpayer dollars wasted. And just even more specific to the Ponzi schemes, regarding them, the SEC has had multiple complaints filed against both entities over a decade before either individual was even charged.

□ 1640

So how is it also that the agency that's in charge, as my good friend said, and needs to be in charge of regulating our financial market, can't even produce an accurate financial statement of their own since 2004, in spite of the fact that since 2001 we've increased their budget.

In addition, the SEC's own inspector general has cited the agency for poor leasing practices, which has led to millions of taxpayer dollars being wasted on unused leased space. I'm sure my colleagues have read in the newspapers about the hundreds of thousands of square feet of leased space that they leased in anticipation of the work they might do on Dodd-Frank, but they leased it before the bill was even passed and money appropriated.

So when my colleagues argue that the SEC doesn't have enough funding, I've got to argue perhaps they do but they're not using the funding in the appropriate ways. All of us have had to tighten our belts. And I understand the need for us to have strong regulation. I am not opposed to strong regulation of the financial industry—of banks and nonbanks and hedge funds and the like. But at a time when we're all trying to do more with less, I think that it's important for all of the agencies of the government to do more with less, too. And so even with the cuts in this bill, the SEC is still going to be funded at over a billion dollars.

I believe very, very strongly that we must make this agency understand that they've got to try to revamp the systems they've got within and to use the moneys that we've given them, in addition to all the fees they've collected, more appropriately. And they need to try to do that. If they can't, then we can discuss this again. But we need to continue saving money.

Plus, my colleague has taken too much money from the GSA in addition to the $1.7 billion we've taken. So you're cutting them or you're cutting the IRS by over $600 million. We are cutting the IRS. We are cutting the IRS by over $600 million. You want to cut on top of the 600 that we're already cutting it. What you want to add to what we want to add perhaps cuts the legs out from them.

So, consequently, we have to vote against my friend's amendment.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Mrs. EMERSON. I will yield to the gentleman.

Mr. FRANK of Massachusetts. In the first place, our additional cuts are a small percentage of your cuts to the IRS and the GSA, and I hope they are restored when we get a broader sets of things. But the basic point is, yes, there were problems with 2004 and before. I believe we have a better-run SEC now, better people who care about it. And to punish the investors, to punish the American public because of past mistakes by the SEC by reducing from one year to the next is a very grave error.

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

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DICKS. Mr. Chairman, I rise in support of the Frank amendment.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

First of all, she wants to punish the American public and the American economy because some people were not up to it in the past. As to Madoff, we have a new set of commissioners. It broke in the end of 2008. We have a new Director of Enforcement.

Yes, I want the SEC to get better, but the notion that they can take on complex new responsibilities regarding derivatives and hedge funds with less money this year than they had last year is laughable.

For the gentlewoman's sake, she's for regulation, but she voted against the bill. It was her right to do that. And if we're going to relitigate that bill, let's do it.

By the way, many in the financial industry do not want to see these cuts because, while some of them didn't want to see the rules, for them the worst situation is to have the rules and no capacity to have them promulgated and enforced.

Yes, the SEC has made mistakes.

By the way, if the standard was that if you'd wasted money in the past you would lose the budget, we would be saving hundreds of billions in the Pentagon budget. That logic never appears to apply to the Defense Department.

Mr. DICKS. Reclaiming my time, I, again, support the gentleman's amendment.

Mr. Chair, since 2008 we have faced the most serious financial crisis since the Great Depression, and we are just not emerging from this difficult period. As we have debated the Continuing Resolution in the House this week, I have urged my colleagues to consider the impact that our near term actions will have on unemployment and on our nation's economy, which remains fragile. In this regard I have deep concerns about the magnitude of the cuts contained in the version of the Continuing Resolution that has been drafted by the majority leadership, with little input from the minority.

At this time I am particularly concerned about the impact of this bill on the Securities and Exchange Commission, which this bill would cut by $189 million from President Obama for Fiscal Year 2011. This level of spending will preclude the implementation of the Dodd-Frank Act, meaning that hedge funds, credit rating agencies, and broker-dealers will continue to operate without regulation, therefore increasing the risk of another fiscal meltdown. It also takes a big step backwards toward the enforcement situation we had before the crisis, leaving the agency with fewer staff to investigate potential misconduct and police securities markets to prevent another financial crisis.

Why is this important? Look at the history: In response to what was clearly an economic crisis in our country in 2007–2009, Congress established a bipartisan Commission on the Causes of the Financial and Economic Crisis in the United States. In its final report that was issued in January, the Commission concluded that the financial crisis was entirely avoidable. It wrote:

The crisis was a result of human action and inaction . . . the captains of finance and the public stewards of our financial system ignored warnings and failed to question, understand, and manage evolving risks within a system essential to the well-being of the

American public . . . Widespread failures in financial regulation and supervision proved devastating to the stability of the nation's financial markets. The sentries were not at their posts, in no small part due to the widely-accepted faith in the self-correcting nature of the markets and the ability of financial institutions to effectively police themselves.

So what did we do about this "combination of excessive borrowing, risky investments, and a lack of transparency" that the Commission said put our financial system on a collision course with crisis? We passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was intended to enable federal regulators to better understand and manage evolving risks; providing transparency in the financial and derivatives markets; and, maybe most importantly, putting the sentries back on duty and giving them the tools to do their jobs.

This Dodd-Frank legislation charged the Securities and Exchange Commission and the Commodity Futures Trading Commission with new responsibility to oversee the financial industry and provide for regulation of the massive derivatives industry.

Now I understand that some members of the Republican caucus who may have opposed Dodd-Frank did not believe that a failure on the part of Federal regulators to enforce the law played a significant role in the financial crisis. It seems that this misguided conclusion has led the new Majority to attempt—through the appropriations process—what it could not accomplish through the regular legislative process: to scale back federal regulation to the pre-crisis level. I cannot imagine a more risky thing to do at this time.

Thus I support the amendment that the gentleman from Massachusetts, the Ranking Member of the Financial Services Committee, has offered, restoring $131 million of the funding that will go to the SEC in this fiscal year to implement the oversight functions mandated by Dodd-Frank. I believe this amount would allow the agency to carry out its basic functions and start the process implementation so that we will not be risking another calamity like the situation we faced in 2008.

Like many of the amendments proposed to this Continuing Resolution during this debate under such unusual rules, the funding offset is problematic. The Internal Revenue Service's Enforcement division is already taking a massive and unwise cut in this bill and I regret that this amendment would add to that cut. It is difficult to talk seriously about deficit reduction while at the same time ignoring the tens of billions of dollars in taxes that go unpaid every year because of a lack of enforcement. So I believe we have some work to do, as we move forward, to ensure adequate funding for tax enforcement while at the same time we proceed to putting in place the important oversight functions of Dodd-Frank.

I urge my colleagues to support the Frank amendment.

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

Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I rise in strong support of the amendment by the gentleman from Massachusetts.

The majority's continuing resolution cuts funding to the SEC by $188 billion. Such a cut would leave our financial markets, including the derivatives market, unpoliced and effectively unregulated. In effect, the continuing resolution would take the Wall Street cop—its only cop—off the beat.

The Dodd-Frank Wall Street Reform and Consumer Protection Act will prevent another financial crisis like the one that crippled credit markets in 2008 by authorizing the SEC to regulate derivatives, provide oversight of investment advisers and broker-dealers, and rein in credit rating agencies. In order to do this, the SEC needs additional funding.

I am a little bit surprised that the gentlelady from Missouri talks about punishing the agency and making them understand. No, this is about accepting responsibility and helping to protect the average investor. We have people who lost all of their savings in their 401(k)s with the meltdown, and now we're talking about not funding the very agency that has the responsibility for protecting the investors? I don't think so.

Unfortunately, House Republicans don't want the SEC to staff up or to even maintain their current staffing levels. If this cut becomes law, the SEC would have to lay off hundreds of staff and cut its information technology budget down to $86 million, it's lowest level of information technology spending since 2003. At this level, the SEC would not be able to implement the new system it needs to protect the Nation's security markets.

From 2005 to 2007, during the period up to the crisis that imploded in 2008, the SEC lost 10 percent of its staff. In addition, from 2005 to 2009, the SEC's investments in information technology declined 50 percent. During this time period, trading volume doubled. The number of investment advisers has increased by 50 percent and the funds they manage have increased 55 percent to $33 trillion.

Let's put these numbers into perspective. The SEC's 3,800 employees currently oversee approximately 35,000 entities, including 11,450 investment advisers, 7,600 mutual funds, 5,000 broker-dealers, and more than 10,000 public companies. Furthermore, these staff police companies that trade, on average, 8.5 billion shares in the listed equity markets alone every day.

What does this mean for the average investor? Without adequate funding, the SEC won't be able to do its job, as simple as that, of protecting the average investor. As financial markets and investors become more and more complex, the average investor has confidence in making an investment because he or she knows that there is a system in place to protect them. This continuing resolution will undermine that system.

We've all heard of Bernie Madoff and the massive multiyear fraud he perpetrated on thousands of investors. Bernie Madoff was just one man. Imagine a world in which there are hundreds of Bernie Madoffs who prey unchecked on investors. That's the world we will be in if the majority's cut for the SEC becomes law.

So, Mr. Chairman and Members, if we want to create jobs and spur investment in our economy, we must fully fund the SEC. I don't see how anyone can make a rational argument that the SEC should be level funded or underfunded when we know that that's the only police on the beat to protect our investors and ensure that people who have invested in their retirement won't have to go back to work at 65 and 70 and 75 years old. That's what happened when we had this meltdown.

□ 1650

And so now we know what happened. We have good management over there. We have people who understand what they need. They have come to people who have been elected and sent to Congress to do a job. That job is to look out for the average person, the average American. All of our constituents are not interested in punishing the SEC. They want to make it work. And I submit to you that this amendment is important to help make it work. Do not follow the lead of the people on the opposite side of the aisle who would endanger all of us and all of our investors.

Mr. GARRETT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. I thank the Chair and I thank the gentlelady from California on her opening comment with regard to accepting responsibility. I think that's all that this side of the aisle has ever been asking for when it comes to the SEC, to accept the responsibility of their past poor performance in so many different ways.

Mr. DICKS. Will the gentleman yield? Is the way to make them better by cutting money, for the SEC?

Mr. GARRETT. I did not yield, but I appreciate the gentleman's comment.

In any other realm of life, personal life, business life or whatever, when you have a failed business, what have you, when you have failed portions of that company and they fail in their performance, is the response, well, the solution to that problem is more people, more authority and more money? That seems to be only the case here in Washington, D.C., in our Nation's capital when you can have a failed entity like the SEC where they failed in so many areas; where they failed, as we've already discussed, with regard to Ponzi schemes like the Madoff situation, the Stanford Ponzi scheme; where they failed in the area of operating a failed investment bank supervising program as well; where there was a lack of supervision over in the money market fund which led to for the first time, I guess, in history the breaking of the buck with the reserve primary money market fund account. They failed in all

of these areas. And what is Washington's response or at least what is the response from the other side of the aisle? Let's give them more money.

The irony here is that the gentleman from Massachusetts comes to the floor today to enhance their funding, but, if I remember correctly, the Democrats controlled this House from 2007 through 2010. They had all that time to go in and do a complete audit of these agencies. They had all those 4 years to look at them to see where they were making mistakes, how to fix them, improve them, and then increase their resources. But they failed to do that during the last 4 years. And now in this CR they say this is the time to do so.

The gentlelady talked about punishing the agencies. Well, they are punishing people. They're punishing the enforcement folks over at the GSA. They're punishing the folks in enforcement over at the IRS. And I would question the gentleman from Massachusetts before he put in this language, did you contact any one of those agencies to see what the implications would be on those agencies for cutting to the extent that you are here?

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Thank you.

Yes, I think it is unfortunate. Of course our cuts are much smaller by multiples than the cuts inflicted by the subcommittee majority.

Mr. GARRETT. Did you contact those agencies, was my question?

Mr. FRANK of Massachusetts. I spoke to the people at the subcommittee who worked at them and I think the cuts are too deep.

Mr. GARRETT. I would like to reclaim my time.

Mr. FRANK of Massachusetts. I apologize. I thought the gentleman wanted an answer.

Mr. GARRETT. It is a simple question to ask, that when you come to the floor with an amendment to say that we're going to take money and yank money out of one agency that has a primary responsibility to the members of the public of this country, to first go to those agencies and ask, well, what impact will they have? It's not a matter whether other amendments are coming down that will have a larger or more de minimis impact. It's incumbent upon the gentleman from Massachusetts to do his research before he comes to the floor with his amendment. I'm sorry to see that he did not.

Finally, as well, he comes to the floor with this amendment saying, well, we need to do this action now. Don't look back at their past poor performance. Let's take this action now. I remind the gentleman as the author of the Dodd-Frank reform legislation that his very own legislation mandated a study, it was in section 967, to reform the operation of the SEC and asked to do a study in that to see how their reform has occurred.

Why don't we wait for the studies to come out, for the information to come out, to see whether or not the SEC has changed its performance. Even after they've lost their majority, we see the conduct of the SEC and it still continues to fail. Even now we see that they are under investigation by the Inspector General. Why? For allegedly leasing more space before receiving funds to do so. So they've had a poor track record in the past. Unfortunately in some areas today, I'm sorry to say, they still have a poor track record right now with regard to their finances. And who knows where they will be in the future.

Now is not the time to say, let's just throw out more money to them. And when we talk about throwing out more money, I just harken back to a comment that the gentleman from Massachusetts made just earlier this week. We were looking at the actions of the SEC and we were looking at the actions of the CFTC in a hearing just the other day. And whereas our side of the aisle, Republicans, were looking at this issue and saying, what can we do to honestly reform and make the rulemaking process and the rules that come out more consistent and proper and be able to perform better in the regulatory climate. Their side of the aisle was doing the same thing this week as they are on the floor right now, saying the answer to everything is, what? More money. He said it in committee. He's saying it on the floor right now. The answer to every single problem, I must tell the Chair—and the American people know as well—is not paying more money for programs. It's making sure that those agencies perform correctly, and that's what this side of the aisle is all about.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. FATTAH. During the campaign season, there was a meeting with the Wall Street barons by the leaders of the other side. They promised them exactly this: that they were going to essentially go back to an unregulated system. It almost bankrupted the entire country.

I want to yield the remainder of my time to the gentleman from Massachusetts. And the American public should not be fooled again by people on the other side saying that somehow they're doing this to protect their interests on Wall Street.

Mr. FRANK of Massachusetts. I thank the gentleman.

The gentleman from New Jersey asked me a question. I foolishly thought he wanted an answer, and I apologize for my false assumption. The answer is that I know that the proposals we have made to reduce at the GSA and the IRS go too far. I will point out again that they are a small percentage of the very deep reductions made by the subcommittee.

The problem we had is under the very restrictive rules, we had to choose among certain agencies. My hope is that the House will demonstrate its support for increased funding for the SEC and when it gets to the Senate, they will have more flexibility and can take it from elsewhere. And we will see fiscal discipline imposed in some other places.

I did not call those agencies because I knew what their answer was. I knew it from the ranking member of the subcommittee, that the chairwoman in my judgment of the subcommittee had already cut them too deeply. We had no options. What we are doing here is simply trying to make the point that the SEC should be funded.

I want to now respond to the notion that we always think it's more money. No. We have talked also about reforms. And, by the way, they talked about 2004. They talked about 2008. A prior administration. I believe that there has been a real change in this administration in the seriousness of the appointments to the SEC, in the understanding of what they should do. There is a new SEC director of enforcement, Mr. Khuzami. By the way, disciplinary proceedings, the new chair, Mary Schapiro, has announced are now under way over the people who didn't do what they should have done in the Madoff, which of course is from prior years.

So, yes, the SEC has been less than perfect, but it has a very new set of responsibilities. And the notion that they can deal with that new set of responsibilities with less money than they had last year comes only from people who are not in favor of the new responsibility. I understand that. But becoming more efficient doesn't allow you to get into monitoring all the hedge funds that have to register and to monitoring derivatives.

What we have here is an ideological opposition to reform of the financial system, a preference for keeping the shadow banking system in the shadows, masking as a fiscal argument. Because we can do this in a deficit neutral way and the SEC will continue to be a profit center.

So this notion that we think the answer is always more money, no, we don't. And if the majority has some improvements to make to the SEC, let's see them. I don't remember any being offered by them as amendments when we were doing the financial reform bill. We have worked with Mary Schapiro. We do believe she's making significant improvements in a lot of ways. But the notion that you can give them significant new responsibilities and give them less money than they had in the year before when they're supposed to now be looking into derivatives and hedge funds makes no sense.

□ 1700

The gentlewoman from Missouri acknowledged she had misspoken when she said we had cut it by $600 million. She cut it by $600 million. I wish she

hadn't done that. I wish they hadn't done other things.

Within those constraints, what we are trying to do is to send a message that we believe the SEC should get some of the funding, not all that it asked for and not all that the administration asked for. What we have here is a test about whether or not people want to support the re-deregulation of the financial system, whether they want to keep the shadow banking system in the shadows. I believe the answer is that we shouldn't.

I thank the gentleman from Pennsylvania.

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

Mrs. MALONEY. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. I rise in strong support of accountability and oversight, and I rise in strong support of the Frank amendment, which would help give tools to the SEC so that they could better enforce the laws of this country.

Madam Chair, our Republican colleagues have proposed that the SEC's budget should be cut back to roughly 2008 levels; but I can hardly imagine that anyone in this body on either side of the aisle is pleased at the level of oversight that was performed by the SEC in 2008, the year the economy cratered under the Bush administration.

According to the SEC Inspector General, the Republican proposal would force the agency to let go 600 staff right when we need more activity by the SEC in oversight. Just as our colleagues across the aisle are calling for more accountability, they would cripple one of the key agencies that holds people in a key sector accountable.

The SEC's budget for all of 2010 is equal to just a small fraction of the bonus pool for just one major investment bank or hedge fund in the financial sector that they are charged with overseeing. It is a small fraction of what they are charged to oversee.

The total loss of household wealth as a result of this Great Recession has been estimated at approximately $14 trillion. It was a financial disaster that did not have to happen. A lack of adequate oversight and regulation were major contributing factors. We heard that from the Angelides committee report yesterday. So the Republicans' new proposal to cut the badly needed oversight of our financial system brings to mind one of the oldest sayings in our country: ''They are being penny wise—and pound foolish.''

The majority party is basically resisting any increase in the funding for the cops, the major cops on the financial beat. They apparently can look back on the carnage of the past years, look at the way the middle class has been brutalized, look at how people have had their dreams stolen in this recession, look at how their hopes were crushed, and declare that the status quo is ''just fine, thank you.'' We're not even going to fund it at the status quo at the time that we had the great debacle and crash of our financial system. They want to de-fund it even more.

I really do not agree. I feel strongly about it. This is a huge mistake. They would deny the needed relatively modest funding that is required to begin supervising over-the-counter derivatives trading. Let's take a look at some of the numbers.

The over-the-counter derivatives market is valued at about $600 trillion. In 2010, the GDP of the entire world was just over $74 trillion. The infamous ''flash crash'' on May 6 temporarily wiped out of our economy $1 trillion. In 2010, the budget for the entire CFTC was just $169 million.

So the number of new staffers that the SEC is saying it would like to hire will understand this new type of trading—the algorithmic trading, the kind of high-frequency trading that tends to dominate today's marketplace. It is trying to hire five new oversight professionals; but the number of such specialists the opposing party seems willing to fund is absolutely zero so that there will be no one looking over this new type of trading. Zero is the level of effort that the Republicans seem willing to make to see to it that we don't suffer through another great recession and to make sure that a Bernie Madoff doesn't happen again.

This is not the way to proceed. We should fund the SEC appropriately so that it can oversee the new Dodd-Frank bill, which requires many new studies and new rules, and so that it can give this country the protection it needs from risky trading. How can we know that the capital markets and the leverage rules that we are putting in place are enforced? We can't do that unless the SEC is properly funded.

This is an important amendment. I think it is one of the most important before this Congress. I urge my colleagues on both sides of the aisle to support the Frank amendment so that we can oversee the financial markets, so that we can make sure that the rules are enforced, and so that we can make sure that the American investor, the American public, is protected.

I yield back the balance of my time.

Mr. LUETKEMEYER. Madam Chair, I move to strike the last word.

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

Mr. LUETKEMEYER. I just wanted to put a few comments on the record with regard to the impassioned speech of the last speaker, the gentlewoman from New York.

Madam Chair, I serve on the same committee as the gentlewoman, and I heard the same testimony yesterday. It is interesting that she is talking about trying to continue to fund an agency that was totally absent with regard to the crash back in 2008.

Yesterday, we asked the question of the SEC representative as to whether there was anybody who had been put in jail, as to whether anybody had been fired, as to whether there had been any changes to the personnel who were there. The answer was ''no.'' There were some ongoing investigations; but at this point, nothing had been done. So we are going to try and give some more dollars to the group that was mismanaging the thing to begin with without its having any more accountability. I think that's the wrong way to go.

With that, I yield to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. I thank the gentleman from Missouri for yielding.

Madam Chair, I just want to point out a couple of things that I believe need some clarification.

Number one, yes, we had the Inspector General in our committee earlier in the week. I want to say, when he was talking about the loss of 600 jobs, that would be if we were to go back to funding at 2008 levels, which we have not done in this continuing resolution.

Number two, this agency has probably received more money than any other government agency in the last decade, and it has hired over 1,000 employees during that time period. Certainly, with that complement of excellent staff, they should have been able to see all of the problems with regard to Madoff, Stanford Financial, and other things.

At the end of the day, they've got to prove their own ability to manage money. They have to do their financial reports correctly. They have to, perhaps, take the structure they have and make it work in order to comply with Dodd-Frank. In the new bureaus, there is a lot of overlap that Dodd-Frank asks them to do, but they've got offices that do those functions already, so they can use what they have and perhaps fix it by moving employees around within that office.

At the end of the day, they still have to prove that they can do the job. They have not. They already receive too much money as far as I'm concerned; and if they can better manage personnel and do that job, then I'm more than happy to look at funding them at the levels that my colleague suggests, but not until they can prove they can manage what they have got already.

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

Mr. SERRANO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Let me first clarify something.

Madam Chair, the gentleman from Massachusetts (Mr. FRANK) came to me and told me where he wanted to take the cuts to pay for this. We were both unhappy about it, but we felt that it was so important to do this that we would take it from where we had to

and then deal with it later. But let's understand something.

□ 1710

There are some new Members here who are either watching in their offices or here on the floor who need to know something. I've been in public office 36 years—this is my 37th year—in the State Assembly in New York and in Congress. I've never seen, except for once, a commissioner or a Secretary or a director of an agency come before me as chairman of a committee, and when I ask them, Do you want, do you need more money, they said to me, No, we don't want, we don't need any money. You know who that was? You guessed it. The SEC a few years ago told us that they didn't want any more money, they didn't need any more money. Why? Because that was during that era when there was the word out throughout an administration not to enforce, not to regulate, not to practice oversight, let it go, the water will clean itself, the air will clean itself, Wall Street can monitor itself. That was the attitude.

Now, we're seeing another pattern, and I look at folks on the other side that—you know, we always say this but they know I mean it—who I have tremendous respect and admiration for, but we know, I'm not fooled what the game is. The game is we pass a health care bill some insurance companies don't like, so we're not going to fund it. We pass regulations on Wall Street that could go a long way to stopping the criminals from doing it again, we're not going to fund it. That's what this is all about. This is not about whether the SEC did a good job or will do a good job. It's simply about a law that now will make it very difficult to commit the crimes that were committed on Wall Street which tumbled down the whole economy, and now we're saying that we're not going to fund it.

So as we move forward this year, this weekend, the next 2 years, and we propose not funding certain things, every so often at least let's do it and kind of wink at each other, because we know the truth. This is not about cutting a budget. This is about not enforcing some rules.

And so we will open it up again and the same folks, because they're pretty smart, who pull all those crimes on this society will do it again, and my God, interestingly enough, the movement that brought you into the majority, those folks that I saw on TV at those town hall meetings did have one thing in common with the folks over here. They agreed that something had to be done to the folks on Wall Street; that they couldn't run amok and go crazy again. That was the one thing we agreed on. So it could be that this time you're running counter to your own base—not that I should advise you on that—but running counter to your own base because they want Wall Street police.

So the SEC needs to enforce this bill, and if you really want to undo Dodd-Frank, then try what you're doing with health care, which is to change the law, but not to fund it is simply to find a very funny way of accomplishing the same thing.

Mr. PERLMUTTER. Madam Chair, I move to strike the last word.

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

Mr. PERLMUTTER. Madam Chair, just so we don't forget where we were, Colorado in August of 2008 had about a 4, 4½ percent unemployment rate. We had a crash the likes of which we haven't seen in decades in September, October, November of 2008 on the financial markets centered on Wall Street. Colorado then went to 8 percent unemployment. Thousands of people in Colorado lost their jobs because of the recklessness that we saw on Wall Street. There were no police on the beat, or if they were on the beat, they were told to look elsewhere.

Since Barack Obama took office at the beginning of 2009, when we were losing 800,000 jobs a month, the stock market in the fall of 2008, under the last months of the Bush administration, lost thousands of points. Since March of 2009, the stock market has doubled, because people understand that there is some restraint and enforcement of the financial markets now. People are starting to get back to work. The middle class is realizing they have pensions that are growing again. We have to have confidence. We have to have certainty in the financial markets. And to underfund and take away the police that are trying to deal with these unbelievably complicated types of financial transactions is wrong for Middle America. Middle America got hit hard. It's just getting back on its feet, and my friends on the Republican side of the aisle just want to pull that rug out from underneath them again and let the bums start pillaging Wall Street again.

No, we had Ponzi schemes. I look to my friend from Missouri because I was listening to her. Two of the biggest Ponzi schemes ever in the history of the United States, $65 billion with Mr. Madoff and I can't remember how much Mr. Stanford was, or the Stanford Investments, but billions of dollars, millions of transactions. We had testimony in our committee that the SEC during the period from about 2001 to 2007 was notified 21 times during that period about Mr. Madoff and they did nothing.

So now we finally have certainty back in the marketplace. The market has doubled, and now we want to take those police back off the beat when Middle America is strengthening itself again?

Mrs. EMERSON. Will the gentleman yield?

Mr. PERLMUTTER. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. I just want to add or perhaps comment to my good friend from Colorado that the IG said to our subcommittee that it wasn't for lack of resources—since we have increased that budget 163 percent over the last 10 years—it wasn't for lack of resources but, rather, the staff working within the SEC did not perform their duties properly.

Mr. PERLMUTTER. Reclaiming my time, I would say resources have now been added, and they're performing their duties, and the stock market has doubled so that the people in Colorado, the moms and pops of Middle America, finally see their pensions growing again.

So much wealth was lost because of what happened on Wall Street, whether it was out-and-out fraud like in Madoff or just recklessness. We can't have that anymore. That almost brought this country to its knees, and this cut to the SEC is just very misplaced. We can't forget what happened 2 years ago.

Mr. AL GREEN of Texas. Madam Chair, I move to strike the last word.

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

Mr. AL GREEN of Texas. Madam Speaker, I think I now understand what Dr. King meant when he said that the truest measure of the person is not where the person stands in times of comfort and convenience, but rather, where do you stand in times of great challenge and controversy.

This is a time of challenge and controversy that will measure our truest measure as people of goodwill. I ask anyone to show me the empirical evidence connoting that we should reduce funds to get better service, to get better scrutiny, to get better cops on the beat with the SEC.

Every police department in this country has some problem or has had some problem. No one would say let's eliminate the police department because it has not performed up to a standard of 100 percent. The SEC is not perfect but what it does is this: It oversees 38,000 entities, 11,450 investment advisers, and these investment advisers are managing $33 trillion. Some things bear repeating. These investment advisers, 11,450 of them, are managing $33 trillion. Do we really want to take the cops off the beat? Would we ever make such an announcement as it relates to any police department in this country?

Let us stop for just a moment and take a deep breath and understand what is about to take place here. We are about to send a signal to those who would perform dastardly deeds that we are going to allow you to do this with impunity, not because we want you to do so, ostensibly, but because there will not be the deterrent in place that we know should exist to prevent them from doing these dastardly deeds.

□ 1720

So I'm going to ask all of my friends on both sides to stop, take a deep breath, and let us ask ourselves: In this time of challenging controversy, will we prevent the SEC from overseeing

the 7,600 mutual funds as they properly should, from overseeing the 5,000 broker-dealers as they properly should, from overseeing more than 10,000 companies as they properly should, 35,000 entities as they properly should?

This is a time of challenge and controversy, and I am proud to say that I am going to stand for making sure that those who invest are properly protected. This is our time. This is a moment to stand up and be counted. And I hope that every investor out there will look to see who stood for making sure that investments are properly protected and that the integrity of the system is properly in place. I stand for doing the right thing, and the right thing is to make sure that this SEC has the right amount of capital in place to protect our investors and our investments.

I yield back the balance of my time.

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

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

Mr. DICKS. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 506 OFFERED BY MR. HOLT

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise made available by this Act are revised by reducing the amount made available for ''Department of the Treasury, Internal Revenue Service, Enforcement'', and increasing the amounts provided in section 1517(a) for transfer from the Federal Reserve to the Bureau of Consumer Financial Protection for activities authorized to be carried out by such Bureau under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act and amounts made available in section 1517(b) for obligation by such Bureau during fiscal year 2011, by $63,000,000, respectively.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chair, the continuing resolution bill before us handcuffs the Consumer Financial Protection Bureau by setting a maximum level that the Federal Reserve can fund the CFPB for the fiscal year that we are in.

This amendment would allow the CFPB to function as intended. As a result of an open process last year that included a rare House-Senate conference, the House passed historic reforms to the Nation's financial system. It included such things as providing for disassembly of large, failing financial institutions so taxpayers wouldn't be saddled with the bailout. And it did a number of other things. But I would argue that probably the most important thing it did was to create a Consumer Financial Protection Bureau.

Members of the House and the Senate, after much deliberation, concluded that in order for the CFPB to protect effectively American consumers, it must be independent. The Dodd-Frank legislation, which is the law of the land, is clear on this point. This new financial watchdog which would serve consumers in every kind of financial transaction where they had had no aid, no protection, no help before would be an independent organization, insulated from partisan fights on Capitol Hill, deriving its operating budget from the Federal Reserve. Section 1017 2(c) was very explicit on this.

Some of the appropriators, being the appropriation animals that they are, may not like the fact that this is to be kept independent of appropriations, but it was to give this commission independence so that they could offer protection for the consumer.

Now, I suppose we should applaud the ingenuity of the authors of this continuing resolution to get around the law of the land. Maybe we should applaud their sheer nerve in trying to defund this board.

Less than 2 months into the 112th Congress, the majority, through this continuing resolution bill, is attempting to sneak through a provision in direct conflict with the spirit of the law, the intention of the law, and in direct contradiction to this intent to protect the consumer. It handcuffs the CFPB in order to preserve the status quo that benefits big banks at the expense of American consumers.

If we've learned any lesson from the financial crisis of the last several years, it should be this: by protecting consumers, we can protect the rest of the financial system. This amendment simply would correct section 1517 by inserting the appropriate amount of money that the CFPB estimates that it will need to get the work done for the sake of American consumers. This amendment would ensure that the recently created Consumer Financial Protection Bureau, when it assumes consumer protection authority this summer, will have the independence and will have the resources that it needs to begin its critical work of protecting consumers and, by extension, protecting the entire financial system of this country. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mrs. EMERSON. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Madam Chair, I rise in opposition to the amendment.

The continuing resolution already cuts the IRS by over $600 million compared to FY10 and over $1 billion compared to the FY11 request; and I believe that the further cuts to the IRS enforcement division will ensure that the tax cheats win because there are going to be fewer audits, fewer investigations, fewer prosecutions, fewer convictions.

The Consumer Financial Protection Bureau was created by Dodd-Frank to promote fairness and transparence, but the bureau itself seems to be anything but transparent. The general powers, organization, and goals of the bureau are laid out very well in the law, but the specifics of how the bureau will use its powers and achieve its goals are not known. Moreover, the Dodd-Frank law provides $500 million a year from the Federal Reserve to the bureau without any input from the Congress at all.

And without a doubt, I am not disagreeing that there is a strong need for consumer protection. I'm a mom. I believe in that very strongly. But just as commerce shouldn't run wild, neither should consumer protection. So the limitation in the bill, I believe, represents an adequate level. It represents the level of resources that are currently expended by regulatory agencies on consumer protection activities, for example the Office of the Comptroller of the Currency, which we all know parts of it will move into the Consumer Financial Protection Bureau.

I believe that we should look at this a little later because, as the bureau-specific activities become known and the cost of those activities become known, then we're going to have an opportunity to revisit the limitation. Providing $500 million a year without any congressional oversight to the bureau is, I believe, a very irresponsible abdication of a constitutional check and balance and I would ask colleagues to vote ''no'' on the amendment and oppose unchecked and unbalanced bureaucracy.

I yield back the balance of my time.

Mr. MILLER of North Carolina. I move to strike the last word.

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

Mr. MILLER of North Carolina. Madam Chair, I want to congratulate the gentlelady from Missouri for an acrobatic defense of the continuing resolution's treatment of the Consumer Financial Protection Bureau. This is not about whether government should be big or small. It's about which side government should be on.

□ 1730

The CR, the continuing resolution, does not save a penny from the deficit because the money for the CFPB, the Consumer Financial Protection Bureau, comes from a separate source of funding. This is really about hobbling the Consumer Financial Protection Bureau to keep it from getting up and running and doing its job.

The CFPB is to put government on the side of Americans who are trying to make an honest living so they don't have to worry every time they sign a financial contract that they're going to

get gouged, they're going to get cheated out of their income and their life savings by some trick or trap, some dishonest little clause hidden in the fine print of the legalese written by the banks' lawyers.

The CFPB will set rules to make sure those contracts are honest, and it will enforce those rules. And it has not started yet, so it's a little early to criticize them for not getting the job done.

The CR, by cutting funding by half, or a little more than half, is really about putting government or continuing to have government, as it has been for most of the last decade, on the side of the financial predators who are not trying to make an honest living but who are trying to make a killing and succeeding in making a killing by cheating ordinary Americans with the fine print. And they cheated them on mortgages, on credit cards, on overdraft fees, and on and on, and every American knows it because just about every American has experienced it.

Now, in talking about the FCC earlier, Ms. WATERS and Mr. GREEN both used the term ''cop on Wall Street.'' They didn't attribute that phrase, but it's from Will Rogers.

Back in the Great Depression, even after we learned of all the corruption and the fraud that had led to the collapse, the stock market crash, when Congress was considering legislation, a bill, a law that would have set rules for Wall Street and given the Securities and Exchange Commission the power to enforce it, the securities industry fought it fiercely because, as Will Rogers said, the boys on Wall Street don't want a cop on their block. Of course they don't want a cop on their block. They will make less money. They don't want a cop on their block now either. They don't want a CFPB now either, because if their contracts have to be honest, they will make less money.

Vote to put government on the side of the Americans trying to make an honest living. Vote to put a cop on the Wall Street block. Vote for this amendment.

Mrs. EMERSON. Will the gentleman yield?

Mr. MILLER of North Carolina. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. I just want to point out one thing. The text of the bill scores our limitation at $30 million for FY 2011.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. MILLER of North Carolina. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. And when we saw that CBO did that, we decided to offset that, so we did, as the gentlewoman indicated, go to the IRS. And I do want to say the gentlewoman is, I guess, is being very responsible, the chair of the subcommittee, she is defending the Internal Revenue Service against the Consumer Bureau and the SEC. And the gentlewoman is entitled to due credit for her staunch support of the IRS as we try to divert funds to protect consumers and police Wall Street. And I am sure there are many in the Tea Party who will be very grateful for her staunch support for the IRS funding.

Mr. MILLER of North Carolina. I yield back.

Mr. LUETKEMEYER. Madam Chairman, I move to strike the last word.

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

Mr. LUETKEMEYER. Madam Chairman, I rise this afternoon to oppose this amendment. Let me start my discussion by talking about two things: Number one, about the usefulness of the committee, and then about the funding of the committee as a whole.

Number one, I have some grave, grave concerns with regards to the usefulness of the committee to begin with. As a former bank regulator in one of my previous careers, it's kind of astounding to me that, with all of the laws that are in place, we had all the problems that we did. We don't need more laws; we need to enforce the ones that are in place.

And in testimony yesterday in our committee, in Financial Services, that was the general consensus of many, many of the folks that were there. And so what we're doing is trying to continue to over-regulate and again put in place another entity to confound and to promote some more regulation, exactly what we don't need in the private marketplace.

But again, why are we having another committee to do more regulation when we could have the existing people do the job the right way?

It's kind of like, to me, having a police department that doesn't do its job, and instead of firing everybody at the police department and starting over and finding some good folks who could do the job, you create another police department, so now we have two police departments to fund. And I think that's what's going on here. And this is why I'm very concerned about this model, this committee, this board.

And from the standpoint of being a former examiner, this is exactly the wrong thing to do with regards to the mission of this committee. We are now putting consumer protections over the safety and soundness of our institutions, and that's wrong. That is absolutely the wrong model. We are flipping completely upside down. We are re-prioritizing the way our markets should work and regulatory systems should work. In my view, we're going in the wrong direction.

But, with regards to the funding mechanism that's in place, this group, at this point, has a line of credit basically from us, and this CR cuts that off to a limited amount, which the chairman a minute ago addressed as $80 million, and we think that's adequate funding at this point. They are only going to use at the annual rate of about $65 million, and this amendment intends to put $63 million back into it. I think that's unnecessary. It's wasteful. At a time like this when we need to be consolidating and finding ways to cut our dollars, we don't need to empower an agency that we don't need, number one, with powers that are not defined at this point. We don't need to be doing it. From the standpoint we don't even have a director in place yet, we need to be confining this thing so we can provide oversight over it, rather than giving it a blank check and unlimited powers.

Madam Chairman, I yield back.

Ms. WATERS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chairman and Members, I have long been an advocate of consumer protections and consumer rights. And I'm proud of the work we accomplished in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to create a Consumer Financial Protection Bureau.

Madam Chairman, and Members, I didn't get elected to the Congress of the United States of America to protect big banks, banks too big to fail, or to protect their shoddy products, criminal schemes that are designed to rip off innocent citizens who go to work every day. I don't know how anybody can come to this floor and represent that the consumers, the workers, the people of this country, don't need any protection.

The Consumer Financial Protection Bureau is needed because it is very clear that our current regulatory framework inadequately protects consumers. Just look at the wrongful foreclosures on our veterans which was exposed by reporters last month and was the subject of a Veterans Affairs hearing last week. You go tell those veterans that they didn't need that protection, that they shouldn't be protected.

The proliferation of harmful financial products and practices went unchecked because our banking regulators were tasked with both consumer protection and bank safety and soundness responsibilities. And we've seen that the pro-bank, anti-consumer stance won every time. That's why we created the Consumer Financial Protection Bureau, to make sure that the consumer voices aren't shouted down by the industries, and that an independent agency is beholden to the consumers and not the CEOs of the big financial institutions.

Opponents of the Consumer Financial Protection Bureau claim we don't need this agency, they say, because the other banking regulators are already charged with consumer protection. This argument doesn't hold water because there are several types of consumer financial products which, because they were offered by nonbanks,

fall into what may be classified as the shadow banking industry. These products and institutions escape Federal regulation, yet often lead to Federal problems such as our current economic foreclosure crisis. The Consumer Financial Protection Bureau would bring nonbanks that offer financial services to and interact with consumers into our regulatory system.

Another reason the CFPB is needed is to protect consumers from complicated products and hidden predatory fees. According to Elizabeth Warren, who is a special adviser to the Treasury on the Consumer Financial Protection Bureau, the average credit card offer now comes bundled with more than 100 pages of fine print. Buried within this fine print are provisions about restrictions, teaser rates, and penalties. This fine print makes it nearly impossible for consumers to make informed decisions and pick the credit card or other lending product which is right for them. This leads some borrowers to be trapped in credit cards or loan products with hidden and abusive fees.

□ 1740

The CFPB would resolve this problem by working with the industry to reduce the fine print and hidden fees. We also need CFPB to provide stability to our financial markets, which is supported by consumer lending.

Our current crisis began when collateralized debt obligations and mortgage-backed securities were packed with exotic products, which are known as no doc loans and liar loans. It was exacerbated as consumers were continually squeezed with excessive penalties and fees from bank products, reducing purchasing power, and leading families everywhere to make tough decisions.

A strong regulator, one which focused solely on consumer safety and championed simpler disclosure and product, could have prevented all of this. We need CFPB. This kind of crisis should never occur again.

Amendments to defund CFPB or to prevent it from doing its work will only hurt American consumers and, in turn, our economy. So I urge a ''no'' vote on these amendments.

Madam Chair and Members, I don't know how any elected any official could go home and talk to their constituents and tell them they want to limit the funding to the SEC, the cop on the Wall Street block to protect investors, and then add to it, ''and I don't want you to have any consumer protection.''

We don't like what has been done. We're against these kinds of regulations. It is baffling. It is not to be understood, and I believe that in the final analysis this body will do the right thing.

Mr. NEUGEBAUER. Madam Chair, I move to strike the last word.

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

Mr. NEUGEBAUER. Madam Chair, I rise in opposition to the Holt amendment.

In listening to the banter that we've been hearing back and forth, you would think that we were trying to eliminate the Consumer Financial Protection Bureau, but, in fact, what we're trying to do is limit it.

One of the things, if you look at the history of this entity, is that it's the typical answer in Washington. When we have other regulators that aren't doing their job, the solution always is let's throw more regulation, more regulators, and more money at the problem.

And so what did we do with this new bureau? Well, we said—guess what?—we're going to throw $700 million at this new agency. We're going to take $500 million out of the Fed and we're going to give them the ability to come and ask for another $200 million.

Now, what is going on right now is that we don't even have a Director at the Consumer Financial Protection Bureau, yet they are standing up a new organization. So basically what we have from this administration is another czar. I don't know how many czars that they have over there, what the latest count is. But here we are, an agency that has the authority to spend millions of dollars, yet we can't even get one of the most egregious parts of this right.

And it was very clever by the other side. They realized in the last days of the 111th Congress that there was possibly going to be a change in November. They tucked this entity over into the Fed, trying to be able to limit Congress' ability to have oversight over this organization. So I want to applaud the Appropriations Committee for figuring out a way to bring some accountability to this organization.

Now, what is at play right now is that this entity in August received $18.4 million. In December they received $14.37 million. And if you annualize that rate, they are going to need less than $65 million, and yet what we're saying is Republicans want to limit that to $80 million. The Holt amendment wants to increase that another $63 million.

Madam Chair, what is exactly wrong and the reason we've been having these hours and hours and hours of debate is the American people spoke very clearly last November. They are tired of Big Government. They are tired of government trying to make all of their decisions. And what this new entity is going to do is it is going to hurt consumers in that it is going to drive the cost of consumer credit up for many Americans. Some of the financial services that they have been able to enjoy, this new czar will have the ability to say that those new products cannot be offered anymore.

So bringing this kind of accountability into this process is a very positive thing. It was a mistake to put this entity into the Fed to begin with. It's a mistake to let this administration continue to stand up this organization without going through the appropriate constitutional requirement that this person be confirmed by the United States Senate. It's an egregious use of the Executive power. And one of the things that we hope that the President will do very quickly is nominate someone to oversee this organization.

Basically, we have people that haven't been nominated or confirmed by the Senate making very big decisions, spending millions of dollars over here, standing up an entity, quite honestly, that will not, in fact, do what a lot of the folks in this building think this entity is going to do, and that's provide consumer protection. What this entity is going to do is provide more cost to consumers.

With that, I urge defeat of this amendment.

The Acting CHAIR. The gentleman from Texas is recognized.

Mr. CARTER. Madam Chair, I would like to inform the Chair and the balance of the people here that it is our intent to finish this amendment and Ms. MCCOLLUM's amendment, and then we'll be going to a vote. I thought, for information purposes, I would let everybody know our intent and what we would like to do.

Mr. ELLISON. Madam Chair, I move to strike the last word.

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

Mr. ELLISON. Madam Chair, after 4 million foreclosures—and perhaps we're going to reach 7 million foreclosures—$70 million in loss of home value, after massive unemployment, after an enormous financial bailout bill that we had to do to save this economy, it's impossible for me to understand how it is anybody would not want to have a strong consumer protection provision in our law.

How in the world, after the massive recession that we went through, after all the damage that has gone through to hit this economy, which started in the consumer sector, Madam Chair, which started because consumers were taken advantage of with no doc, low doc loans packaged into securities and then hedged by these credit default swaps which Warren Buffet said caused millions in financial destruction, how would we want to undermine consumer protection?

The fact is consumer protection helps to make sure that we have a strong, sound, and safe system. And if it would have been in place, we would not be in this situation now. We are in this situation now for one reason and one reason only. It is the laissez-faire attitude that pervades the opposition to this fair amendment, and it should be passed. The Holt amendment is right.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

I would just like to make this point: My colleague from Texas said, well, because the old regulation wasn't working, we wanted just an additional regulator. That's simply untrue.

What we said was this: Consumer regulation, before the passage of the financial reform bill, was entrusted to the bank regulators, and their primary mission and their primary focus was on bank protection.

We do not create new powers so much here as take the powers that were vested in the Federal Reserve. Great defense of the Federal Reserve. I am struck by my Republican colleagues trying to defend the integrity of the Federal Reserve and the IRS. That's a new Republican Party. But we took it from the control of the currency, from the FDIC, and put them in a new agency whose only responsibility is consumers. It is not additional money and it's not any new regulation.

Now, we do add a set of previously unregulated entities: payday lenders and check cashers and others in the shadow banking system. So there is some increase in consumer protection. But, fundamentally, we didn't say we want one additional regulator. We have taken regulatory authority from the pro-bank regulators who haven't exercised it well and put it in the new agency.

□ 1750

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

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

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

Mr. PRICE of Georgia. Madam Chair, let's be clear about what is going on here. I think it is crystal clear, frankly.

This side tends to believe in more government. This side tends to believe in less government.

This side tends to believe in more control. This side tends to believe in less control.

This side tends to believe in more spending. This side tends to believe in less spending.

This side tends to believe in more regulation and more oppression. This side tends to believe in less regulation and less oppression.

This side believes in Big Government solutions. We believe in people.

It is pretty simple. And if you believe in Big Government solutions, you have to ask the question, how is it going? And the fact of the matter is, it is not going real well. Another 410,000 new individuals applying for unemployment today.

This is a chart here that shows, Madam Chair, back before the Big Government folks got involved the amount of spending at the Federal level, down here in 2006, about $2.6 trillion. Here is where we are now, Madam Chair, way over on the other side. That is what Big Government does for you. It spends money that you don't have. Deficits, annual deficits, $1.4 trillion, $1.4 trillion, and $1.6 trillion in the last three fiscal years. So it is Big Government, the government picking winners and losers, and that is where we are right now.

Well, how is it going? The free market, frankly, can't function when the government is picking winners and losers, and that is exactly what the American people have gotten over the last 2 years and 4 years, and certainly last year what it got last year when Congress passed the new Dodd-Frank bill and formalized their new political economy.

Now, the administration's Bureau of Consumer Financial Protection, what we are talking about right here right now, charges bureaucrats to produce more red tape, regulations, none of which, none of which truly helps the consumer. They make for bigger government, that is right. But much like the new health care plan which prevents the American people from picking a health care plan that works for them, the Bureau of Consumer Financial Protection would simply tell American families which financial product is right for them, which credit card is right for them, which bank account is right for them, which mortgage is right for them, directing people in very, very specific ways.

Now, there are real challenges within our financial system. There is no doubt about it. Absolutely not. But the failure of the regulators to do their job, as my friend from Texas said, doesn't mean that you need more regulators. You need the regulators to do their job, and that is not what the CFPB does. The CFPB has been given the authority to write the rules, to enforce the rules, to conduct examinations, to approve disclosures, and on and on and on and on. Is there anything that this Federal agency is not allowed to do?

Now, the underlying bill appropriately limits the use of the funds to carry out and implement the CFPB. This amendment, the amendment that we are discussing right now, expands the mandates, expands regulation, expands the economic tinkering that has been handed down from this administration and from Democrats in Congress. So if you like this track, if you like Big Government and you like more spending, if you like a government that borrows more and spends more and taxes more and destroys jobs, then side with the folks who are specialists in that area.

If, however, you believe that we ought to spend less at the Federal level, that we ought to spend within our means, that we ought to work as diligently as we can to create jobs and that we ought to allow more freedom for more Americans, more choices for more Americans, then I would suggest and recommend that you vote down this amendment and support the underlying bill.

I yield back.

Mr. WATT. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Madam Chair, let me just first be clear that we are not expanding anything in this amendment. The statute says exactly what the Consumer Financial Protection Bureau is supposed to do. This amendment just allows the funding to enable them to do it. This is an appropriations bill. We are not supposed to be expanding or contracting anything in appropriations bill. That is what I thought. The Appropriations Committee is about money, not about authority, not about expanding or contracting authority. So I don't know what my colleague was talking about when he said we are expanding something if we pass this amendment.

Second, there is some debate from some of my colleagues, and I could understand the first-term Member who got up and says I don't know why we have a Consumer Financial Protection Bureau. What I can't understand is why the subsequent colleague who serves on Financial Services got up and said the same thing, because he was on the Financial Services Committee and served with me when we created the Consumer Financial Protection Bureau. So let me just give a little history here about why we have it.

We had theoretically consumer protection as one of the objectives of the Federal Reserve and other Federal regulators. We had in that same Federal Reserve the responsibility for the safety and soundness of our financial institutions. Those two things obviously were in conflict with each other because the Federal Reserve, instead of looking out for the interests of consumers and protecting consumers, allowed consumers to get into mortgages and financial transactions that ended up destroying our financial system; and they did it saying, well, you know, this is going to add to the safety and soundness of financial institutions because our definition of safety and soundness is a financial institution which can make more and more and more money.

So what is the solution to that? You don't do away with safety and soundness. We didn't do away with safety and soundness. It is important to protect the safety and soundness of our financial institutions. We continued to give that responsibility to the Federal Reserve and the regulators.

But if you are going to protect consumers, you don't give the authority to the same entity that has disregarded the interests of consumers and led us to a financial services meltdown. So we took those consumer protection responsibilities and put them into a separate entity called the Consumer Financial Protection Bureau.

Now, the gentleman who was a freshman here, I don't expect that he would have been around to understand that. You know, he just got here. But for my colleagues who served on the Financial Services Committee to get up and say, well, I don't know why we have a separate Consumer Financial Protection Bureau, they must not have been paying attention.

Now, to go further over the objections of some of us, we didn't want to necessarily put this in the Federal Reserve; but to get it funded appropriately, the Federal Reserve set some fees and charged the industry for this agency, not the taxpayer. This is not taxpayer money, at least not tax dollar money. I guess at some point everything is taxpayer money. But this is not appropriated money. So this would come out of the Federal Reserve's budget, which I thought my colleagues, they don't like the Federal Reserve anyway, at least that is what they have been telling us all this time. They want to do away with the Federal Reserve. You would think they would want to take some of their money and put it into the Consumer Financial Protection Bureau.

All this amendment does is try to restore the funding to a level so that the Consumer Financial Protection Bureau can do what it is charged with doing.

□ 1800

Let's not understate or overstate that. This is an important amendment. Let's support the amendment and pass it.

Mr. HIMES. Madam Chairman, I move to strike the last word.

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

Mr. HIMES. Madam Chair, I rise in support of the Holt amendment.

I was moved to come to the floor because I was stunned that in their deregulatory zeal, in their ideologically driven desire to shrink the size of government, the Republican majority would choose to leave the American consumer unprotected.

I represent a lot of American consumers and I know that they don't really understand derivatives. I know that they don't really understand the concept of systemic risk, of credit-default swaps, many of the difficult things that we sought to regulate in Dodd-Frank. But they sure do understand what it means to open up that credit card bill at the end of the month and see hundreds of dollars of charges that they didn't anticipate.

Millions of Americans now understand what it is to have a mortgage blow up on them, a mortgage that if we were all honest with each other we would recognize none of us really understands our own mortgages. Millions of Americans now know what it is to see interest rates hop up on a mortgage and to lose their homes. Of all the things that the Republican majority could choose to gut, that they would choose to leave the American consumer to be prey to predatory practices is unconscionable.

Madam Chair, we don't allow toasters that will burn your house down. We don't allow cars that will blow up. But evidently the Republican majority would allow mortgages that would blow up your house or other financial products that would bring an American family to its knees.

I've heard the counterarguments. I heard the gentleman from Georgia stand down there and say that this is an expansion of government spending. What the gentleman from Georgia didn't say is that probably the most politically unpopular bit of spending we've seen in the last several years was hundreds of billions of dollars requested by a Republican President and a Republican Secretary of the Treasury to bail out the financial industry. I'll say it again. Republicans requested the bailout. That was a terribly expensive thing to do. The Consumer Financial Protection Bureau will help prevent that in the future. It's a good investment.

I've heard arguments about czars. I must say, I've talked to tens of thousands of my constituents and nobody is saying that czars are a problem in the United States of America today. I'm hearing a slightly better argument, but one that I don't accept as a former banker, that we are separating consumer protection from safety and soundness. As a former banker, I will say that those are not separate concepts, that when you have bank customers defaulting on their mortgages, when you have bank customers running up credit card debt and being subject to fees that they can't possibly repay, you stick a knife into the safety and soundness of that bank or whatever institution that we are talking about.

Mr. GARRETT. Will the gentleman yield?

Mr. HIMES. I will yield to the gentleman from New Jersey.

Mr. GARRETT. So you see the importance of having both of those issues and how there's not a hard dividing line between the two is what you're saying?

Mr. HIMES. That is correct.

Mr. GARRETT. Under the current statute, Dodd-Frank, is the CFPB charged with looking at something other than consumer protection? Are they charged with looking at safety and soundness?

Mr. HIMES. Reclaiming my time, this country has long had a history of the examination of the safety and soundness of our banks. And what we are saying now is that we will assist and support the safety and soundness of our banks by keeping the customers of those banks from defaulting through good consumer protection.

So I support the Holt amendment and think this is terribly, terribly important to American families and the safety and soundness of the system.

I yield back the balance of my time.

Mr. DICKS. Madam Chairman, I move to strike the last word.

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

Mr. DICKS. Madam Chairman, I rise in support of the amendment.

I yield to the gentleman from North Carolina.

Mr. MILLER of North Carolina. Madam Chairman, I have heard Mr. PRICE's arguments before. So I've talked to a lot of people about whether they really valued the freedom to be cheated on credit cards, to be cheated on mortgages, to be cheated on overdraft fees, and I found that that was not really a freedom that they valued; and, in fact, they didn't really believe that was the reason the financial industry was opposing consumer protection legislation. They thought that the reason the financial industry was opposing the legislation was so they could make more money and keep up by cheating people, which was not something they wanted any more than Americans a hundred years ago really valued the right to buy rancid beef, as the meatpackers argued a century ago. They were opposing pure food legislation so they could protect the right of people to buy rancid beef. Americans don't believe it.

I asked the president of the American Bankers Association in committee if he could give me the names of some of the people who qualified for prime mortgages but got a subprime mortgage, or someone who really wanted to have a credit card contract that required them to continue to pay interest on a balance even after they had paid off the balance. He said that was a rhetorical question and he didn't have to answer it; it was just a rhetorical question.

But I mean it. If somebody can tell me someone who qualified for a prime mortgage and instead asked for, wanted, chose a subprime mortgage, introduce them to me. If there's someone who actually wanted a credit card contract that required them to pay interest on the balance even after they paid off the balance, introduce them to me. I want to understand that consumer choice, because I have been assuming all along the reason they entered those contracts that were so hideous to them is they got cheated.

Mr. DICKS. Reclaiming my time, I yield to the gentlelady from New York.

Mrs. MALONEY. Madam Chairman, I, too, rise in support of the Holt amendment and will place in the RECORD an eight-page document from the Americans for Financial Reform. This has eight pages of State, local, and city organizations in support of an independent Consumer Financial Protection Bureau.

I must say that the Republicans are chipping away at the independence of this very important bureau. We put it in the Fed to have financial independence for regulation. They're putting it back under the appropriations system and cutting it dramatically.

Dodd-Frank did a lot of good things, and one of them was to try to level the playing field for the consumer with the creation of the Consumer Financial Protection Bureau. For far too long in our financial system and its products, any concerns about consumer protection came in a distant second, a third, or not at all. Now, any American who opens a checking or savings account,

anyone who takes out a student loan or a mortgage, anyone who opens a credit card or takes out a payday loan will have a Federal agency on their side to protect them. For the first time, consumer protection authority will be housed in one place, and the Democrats funded it. The Republicans are taking away that funding and that independence.

This is a critically important amendment for the financial independence, security, and well-being of the consumer in our country and for the financial system. We are suffering through the Great Recession because there was no oversight. The Democrats have put in oversight, accountability. And the Republicans lose the vote on the floor, we pass it, but they're trying to win by cutting away the funding so they can't function, so they can't do their job, taking away their independence. It is outrageous. It is wrong. It is an insult to the American people.

And my friends on both sides of the aisle should join Congressman HOLT in support of his important amendment. It is important to the financial independence and security of the American public, and I urge everyone to support it.

HOUSE GOP TARGETS CONSUMER PROTECTION BUREAU WITH CR

(By Tim Fernholz)

When Democrats in Congress crafted last year's Dodd-Frank financial regulatory overhaul, they went out of their way to protect the fledgling Consumer Financial Protection Bureau from the financial sector and Republicans who opposed it. They did so by crafting a dedicated funding stream from the Federal Reserve to protect the agency's independence from the whims of appropriators—or so they thought.

A provision in the continuing resolution being debated on the House floor this week would limit the CFPB's funding, which could be as much as $700 million a year, to only $80 million for the rest of this fiscal year.

''They found a way around it,'' said Financial Services Committee ranking member Barney Frank, D-Mass., the law's namesake who managed its progress in the House. The measure created several regulatory agencies and strengthened existing ones while proposing restrictions on bank borrowing and pernicious business practices.

House Republicans had promised to use the appropriations process to limit funding for the agencies implementing the new law, which they believe imposes burdensome costs on consumers and the private sector while failing to prevent future crises.

The CR includes no money for the Securities and Exchange Commission or the Commodity Futures Trading Commission to implement key provisions in the law; similar restrictions are already in the bill being debated on the floor.

With the bulk of the funding for the CFPB under the Fed's discretion—the agency can request a further $200 million from Congress if the director so chooses—Democrats thought the CFPB would be safe from the whims of appropriators, but language in the CR would amend the Dodd-Frank law itself.

''We don't normally tinker around with the Federal Reserve; however, the Dodd-Frank bill did, and it opened the door,'' a GOP aide said. Frank doesn't disagree: ''In fairness to [Republicans], the Fed didn't independently decide to fund the CFPB; we told them to.''

Frank was skeptical about the provision's chances in the Senate or in negotiations with the White House, which has made the agency a priority, but worried that the issue might get lost in the complex funding battle.

''I don't think the tea party's victory was a mandate for the re-deregulation of the American financial system,'' Frank said, arguing that voters are behind restrictions on the financial sector. ''On all those issues, as they become public, we win.''

Among the amendments that have been proposed to the CR, one would eliminate the salary of the CFPB's interim head, Elizabeth Warren, and another would defund the agency entirely. Warren pushed back at the agency's critics in a speech on Tuesday.

''Politicizing the funding of bank supervision would be a dangerous precedent, and it would deprive the CFPB of the predictable funding it will need to examine large and powerful banks consistently and to provide a level playing field with their nonbank competitors,'' she said, pointing out that IndyMac, a bank that failed during the 2008 crisis, cost the government nearly 20 times the maximum yearly funding of the CFPB.

---

AMERICANS FOR FINANCIAL REFORM,
*February 16th, 2011.*

Re Opposition to proposed cuts to CFPB funding under the proposed CR; the Consumer Financial Protection Bureau is a very good value.

DEAR MEMBER OF CONGRESS: On behalf of Americans for Financial Reform, a coalition of more than 250 national, state and local organizations and its other undersigned member organizations, we write in strong opposition to the funding cuts for the new Consumer Financial Protection Bureau (CFPB), as proposed in a controversial provision (Section 1517) in the Continuing Resolution to be considered on the House floor today. If amendments are offered to restore funding to the CFPB we urge you to support them. Also, oppose any amendments, such as #528 (Carter) or #577 (Price), that would further weaken the CFPB.

The controversial provision included in the CR would effectively cut the new CFPB's budget by 40 percent—from $143 million to $80 million—before it even takes over its job of protecting American consumers from unfair financial practices.

These proposed cuts would not subtract a dime from the deficit. They would take money designated to protect American consumers from financial fraud and leave it instead with the already well-funded Federal Reserve system.

That's because the CFPB's budget is a transfer from the Federal Reserve Board, not an appropriation. The attempt at cuts to the non-appropriated budget of a bank supervisory agency is unacceptable; no other federal bank regulators have their budgets manipulated in this way. In fact, while the CFPB's proposed Federal Reserve transfer this year of $143 million is well under its proposed cap of approximately $500 million to be needed once it is fully staffed, it remains the only bank supervisor with a capped budget. Not only is the CFPB the first federal agency with only one job, protecting consumers in the financial marketplace, its funding status as enacted in the Wall Street Reform and Consumer Protection Act of 2010 is a very good value and already a compromise since it is capped.

Cutting its budget would prevent it from examining the biggest banks for further violations of overdraft, credit card and mortgage rules that they have become known for. This would harm consumers. Cutting its budget would make it harder for consumers who have been slammed by these same unfair practices from participating in the economic recovery. Cutting its budget would also harm small businesses, who have not been served well by those big banks that would benefit most from a CFPB budget cut.

And finally, cutting the CFPB's budget means a return to the system of inadequate financial supervision that failed taxpayers, depositors, investors, homeowners and other consumers. Allowing continued predatory lending to consumers will inject greater risk into the financial system. That will raise the threat of a repeat of the Wall Street-caused financial crisis that cost Americans millions of lost jobs, billions of dollars in taxpayer funded bailouts and trillions of dollars in lost home values and retirement savings.

It is absolutely essential that the House of Representatives reject the politicization of bank supervision as proposed in the CR. We encourage you to support any amendments that may be offered on the House floor to restore funding to the CFPB. With the economy still fragile, this is no time to further undercut consumer confidence by defunding a federal agency consumers will need to rely on to ensure that their interests are protected. After the worst economic crisis since the Great Crash of 1929, consumers need a full-sized cop on the beat.

Sincerely,

Americans for Financial Reform, Center for Digital Democracy, Consumer Action, Consumers Union, Greenlining Institute, National Consumer Law Center (on behalf of its low-income clients), National Council of La Raza, National Fair Housing Alliance, National People's Action, Neighborhood Economic Development Advocacy Project, Public Citizen, The Leadership Conference on Civil and Human Rights, U.S. PIRG.

Following are the partners of Americans for Financial Reform.

All the organizations support the overall principles of AFR and are working for an accountable, fair and secure financial system. Not all of these organizations work on all of the issues covered by the coalition or have signed on to every statement.

NATIONAL ORGANIZATIONS

A New Way Forward, AARP, Accountable America, Adler and Colvin, AFL-CIO, AFSCME, Alliance For Justice, American Family Voices, American Income Life Insurance, Americans for Democratic Action, Inc.

Americans for Fairness in Lending, American Sustainable Business Council, Americans United for Change, Business for Shared Prosperity, Calvert Asset Management Company, Inc., Campaign for America's Future, Campaign Money, Center for Digital Democracy, Center for Economic and Policy Research, Center for Economic Progress.

Center for Media and Democracy, Center for Responsible Lending, Center for Justice and Democracy, Center of Concern, Change to Win, Clean Yield Asset Management, Coastal Enterprises Inc., Color of Change, Common Cause, Communications Workers of America.

Community Development Transportation Lending Services, Community Law Center, Consumer Action, Consumer Association Council, Consumers for Auto Safety and Reliability, Consumer Federation of America, Consumer Watchdog, Consumers Union, Corporation for Enterprise Development, CREDO.

CTW Investment Group, Demos, Economic Policy Institute, Essential Action, Green America, Greenlining Institute, Good Business International, Help Is On the Way, Inc, HNMA Funding, Home Actions.

Housing Counseling Services, Information Press, Institute for Global Communications, Institute for Policy Studies: Global Economy Project, International Brotherhood of Teamsters, Institute of Women's Policy Research,

Keystone Research Center, Krull & Company, Laborers' International Union of North America, Lake Research Partners, Lawyers' Committee for Civil Rights Under Law.

The Leadership Conference on Civil and Human Rights, MoveOn.org Political Action, NAACP, NASCAT, National Association of Consumer Advocates, National Association of Investment Professionals, National Association of Neighborhoods, National Coalition for Asian Pacific American Community Development, National Community Reinvestment Coalition, National Consumer Law Center (on behalf of its low-income clients).

National Consumers League, National Council of La Raza, National Fair Housing Alliance, National Federation of Community Development Credit Unions, National Housing Institute, National Housing Trust, National Housing Trust Community Development Fund, National NeighborWorks Association, National People's Action, National Council of Womens Organizations.

National Worksright Institute, Next Step, OMB Watch, Opportunity Finance Network, Partners for the Common Good, PICO, Progress Now Action, Progressive States Network, Poverty and Race Research Action Council, Public Citizen.

Responsible Endowments Coalition, Sargent Shriver Center on Poverty Law, Scam Victims United, SEIU, Sojourners, State Voices, Taxpayer's for Common Sense, The Association for Housing and Neighborhood Development, The Carrots and Sticks Project.

The Fuel Savers Club, The Seminal, UNET, Union Plus, United for a Fair Economy, U.S. PIRG, Unitarian Universalist for a Just Economic Community, United Food and Commercial Workers, United States Student Association, USAction.

Veris Wealth Partners, Veterans Chamber of Commerce, We The People Now, Western States Center, Woodstock Institute, Working America, World Business Academy, World Privacy Forum.

STATE ORGANIZATIONS

207 CCAG, 9 to 5, the National Association of Working Women (CO), AARP Rhode Island, Alaska PIRG, Arizona PIRG, Arizona Advocacy Network, Arizonans for Responsible Lending, Arkansas Community Organizations, Arkansas Public Policy Panel, Association for Neighborhood and Housing Development (NY).

Audubon Partnership for Economic Development LDC (New York, NY), Aurora NAACP, BAC Funding Consortium Inc. (Miami, FL), Beech Capital Venture Corporation (Philadelphia, PA), Bell Policy Center (CO), California PIRG, California Reinvestment Coalition, Center for Media and Democracy, Center for NYC Neighborhoods, Century Housing Corporation (Culver City, CA).

Changer (NY), Chautauqua Home Rehabilitation and Improvement Corporation (NY), Chicago Community Loan Fund (Chicago, IL), Chicago Community Ventures (Chicago, IL), Chicago Consumer Coalition, Citizen Potawatomi CDC (Shawnee, OK), Club Change of Martin County (Florida), Coalition on Homeless Housing in Ohio, Coffee Party of Pensacola, Florida, Coffee Party of Union Square, New York City.

Colorado AFL–CIO, Colorado Center on Law and Policy, Colorado Immigrants Rights Coalition, Colorado PIRG, Colorado Spring NAACP, Community Action of Nebraska, Community Capital Development, Community Capital Fund (Bridgeport, CT), Community Capital of Maryland (Baltimore, MD), Community Development Financial Institution of the Tohono O'odham Nation (Sells, AZ).

Community Redevelopment Loan and Investment Fund, (Atlanta, GA), Community Reinvestment Association of North Carolina, Community Resource Group (Fayetteville, AR), Connecticut Association for Human Services, Connecticut Citizen Action Group, Connecticut PIRG, Consumer Assistance Council, Cooper Square Committee (New York, NY), Cooperative Fund of New England (Wilmington, NC), Corporacion de Desarrollo Economico de Ceiba (Ceiba, PR).

CWA 7777 (CO), Delta Foundation, Inc. (Greenville, MS), Economic Opportunity Fund (EOF) (Philadelphia, PA), Empire Justice Center (NY), Enterprises, Inc., Berea KY, Fair Housing Contact Service OH, Federation of Appalachian Housing Enterprises, Inc. (Berea, KY), Fitness and Praise Youth Development, Inc. (Baton Rouge, LA), Florida Consumer Action Network.

Florida PIRG, Forward Community Investments (Madison, WI), Funding Partners for Housing Solutions (Ft. Collins, CO), Georgia PIRG, Grow Iowa Foundation (Greenfield, IA), Homewise, Inc. (Santa Fe, NM), Humanitas Community Development Corporation, Idaho Chapter, National Association of Social Workers, Idaho Community Action Network, Idaho Nevada CDFI (Pocatello, ID).

Illinois PIRG, Impact Capital (Seattle, WA), Indiana PIRG, Indiana University PIRG, Information Press (CA), Iowa PIRG, Iowa Citizens for Community Improvement, JobStart Chautauqua, Inc. (Mayville, NY), Keystone Research Center, La Casa Federal Credit Union (Newark, NJ).

Low Income Investment Fund (San Francisco, CA), Long Island Housing Services NY, MaineStream Finance (Bangor, ME), Maryland PIRG, Massachusetts Consumers' Coalition, Massachusetts Fair Housing Center, MASSPIRG, Michigan PIRG, Midland Community Development Corporation (Midland, TX).

Midwest Minnesota Community Development Corporation (Detroit Lakes, MN), Mile High Community Loan Fund (Denver, CO), Missouri PIRG, Montana Community Development Corporation (Missoula, MT), Montana PIRG, Mortgage Recovery Service Center of L.A., Neighborhood Economic Development Advocacy Project, New Hampshire PIRG, New Jersey Community Capital (Trenton, NJ), New Jersey Citizen Action.

New Jersey PIRG, New Mexico PIRG, New York PIRG, New York City AIDS Housing Network, Next Step (MN), NOAH Community Development Fund, Inc. (Boston, MA), Nonprofit Finance Fund (New York, NY), Nonprofits Assistance Fund (Minneapolis, MN), North Carolina Association of Community Development Corporations, North Carolina PIRG.

Northern Community Investment Corporation (St. Johnsbury, VT), Northside Community Development Fund (Pittsburgh, PA), Ohio Capital Corporation for Housing (Columbus, OH), Ohio PIRG, Oregon State PIRG, Our Oregon, PennPIRG, Piedmont Housing Alliance (Charlottesville, VA).

Rhode Island PIRG, Rights for All People, The Rocky Mountain Peace and Justice Center, Rural Community Assistance Corporation (West Sacramento, CA), Rural Organizing Project OR, San Francisco Metropolitan Transportation Authority, Seattle Economic Development Fund dba Community Capital Development, SEIU Local 105 (Colorado), SEIU Rhode Island, Siouxland Economic Development Corporation (Sioux City, IA).

Southern Bancorp (Arkadelphia, AR), TexPIRG, The Association for Housing and Neighborhood Development, The Fair Housing Council of Central New York, The Help Network, The Loan Fund (Albuquerque, NM), Third Reconstruction Institute (NC), V-Family, Inc., Vermont PIRG, Village Capital Corporation (Cleveland, OH).

Virginia Citizens Consumer Council, Virginia Poverty Law Center, War on Poverty—Florida, Washington Community Action Network, WashPIRG, Westchester Residential Oppurtunities Inc. NY, Wigamig Owners Loan Fund, Inc. (Lac du Flambeau, WI), WISPIRG.

BUSINESSES

Blu, Bowden-Gill Environmental, Community MedPAC, Diversified Env. Planning, Hayden & Craig, PLLC, The Holographic Repatteming Institute at Austin, Mid City Animal Hospital (Phoenix, AZ), UNET.

□ 1810

Mr. DICKS. Again, I strongly rise in support of the Holt amendment. If you look at history, in the years around 2003 to 2005, this budget was cut.

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

Mr. DICKS. Vote for the Holt amendment.

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

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

Mr. HOLT. Madam Chair, I demand a recorded vote.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which proceedings were postponed, in the following order:

Amendment No. 189 by Ms. WOOLSEY of California.

Amendment No. 208 by Mr. COLE of Oklahoma.

Amendment No. 514 by Mr. PRICE of North Carolina.

Amendment No. 404 by Mr. WALDEN of Oregon.

Amendment No. 516 by Mr. CAMP of Michigan.

Amendment No. 195 by Mrs. LUMMIS of Wyoming.

Amendment No. 165 by Mr. CARTER of Texas.

Amendment No. 204 by Mr. SCALISE of Louisiana.

Amendment No. 458 by Mr. FRANK of Massachusetts.

Amendment No. 506 by Mr. HOLT of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 189 OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 91, noes 339, not voting 3, as follows:

[Roll No. 80]

AYES—91

Amash
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Boswell
Braley (IA)
Capuano
Castor (FL)
Chu
Clay
Cohen
Cooper
Davis (IL)
DeFazio
DeGette
Doggett
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Frank (MA)
Garamendi
Grijalva
Gutierrez
Hinojosa
Hirono
Holt
Honda
Jackson (IL)
Johnson, E. B.
Keating
Kind
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Michaud
Miller, George
Moore
Nadler
Neal
Olver
Pallone
Pastor (AZ)
Paul
Payne
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rohrabacher
Roybal-Allard
Royce
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Serrano
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Turner
Velázquez
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOES—339

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—3

Costa
Crowley
Giffords

□ 1835

Mr. LUJÁN, Ms. HAYWORTH, Messrs. OWENS, MULVANEY, WALZ of Minnesota, Ms. GRANGER, Messrs. QUAYLE, COFFMAN of Colorado, and SCALISE changed their vote from ''aye'' to ''no.''

Messrs. FARR, HONDA, Ms. BERKLEY, Mr. GUTIERREZ, and Ms. CHU changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TURNER. Madam Chair, on rollcall vote No. 80 I inadvertently voted ''aye'' when I intended to vote ''nay.''

AMENDMENT NO. 208 OFFERED BY MR. COLE OF OKLAHOMA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COLE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 11, as follows:

[Roll No. 81]

AYES—247

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

Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—175

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

NOT VOTING—11

Becerra
Bishop (GA)
Coffman (CO)
Crowley
Dold
Giffords
Graves (MO)
Higgins
Miller, George
Sullivan
Turner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1838

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. COFFMAN of Colorado. Madam Chair, on rollcall No. 81, had I been present, I would have voted "yes."

Mr. TURNER. Madam Chair, on rollcall No. 81, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. DOLD. Madam Chair, on rollcall No. 81, I was unavoidably detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 514 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 159, answered "present" 1, not voting 6, as follows:

[Roll No. 82]

AYES—267

Ackerman
Altmire
Andrews
Austria
Baca
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Burgess
Burton (IN)
Butterfield
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Forbes
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gohmert
Gonzalez
Gosar
Green, Al
Green, Gene
Grijalva
Grimm
Guinta
Gutierrez
Hanabusa
Hanna
Harman
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—159

Adams
Aderholt
Akin
Alexander
Bachmann
Bachus
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Black
Blackburn
Bonner
Boustany
Brady (TX)
Broun (GA)
Buchanan
Bucshon
Buerkle
Calvert
Campbell
Canseco
Cantor
Carter
Cassidy
Castor (FL)
Chaffetz
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duncan (SC)
Ellmers
Farenthold
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Hirono
Huelskamp
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Landry
Lankford
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Quayle
Renacci
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Rush
Ryan (WI)
Schmidt
Schock
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tipton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

ANSWERED "PRESENT"—1

Amash

NOT VOTING—6

Crowley
Giffords
LaTourette
Stivers
Whitfield
Wilson (SC)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1842

Messrs. DICKS and PALLONE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 404 OFFERED BY MR. WALDEN

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from Oregon (Mr. WALDEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 181, not voting 8, as follows:

[Roll No. 83]

AYES—244

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

NOES—181

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

NOT VOTING—8

Brady (TX)
Braley (IA)
Crowley
Giffords
Kaptur
Lewis (GA)
Pearce
Sires

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1845

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LEWIS of California. Madam Chair, during voting on Walden Amendment No. 404 to H.R. 1, I intended to vote "yes" in support of the amendment, but accidentally voted "no" due to the confusion of two-minute voting increments on a long series of amendments.

AMENDMENT NO. 516 OFFERED BY MR. CAMP

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CAMP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 292, answered "present" 1, not voting 3, as follows:

[Roll No. 84]

AYES—137

Ackerman
Amash
Andrews
Austria
Bachmann
Bartlett
Bass (NH)
Benishek
Berg
Berkley
Berman
Bilirakis
Black
Blumenauer
Boren
Brady (TX)
Buchanan
Buerkle
Camp
Campbell
Cantor
Capps
Cardoza
Carter
Castor (FL)
Clarke (MI)
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Costa
Cravaack
Crenshaw
Culberson
Davis (KY)
DeFazio
Dent
Diaz-Balart
Dingell
Duffy
Engel
Farr
Fitzpatrick
Franks (AZ)
Garamendi
Garrett
Gerlach
Gohmert
Granger
Harris
Hayworth
Heinrich
Heller
Herger
Higgins
Huizenga (MI)
Jenkins
Johnson (OH)
Jordan
Kaptur
Kelly
Kildee
King (IA)
Kissell
Kline
Kucinich
LaTourette
Latta
Levin
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Maloney
Marchant
Matsui
McCaul
McCotter
McDermott
McIntyre
McMorris Rodgers
Mica
Miller (MI)
Miller, George
Murphy (PA)
Nunes
Olson
Olver
Palazzo
Pallone
Pascrell
Paul
Paulsen
Payne
Pearce
Pelosi
Peters
Petri
Reichert
Rivera
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sarbanes
Schakowsky
Schmidt
Scott (VA)
Scott, David
Sensenbrenner
Sessions
Shuster
Simpson
Slaughter
Smith (TX)
Sullivan
Sutton
Terry
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walberg
Walden
Weiner
West
Woodall
Wu
Young (AK)
Young (FL)

NOES—292

Adams
Aderholt
Akin
Alexander
Altmire
Baca
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Burgess
Burton (IN)
Butterfield
Calvert
Canseco
Capito
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Crawford

Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Fattah
Filner
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gardner
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harman
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Hensarling
Herrera Beutler
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Keating
Kind
King (NY)
Kingston
Kinzinger (IL)
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Luetkemeyer
Luján
Lummis
Lynch
Mack
Manzullo
Marino
Markey
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McGovern
McHenry
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunnelee
Owens
Pastor (AZ)
Pence
Perlmutter
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Ribble
Richardson
Richmond
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (IN)

ANSWERED ''PRESENT''—1

Rigell

NOT VOTING—3

Crowley
Farenthold
Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1851

Mr. LYNCH changed his vote from ''aye'' to ''no.''

Mr. WU, Ms. MATSUI, and Mr. BUCHANAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 195 OFFERED BY MRS. LUMMIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 197, not voting 4, as follows:

[Roll No. 85]

AYES—232

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

NOES—197

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

NOT VOTING—4

Crowley
Farenthold
Giffords
Walz (MN)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1854

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 165 OFFERED BY MR. CARTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CARTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 177, not voting 6, as follows:

[Roll No. 86]

AYES—250

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

NOES—177

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Lance
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth
Yoder
Young (FL)

NOT VOTING—6

Crowley
Farenthold
Giffords
Larson (CT)
McIntyre
Schock

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1857

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MCINTYRE. During rollcall vote number 86 on February 17, 2011, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 204 OFFERED BY MR. SCALISE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. SCALISE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 179, answered ''present'' 1, not voting 4, as follows:

[Roll No. 87]

AYES—249

Adams
Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—179

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

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—4

Crowley
Farenthold
Giffords
Mulvaney

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1901

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 458 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 270, not voting 3, as follows:

[Roll No. 88]

AYES—160

Ackerman
Altmire
Andrews
Baldwin
Barrow
Bass (CA)
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Cooper
Costello
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Olver
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Renacci
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Stearns
Sutton
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—270

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

NOT VOTING—3

Crowley
Farenthold
Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1904

Mr. PALLONE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 506 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 265, not voting 5, as follows:

[Roll No. 89]

AYES—163

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Critz
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Langevin
Larsen (WA)
Lee (CA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McClintock
McCollum
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—265

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

NOT VOTING—5

Crowley
Duffy
Farenthold
Gallegly
Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1907

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GALLEGLY. Madam Chair, on rollcall No. 89, I was inadvertently detained. Had I been present, I would have voted "no."

□ 1910

AMENDMENT NO. 50 OFFERED BY MS. MCCOLLUM

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

The Acting CHAIR (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used by the Department of Defense for sponsorship of NASCAR race cars.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. Mr. Chairman, first I would like to thank the staff, the committee staff on both the Republican and the Democratic side, and I would like to thank the floor staff for their patience, their hard work, their dedication and their help to me this evening.

Mr. Chairman, my amendment ends tens of millions of taxpayer dollars being wasted on sponsorship for NASCAR race cars by the Department of Defense.

□ 1920

With trillion-dollar deficits, this amendment is where the rubber meets the road for my Republican tea party colleagues who want to cut wasteful spending.

Defense Department waste is nothing new. Many Americans remember in the 1980s the Pentagon was spending $400 for a hammer and $600 for a toilet seat. Now we have the Army spending $7 million for a decal on a racing car. Talk about taxpayer sticker shock.

For $7 million the Army buys a decal on a race car and a few driver appearances. But it's not only the Army spending millions of dollars. The Air Force sponsors a NASCAR race car for millions. So does the National Guard. Incredibly, over the past decade hundreds of millions of taxpayer dollars have subsidized race car owners and millionaire drivers in the name of military recruitment.

Now here's the $7 million question: Does slapping a sticker on a race car convince a young man or a young woman to volunteer to serve our country in the Armed Forces? Not according to the Marine Corps.

Fact. In 2006, the Marine Corps dropped its sponsorship of NASCAR. A Marine Corps spokesman said, We don't have a tracking mechanism to track how many people contracted because of seeing an advertisement on the hood of a car.

Fact. The same year, the Coast Guard dropped a $5 million NASCAR deal.

Fact. In 2008, the Navy dropped NASCAR sponsorship, saying, ''it's not always easy to measure a return on investment.''

Unbelievably, that year the Navy also paid one driver, Dale Earnhardt,

Jr., the outrageous sum of $800,000 in taxpayer funds—twice the salary of the President of the United States—just to make public appearances.

For all the tough budget cutters in Congress, you should know that the Citizens Against Government Waste has endorsed this amendment. So I would urge my Republican colleagues who are cutting homeless veterans, cutting law enforcement officers, cutting firefighters, why not cut some real waste and at the same time free NASCAR from its dependency on the American taxpayer?

This amendment gives Members a clear choice: a vote to end wasteful spending or a vote to keep wasting the American people's money. I urge a ''yes'' vote to end the funding to NASCAR.

I want to stress again, many parts of the military were using NASCAR sponsorship as part of their driver recruitment. They found that they could not track the success of this program, so they ended it, using their resources towards something that they knew that they could track, knew that they had something that was successful.

So, Members, I urge you to end the taxpayer funding to NASCAR. Let's put the dollars to work in the Department of Defense for something they know is trackable and accountable.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, we support the gentlewoman's efforts to ensure that every taxpayer dollar is spent wisely and effectively. Our committee has always been focused on that.

Effective recruiting is critical to the military's ability to attract new qualified military men and women and maintain our all-volunteer force. The Department of Defense uses its sponsorship of NASCAR and other sporting events to create awareness of the different military services and the unique advantages and programs that come with serving our Nation.

Quite frankly, Mr. Chairman, it's a great public-private partnership. NASCAR sponsorship has proven to be a very cost-effective recruiting tool, with some estimates stating that for every dollar the military puts in NASCAR sponsorship, it gets $4 in advertising through television, merchandise, and other outlets. We believe the dollars are well spent. Thus I oppose the amendment.

I yield to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I want to thank my colleague from New Jersey for yielding.

Let's be clear: This amendment will not save one single dime. My colleague from Minnesota simply is misinformed. Every dime spent in this sponsorship program is measurable. You can measure the number of media impressions you have, which the U.S. Army's participation in NASCAR sponsorship netted it 484 million media impressions, 34 million of which were offered specific Army recruiting messages.

So let's be very clear. This sponsorship is about recruiting. This amendment is about politics in certain districts for certain groups of people. But the vast majority of NASCAR fans—one out of five—have served or are currently serving in the U.S. military. It's a target-rich environment for Army's recruiting message and a target-rich environment for military and the military message.

So I would just urge my colleagues to vote against this irresponsible amendment that is certainly politically charged, but at the end of the day will not save the taxpayers one single dime.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Ms. MCCOLLUM).

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

Ms. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 232 OFFERED BY MR. NADLER

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Not more than $10,000,000,000 of the funds made available by this Act may be used for United States military operations in Afghanistan.

Mr. NADLER. Mr. Chairman, I'm pleased to offer this amendment along with the gentlewoman from California (Ms. LEE) and the gentlewoman from California (Mr. STARK).

The continuing resolution provides approximately $100 billion for Department of Defense operations in Afghanistan. This amendment states that not more than $10 billion of the funds made available by the bill may be used for military operations in Afghanistan. The intent is clear: It is time to bring U.S. involvement in the war in Afghanistan to an end and to bring our troops home. The war effort in Afghanistan is no longer serving its purpose of enhancing the security of the United States, which should be our goal.

We were attacked on 9/11 by al Qaeda. Al Qaeda had bases in Afghanistan. It made sense to go in and destroy those bases. And we did. We have every right, we have every duty to destroy bases which are being used to plot against the United States. But the CIA tells us that there are now fewer than 100 al Qaeda personnel in all of the country of Afghanistan. Congress and the American people helped greatly reduce U.S. involvement in Iraq. Through the elections in 2006 and 2008 we forced a new direction in Iraq and helped bring thousands of troops home. We must now do the same in Afghanistan.

The intent of this amendment is to reduce the funding for Afghanistan sufficiently to leave enough funds to provide for the safe and orderly withdrawal of our troops but not funding for ongoing combat operations.

The gentleman from Virginia (Mr. WOLF) earlier today said he would propose an amendment to establish a blue ribbon commission to examine our war effort and to ask the question of how best to fight the war. With all due respect, that is the wrong question. The right question, the first question is: Why do we need to fight this war at all?

□ 1930

It is past time to admit that our legitimate purpose in Afghanistan—to destroy al Qaeda bases—has long since been accomplished. But it is a fool's errand to try to remake a country that nobody since Genghis Khan has managed to conquer. What makes us think, what arrogance gives us the right to assume that we can succeed where the Mongols, the British, the Soviets failed? No government in Afghanistan, no government in Kabul, has ever been able to make its writ run in the entire country.

Why have we undertaken to invent a government that is not supported by the majority of the people, a government that is corrupt, and try to impose it on this country? Afghanistan is in the middle of what is at this point a 35-year civil war. We have no business intervening in that civil war, we have no ability to win it for one side or the other, and we have no necessity to win it for one side or the other. This whole idea of counterinsurgency, that we are going to persuade the people who are left alive after our firepower is applied to love the government that we like is absurd. It will take tens of years, hundreds and hundreds of billions of dollars, tens of thousands of American lives, if it can be done at all, and we don't need to do it. It's their country. If they want to have a civil war, we can't stop them. We can't choose the rulers that they have, we don't have to like the rulers that they have, and we don't have to like their choices. It's not up to us.

At this point we must recognize that rebuilding Afghanistan is both beyond our ability and beyond our mandate to prevent terrorists from attacking the United States. And if it be said that there are terrorists operating in Afghanistan, that may be, but it is also true of Yemen, Somalia and many other countries. We do not need to invade and conquer and occupy all those

countries, and Afghanistan provides no greater necessity or justification for military operations.

We are debating on this floor hundreds of budget cuts—cuts that will grievously hurt millions of Americans—in order to reduce our expenditures by about $60 billion. Yet we are throwing $100 billion a year—plus countless lives—down a drainpipe, for no useful purpose at all—and with very little discussion of our purposes and of whether our policy matches our purposes.

To continue so bad a policy at so high a cost is simply unconscionable. It is unjustifiable to sacrifice more money and more lives this way. I urge my colleagues to join me and Ms. LEE and Mr. STARK in voting to bring the U.S. involvement in the war in Afghanistan to a close. Vote for this amendment. Let's bring our troops home. Let's stop wasting our lives and our money and our treasure and our forces. Let's bring our troops home. Let's devote our resources to something that helps the people of this country.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Florida. I rise in opposition to the gentleman's amendment.

Mr. Chairman, I'm not going to debate the issue of the war in Afghanistan. The fact is we're there, our soldiers are getting hurt every day, and too many of them are dying. So we're not going to debate that particular part of the war. What we're going to debate is this amendment. I've said in the last 3 days, a number of times, we're not going to do anything in this defense appropriations bill in the savings that would have an adverse effect on the war fighter. This amendment would affect the war fighter, especially those in Afghanistan.

This $10 billion that the gentleman would leave in the fund to finance the operations in Afghanistan, that's already been spent. In the first quarter of this fiscal year, the Afghanistan operation cost $16 billion, and he would only leave 10, which means we're already in deficit of $6 billion during the first quarter of the year. What kind of confusion would there be in Afghanistan immediately? What would our troops be thinking? Where would they have to go? What would they have to do? What would the rules of engagement be? You can't do this to our soldiers, our war fighters who are in Afghanistan. Don't look at this amendment because of the political tone relative to feeling that we should be in Afghanistan or we shouldn't be in Afghanistan. The fact is we're there. Our soldiers are fighting. They're getting hurt. They're dying. The fact is we can't let them hang out there without proper funding.

Now if you want to bring the troops home from Afghanistan, the truth is $10 billion won't even accomplish that. It will take more to bring everybody out of Afghanistan that we have deployed there, with the equipment, with the infrastructure, with the headquarters, would cost them much more than the $10 billion the gentleman would leave just to redeploy them back to the United States of America.

This amendment does affect the war fighter. I will not support any part of an appropriations bill or an authorizing bill that has an adverse effect on those who stand to fight for America.

I yield back the balance of my time.

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

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

Ms. LEE of California. Mr. Chairman, first of all, let me just thank Congressman NADLER for his ongoing support, consistent support for efforts to end the war and for offering this amendment, which is really very straightforward.

Mr. NADLER. Will the gentlelady yield?

Ms. LEE of California. I yield to the gentleman from New York.

Mr. NADLER. Thank you.

The remarks of the gentleman from Florida were incorrect. This amendment limits $10 billion from this CR, enough to bring the troops home during the pendency of this CR. Funds that were already spent were appropriated from the previous CRs. So it hasn't already been spent.

Ms. LEE of California. Reclaiming my time, let me just be clear up front, that our service men and women have performed with incredible courage and commitment in Afghanistan. They have done everything asked of them. But the truth is that they have been put in an impossible situation. In fact, this concern of ''war without end'' is why I opposed the resolution. I know we disagreed with that, but many of us agree now that we should not have this war without end continued. But I opposed the use of military force on September 14 because it was a blank check, I believed then, and it remains one now.

There are a few things we know with certainty regarding the situation in Afghanistan. We know corruption persists unabated, and in many cases has been fueled by the U.S. occupation and influx of foreign cash. President Karzai has proven himself time and time again unwilling, or at least unable, to meaningfully root out corruption within his own administration. We know that the United States troop presence has increased from somewhere around 5,000 troops in 2002 to more than 100,000 troops in 2011. At the same time, military and civilian casualties have increased at record rates. 2010, unfortunately, was the deadliest year in Afghanistan.

We also know that al Qaeda's presence in Afghanistan has been all but eliminated. The administration has been consistent in its assessment that there are maybe between 50 and 100 members of al Qaeda remaining in Afghanistan. The fact is the modern threat of terrorism can emanate from the tribal regions of Yemen or, yes, a hotel room in Germany. It's not feasible or in our national security interest to address this threat through a military-first, boots on the ground strategy. And we know, as military and foreign policy experts from across the political spectrum have told us repeatedly, that the situation in Afghanistan will not be resolved by a military solution. The United States has squandered more than $1.1 trillion on the wars in Iraq and Afghanistan. Economists estimate the total direct and indirect costs of these two wars by their end may be a total of $6 trillion.

No one can deny that the increasing costs of the war in Afghanistan are constraining our efforts to invest in job creation and jump-start the economy. At the same time we are fighting here in Congress to protect investments in education, health care, public health and safety, transportation, the war in Afghanistan will cost more than $100 billion in 2011.

Regardless of the situation in Afghanistan, the Pentagon will come back to us and ask for more time, more troops and more resources. If we're not doing so well there, they'll ask for more time, more troops, more resources. If we're doing well there, they will say we want more time, more resources and more troops.

It's time to say enough is enough. It's time to begin the safe and orderly withdrawal of U.S. troops and military contractors from Afghanistan. We should do so today. I speak today as a daughter of a lieutenant colonel who fought in several wars, one who knows the trauma and the devastation of wars on families.

I want to just thank Congressman NADLER for his leadership and I hope that we all will support my legislation that I introduced today, the Responsible End to the War in Afghanistan Act.

□ 1940

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

Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. I rise to support the Nadler-Lee-Stark amendment.

I would like to thank them for bringing this amendment to the floor. I would like to thank all of them and the other Progressives in this House for the work that has been done in an attempt to make sense out of the wars in both Iraq and Afghanistan, and for all of the traveling, the speeches, and the organizing that has been done around this war issue.

Mr. Chairman, we continue to fight to bring our troops home. I know that there are those who would think that perhaps because they have not heard a lot from us that somehow we had removed ourselves from the struggle, but

that is certainly not true. We have been respectful. We have allowed this administration to make some commitments. The American people decided to give the administration the opportunity to work to bring our troops home, and we are still committed to that.

This CR would provide $100 billion for military operations in Afghanistan. That doesn't sound as if we are trying to wind down. That doesn't sound as if we are ready to recognize that it is time to get out of Afghanistan. Why are we there?

Unfortunately, this war has been very traumatic on our soldiers, on their families, and on the American public. Yes, as has been said over and over again, we salute our soldiers. We appreciate the sacrifices that they have made—and have they made sacrifices. There have been more suicides in this war and in the Iraq war than we have had in all of the wars of the United States of America. It breaks my heart to hear about the brain injuries and the loss of limbs that these soldiers have suffered.

Why is this happening? What are we doing?

Leon Panetta, the head of the CIA, says there are fewer than 100 al Qaeda operatives in Afghanistan. That is more than $1 billion per al Qaeda operative. Again, let me reiterate: the CIA tells us there are fewer than 100 al Qaeda operatives in Afghanistan. At the rate that we're going with the CR providing $100 billion for military operations, that is more than $1 billion per al Qaeda operative.

Our amendment would limit the funds for military operations in Afghanistan to $10 billion to provide for the safe and orderly withdrawal of forces.

As we stand here debating this $100 billion allocation in the CR, I cannot help but contrast that with the fact that our domestic agenda is being cut and cut and cut, not only by this CR but by the budgets, both from the opposite side of the aisle and from the White House. The homelessness is shameful in America. We have people who are wondering how they're going to keep their homes warm. We are cutting heating oil in America. The environment is taking a licking in this CR.

At the same time that we talk about innovation and creating jobs, I don't see anything in this CR that will create any jobs. What I see are unwise expenditures such as we are witnessing with the $100 billion. What I see on the opposite side of the aisle is a dedicated commitment to getting rid of regulations that can save us money and create jobs.

So, led by the Progressives, we stand strong in our commitment that this war must end. We must bring our soldiers home. It is time for us to concentrate on the domestic agenda. There are those who would tell us we are training the military in Afghanistan, that we are going to have Afghanistan soldiers who will be ready to take over. I don't see that happening.

What is ''win''? What is ''success''? How do you define it? I haven't found anybody on the opposite side of the aisle who can define that.

I would say it is time for us to have the courage to do what must be done. Let's support the Nadler-Lee-Stark amendment.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members that the rules provide that Members are not to walk between the Chair and the Member under recognition.

Mr. POLIS. Mr. Chairman, I move to strike the last word.

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

Mr. POLIS. Mr. Chairman, the ongoing war in Afghanistan is, quite simply, the wrong war in the wrong time and in the wrong place. Intelligence experts agree that a terrorist threat to our Nation does not emanate from within the borders of the nation of Afghanistan.

There is a very real terrorist threat to the people of this country; but by its very nature, it is a stateless menace. It is a menace that is likely to use as its base of operation wherever anarchy prevails and wherever the rule of law is lacking. We cannot effectively combat this threat by occupying one country after another after another.

It is true that, when we occupy a country, al Qaeda and other terrorist operations will likely flee for other areas; but there are unfortunately, Mr. Chairman, plenty of areas of the world that provide hospitable footholds for al Qaeda, which is why a more effective strategy this Nation is currently also engaged in—but which to a certain extent is not complementary to the heavy-handed occupation strategy—is that of more light targeted operations and intelligence gathering and operations against terrorist operatives wherever they are. To be bogged down in one particular nation state, one that is host to a negligible number of al Qaeda operatives—it has been estimated that there are only 50 to 100 al Qaeda operatives—is simply counterproductive to the goal of keeping the American people safe.

Beyond being counterproductive, Mr. Chairman, this is money that we can't afford. This amendment, which I strongly support, will cut $90 billion from the occupation of Afghanistan, allowing $10 billion to be used to safely bring the conflict to an end and to maintain a lighter footprint of military operations to ensure that al Qaeda does not regain a stronghold within the borders of Afghanistan.

It is clear, Mr. Chairman, that the current strategy is not working. The expenditures in Afghanistan currently are $100 billion. That is more than $1 billion per al Qaeda operative within the borders of Afghanistan. Most of al Qaeda's operations have moved across the border to Pakistan, and they have gained a foothold in Yemen. Meanwhile, we remain bogged down in a costly war without any clear end game that can be articulated by the people on the ground.

When we enter a military scenario, it is critical to define what success looks like. The nation-building operation undertaken with regard to the occupation of Afghanistan does not have a clear outcome that is reachable. The situation there will not be better in 6 months or in a year or in 2 years or in 3 years.

It is time to stop sending American taxpayer money that we don't have to a war that does not further the security interests of the American people. That is why I am a strong supporter of the Nadler-Lee-Stark amendment, and I encourage my colleagues to vote ''yes.''

I yield to the gentleman from New York (Mr. NADLER).

□ 1950

Mr. NADLER. I thank the gentleman for his remarks and for yielding.

I just want to make one comment on what was said a moment ago by the gentleman from Florida. This amendment reduces funding in this CR to $10 billion. It should be enough to withdraw the troops. But the argument was made that to reduce the funding is not to support our troops, to rob them of the implements of doing their job. But the fact is that the only power that Congress has to effectuate the war-making power, to control whether we should be at war somewhere or another, is the power of the purse.

We are not saying, by adopting this amendment, we would not be saying that we want our troops there with no weapons and so forth. We would be saying use the funds to bring the troops home. It is more supportive of the troops to bring them home from a war that they should not be fighting, that is not vital to our national security, it is more supportive to bring them home than it is to give them weapons to fight an unnecessary war in which some of them, unfortunately, will lose their lives.

So I say support our troops. Bring them home. Support the country. Stop fighting where it doesn't make sense, and spend our military resources where it helps the national security of the United States, which is not in Afghanistan right now.

Mr. POLIS. I would simply like to conclude that with the passage of the Nadler-Lee-Stark amendment as part of an underlying continuing resolution will allow America to focus on the real stateless terrorist threats to our Nation by preventing us from being bogged down in one particular occupation in a country that has no significant al Qaeda presence.

I yield back.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I thank the authors of this amendment which I rise to support, the Nadler and Stark and Lee amendment. I believe it is a starting point, for those of us who have consistently raised questions about where we are and making sure we follow and adhere to long-standing commitments to our troops and to their families that have served boldly and ably both in Iraq and now in Afghanistan, how we can orderly bring them home.

Mr. Chairman, a couple of years ago as we continued to feel frustration in Iraq, I raised the question and filed legislation called the Day of Honor in which we would bring our troops home from Iraq and then, subsequently, Afghanistan and honor them throughout the Nation.

In fact, I remember arguing with the Bush administration and raising the issue as to why our fallen soldiers, when they came in to Dover Air Force Base, did not have the honor of public view if agreed to by their families. I believe our troops are owed a debt of gratitude, respect and honor. Those who are fighting now deserve that respect and honor.

This legislation in no way diminishes or dismisses their service or the blood that they have shed. But what it says is that we are now in the midst of a major budget crisis. And as we have seen over the last 24 hours, we are willing to cut children and substance abuse and mental health and teachers and environmental protection, if you will, oversight, literally gut the running of the government. These soldiers want to come home to jobs. We have done nothing about creating jobs.

I frankly believe this is a starting point of astute analysis as to what we are doing going forward. We already know that we are looking forward to bringing troops home and to downsizing, redeploying. We begin redeploying by redeploying money.

And let me give you an example. On the floor just a few hours ago, there was an amendment discussed by the Transportation Committee to almost gut the Transportation Security Administration. Now, I chaired that subcommittee in the last Congress, and I serve as the ranking member in this Congress.

If we had done that, it would have had a double detriment to the security of the homeland. Mr. Chairman, 900 positions would have been lost, impacting 450 airports, governing some 445,000 TSA officers. Maybe some of those officer positions could go to returning soldiers who are looking for work. In addition, it would impact the intelligence gathering and disseminating. It would also impact covert testing that goes on at passenger checkpoints, and also cargo where we have seen that we are still in the eye of the storm. There is no doubt that aviation travel is in the eye of the storm for homeland security and protecting the homeland.

So while we have $100 billion set aside for a war of which we have already been given the direction as downsizing, redeploying, bringing troops home, and yet we have $100 billion.

So I would simply say this is a time when we should come together and determine that we are moving to bring our troops home; that we are going to use smart money and work on diplomacy, getting Afghanistan to invest the moneys it has and building democracy and educating its children. We support that.

I recall one of my early visits to Afghanistan, taking books to schoolchildren and the excitement of the schools way beyond Kabul where they were excited to receive these books, and the students were excited to receive and to be able to be educated. Of course, in leaving Afghanistan and going to Iraq, we have lost a certain momentum that had gathered. School girls can't even go to school. That comes through diplomacy and buying into a sovereign nation that believes in some dignity for all people.

So I applaud the troops that are on the ground, and I applaud their leadership. But if we have amendments that would gut the Transportation Security Administration and keep us from protecting the homeland, then we know that we are going in the wrong direction. Support an amendment that reduces the amount of money to be spent for Afghanistan, to invest in the homeland and the security of that homeland, and promote agencies like the Transportation Security Administration agency that is fighting every day to secure the American people.

I ask my colleagues to support the amendment.

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

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

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

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

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chair, I yield to the gentleman from Virginia (Mr. GOODLATTE) for a colloquy.

Mr. GOODLATTE. Mr. Chairman, I rise to enter into a colloquy with the chairwoman.

Without consulting with my office in any way, the General Services Administration took advantage of the lack of specific congressional direction in the stimulus bill and initiated renovation work on the Richard H. Poff Federal Building, a Federal building in my district, in Roanoke, Virginia. This renovation was funded at $51 million. However, the total cost for the renovations are now in excess of $65 million when you factor in the relocation costs for the agencies that were located in the Poff building.

I have repeatedly demanded a comprehensive cost-benefit analysis from the GSA showing that this project is financially worthwhile, as is required by law. To date, I have not received such an analysis.

It is completely unacceptable for GSA to move forward any further with this project until such an analysis is produced.

I would like to request that you and the committee commit to working with me to demand that the GSA provide a comprehensive cost-benefit analysis that shows these renovations are worthwhile before any further funds are appropriated to renovate this Federal building.

Mrs. EMERSON. I thank the gentleman from Virginia, and please know that not only am I very happy to work with the gentleman on trying to conduct better oversight of the GSA and ensure that it does cost-benefit analyses, but I have also had quite a similar experience in my hometown in Missouri of cost overruns and no type of real cost-benefit analysis or explanation for those cost overruns other than perhaps inattention to detail.

So I am thrilled to be able to work with you and look forward to doing that.

Mr. GOODLATTE. I thank the gentlewoman.

Mrs. EMERSON. Mr. Chairman, I have another colloquy with the gentleman.

I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I rise to enter into a colloquy with the chairwoman.

I intended to offer an amendment that would have prevented funds from being used in this bill to subsidize wireless phone service in the underlying legislation. As you know, the Universal Service Fund provides Federal money to subsidize landline and cell phone service for low-income individuals.

I can understand the need to ensure that low-income individuals have a basic telecommunications link of some sort for emergency calls. However, the State and local governments are the appropriate levels of government to provide this service.

□ 2000

Especially in a time of fiscal distress like we are currently facing, I do not believe it is the role of the Federal Government to be subsidizing cell phone service.

Would the chairwoman commit to work with me on report language in the fiscal year 2012 appropriations bill addressing this issue?

Mrs. EMERSON. I thank the gentleman from Virginia for bringing this to our attention and commend you for

doing so. And we'll be happy to work with you to try to address this issue, particularly in report language in the FY 2012 bill.

Mr. GOODLATTE. I thank the chairman.

Mrs. EMERSON. I yield back the balance of my time, Mr. Chair.

AMENDMENT NO. 214 OFFERED BY MR. KLINE

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to—

(1) implement, administer, or enforce the final regulations on ''Program Integrity: Gainful Employment—New Programs'' published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66665 et seq.);

(2) issue a final rule or otherwise implement the proposed rule on ''Program Integrity: Gainful Employment'' published by the Department of Education on July 26, 2010 (75 Fed. Reg. 43616 et seq.);

(3) implement, administer, or enforce section 668.6 of title 34, Code of Federal Regulations, (relating to gainful employment), as amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.); or

(4) promulgate or enforce any new regulation or rule with respect to the definition or application of the term ''gainful employment'' under the Higher Education Act of 1965 on or after the date of enactment of this Act.

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

Mr. KLINE. Mr. Chairman, in an oped published in The Wall Street Journal, President Obama laid out his plan to conduct a comprehensive regulatory review to ''remove outdated regulations that stifle job creation and make our economy less competitive.'' I have pledged to be a partner in that effort. Job creation and American competitiveness are our top priorities. That's why I am offering an amendment to deny funds from being used to implement and enforce a job-destroying Department of Education regulation.

More than 3 million students attend proprietary schools. These schools, also known as for-profit schools or career colleges, provide students with skills that can be applied immediately to specific jobs in the workforce. With more than 6 million workers unemployed for more than 26 weeks, proprietary schools address a critical need in today's economy. These schools also help address the needs of local communities. Proprietary institutions are nimble and easily adapt to the demands of an ever-changing local economy. If a community lacks trained nurses or qualified auto mechanics, proprietary school can quickly develop programs to fill those needs.

For years, proprietary schools have served young adults, single parents, first-generation college students, and low-income individuals. They have opened doors to bright futures and strengthened our economy. That's why recent efforts by this administration have been so troubling.

Last year, the Department of Education put forward regulations that will deny students access to many of these institutions. The regulation includes a number of provisions, including unprecedented reporting requirements placed solely on the backs of these proprietary schools. The regulation also requires schools to seek preapproval from the Department of Education before creating any new program, tying down in bureaucratic redtape the flexibility that has benefited communities and workers.

The public outcry to the regulation has been resounding. More than 90,000 public comments were sent in to the Department during the rulemaking process. A strong bipartisan coalition of Members of Congress has voiced their concerns to the administration, but those concerns seem to be ignored. In 2008, Congress had an opportunity to define ''gainful employment,'' yet it chose not to. It recognized such a definition would limit student choice and stifle employment. Instead, the administration is barreling ahead with bad policy.

We all support transparency and accountability. We should empower students with good information about all institutions so they can make the most informed choice about their education. We should do our part to root out bad actors. We can do that while opposing an outright attack on the private sector. That's what this is: an attack on the private sector of education. Colleges that planned to expand their campuses have put those plans on hold.

This effort will force schools to turn away students and close their doors. Some have already laid off workers. Capella, based in my home State of Minnesota, announced just yesterday they will lay off 125 staff members. The regulation is destroying jobs today and will continue to do so.

Make no mistake, this isn't just another regulation that will destroy jobs. This is an assault on students' ability to find an institution that best meets their needs.

The President has laid out a goal to lead the world in college graduates in less than 10 years. This goal represents the reality that far too often our workers are unprepared to succeed in a highly competitive global economy. But we cannot lead the world if we follow the path this regulation would force us to take.

Let's support our students. Let's support their right to choose a college that meets their needs. Let's support a strong and competitive workforce. I ask my colleagues to support this amendment.

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

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in opposition to the Kline amendment, which would prevent the Department of Education from moving forward on a rule that would deny Federal financial aid to career education programs that leave students in too much debt and without gainful employment.

The new gainful employment rule will hold career education employment programs responsible through a simple proposition: A career education program should only receive Federal financial assistance if, upon graduation, students can earn enough money to pay off the debt that they accrue. In short, a program is worth the Federal investment only if the price of the education is justified by its outcome. Isn't this exactly what responsible budgeting is all about?

This rule would apply to both for-profit and nonprofit colleges, but the for-profit sector has mounted an aggressive lobbying campaign in opposition. Why? The average tuition in a for-profit college is several times greater than at a community college. For-profit college students account for only 10 to 12 percent of college students, but they receive 23 percent of all Federal student loans and grants. Graduation rates at for-profit colleges are at or below 50 percent while their profit margins are as high as 30 percent. Twenty-five percent of for-profit school students default on their loans after 3 years.

If we are going to build the workforce of the future, we need to increase the number of Americans with college degrees. But students should not have to mortgage their futures to pay for college, and they should be secure in knowing that when they graduate, they will have a degree or a credential that will help them to secure a job and to repay their student loans. Leaving college without a credential or with one that is of little value in the job market can leave students unable to climb out of debt. And that is what happens to far too many students who have been taken in by the aggressive marketing tactics of for-profit colleges.

Why would any college contest the idea that an education should be worth its price tag? Colleges are in a business to educate students, not simply to take their money.

This rule will protect both students and taxpayers. I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. REHBERG. Mr. Chairman, I move to strike the last word.

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

Mr. REHBERG. As chairman of the Committee on Appropriations Subcommittee on Education, we have no objections to this amendment.

I have often said—jokingly, of course—that the reason the Internet is

so successful in America is that the government hasn't figured out how to screw it up yet. Well, they are doing everything they can to screw up education. We can finally get an institution or a structure that is able to move very quickly to meet the needs of students, and this government is trying to create a bureaucracy to keep them from being successful, and it's inappropriate.

The Department of Education is attempting to define, through a new regulation, what it means for someone graduating from a proprietary school to be gainfully employed. Wouldn't that be nice if we applied that same standard to our public school system around the country, that our students had to be gainfully employed before they received any money? This is a prime example of Federal overreach.

Fear of this regulation is having a real economic impact now even before it goes into effect. Schools are already scaling back program offerings because of the threat of this ''gainful employment'' regulation. And if it goes final, approximately 5.4 million students could be shut out of higher education by 2020.

Portions of the regulation are set to go into effect July 1, 2011, so it is necessary to include this language in the continuing resolution. Waiting for the fiscal year 2012 appropriations process will be too late for these schools. Business groups ranging from the National Restaurant Association and the U.S. Chamber of Commerce support this as well as various State Chamber of Commerces. They all support the amendment and oppose the regulation. I hope you do the same.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I move to strike the last word in opposition to the amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, in my district, after it invented the Internet, it turned it over to the private sector to grow it.

Mr. Chairman, Members of the House, this amendment should not be adopted. It should not be adopted because this amendment is designed to disrupt the regulatory process to determine whether or not students who are enrolled in some—and I say ''some''; I say this as a supporter of proprietary colleges and career colleges—some classes that only leave them in debt, don't leave them better prepared for the workforce, don't leave them better prepared for the career. There is substantial evidence that that's the case. High default rates, students not completing, students ending up in a lot of debt. They are doing this with almost 90 percent of taxpayer dollars.

I think we have an obligation to the students and to the taxpayers. That's what the administration is trying to do with this regulation.

It's been mentioned that there were 90,000 comments. 89,000 of them were a form letter. You would have thought that they could have varied them a little bit for the money they were paying to get it out, but they didn't. But the point is this: The administration ought to be allowed to complete this process because this really is about the future of these students.

□ 2010

Students from these schools in many instances graduate with much higher debt. Some of these schools, they default. In excess of 40, 45 percent of them end up in default, and, as you know, that is not debt that you can discharge in a bankruptcy. So these students start out in big trouble if these schools are not providing the kind of educational atmosphere and, hopefully, the success ratio that they should. That should be a concern to every Member of this Congress. That should be a concern to the taxpayers, and it is a concern to this administration.

If this regulation doesn't turn out, the Congress can tell them they can't do it. That's our power. That's the way it works. But to come in in the middle of the game when it's this serious with this money on the table, with these kinds of default rates, and some of these institutions and some of these classes, we're making a big mistake by putting our thumb on one side of the scale at this point in the process.

As I've said from the time I have been on this committee as these schools started to grow and become more a part of our higher education, I have supported them. I continue to support them. Somebody just said, if you're going to meet the goal of college graduation, it's hard to believe how you're going to do it without these schools. But as we all know, you put 90 cents out of every dollar coming from the taxpayer on the street, there's always a few people who show up to pick it up without providing the services.

We went through this in the HMOs back in the nineties. There were people who said they were becoming health care HMOs. No, they were really real estate companies who were trying to get a lot of people to enroll and hopefully they could sell them to somebody else. In this one, it's a question of whether or not you're offering a curriculum that truly benefits the students, gives them the opportunity.

But, you know, when we see the kinds of scandals that have erupted in the past at some of these institutions—again, not all of them—you have to ask the questions: What's going on? People have paid tens of millions of dollars in fines because of how they have attracted students. When you have a business plan that's based upon attracting homeless people, you better make sure that there is some opportunity for that homeless person to thrive in that educational class other than just end up in debt and still homeless. That was a business plan.

So I'm just asking for caution. I know you want to run to justice. I know the power of these institutions and I know the pressure that you're saying you have to stop this, you have to stop this. We're talking about a few classes within all of these institutions where there is a history, there may very well be a history that all the student got out of it was debt. This isn't about what you end up doing in your career over time, but it's about whether or not you got what you paid for and they delivered services that they promised.

I hope that Congress will reject this amendment. Let the Department continue to work on the regulation, and again, if it doesn't work, if it doesn't make sense and is threatening schools, I suspect that we will all join in making sure that the regulation doesn't go into effect.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I move to strike the last word.

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

Mr. ROE of Tennessee. Mr. Chairman, I rise in support of this amendment.

Over the past year, a number of us have met with Education Secretary Duncan to express our serious concerns with any proposal that evaluates education programs based on the level of debt students are accumulating. Despite improvements that have been made to the rule, I remain concerned about the direction this rule is taking our education system.

I understand and agree with those who are concerned about the high cost of education, but shouldn't we let students and their family evaluate for themselves whether the risk of carrying a high debt load is one they want to take on? It seems to me to be a far better use of our resources to be encouraging informed decisions by putting out accurate information to students about graduation rates, placement rates, and even average student debt burdens.

The fact is career colleges are meeting a community need by educating and training people in specific professions like nursing. In six short years, we are a million nurses short in this country. If there are problems with a specific program, and there are many—in fact, there may be bad programs in this country. Let's come up with a criteria that actually evaluates the programs' effectiveness.

Either way, I think it makes sense to put a halt to this rule and use the additional time to urge the Department to go back and put out a rule that will ensure students continue to have access to educational choice.

I urge adoption of the rule.

I yield back the balance of my time.

Mr. POLIS. I move to strike the last word in opposition to the amendment.

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

Mr. POLIS. Mr. Chairman, I rise to oppose the amendment, which is a broad, sweeping measure, not only

against important protections for students, which I'll elaborate on, but it also leads to potential exposure for taxpayers and taxpayer money.

This amendment would not only eliminate the ability to have the critical gainful employment regulation, some element of quality control to make sure that after receiving sometimes very expensive education somebody's actually more employable, but it would also undo existing transparency that's already approved and published, to disallow basic information on student outcomes, including graduation rates as well as loan default and payment rates.

Now, the reason this is such an important matter to Congress is that this is a critical matter for taxpayers. Taxpayers have been paying the cost for excessive loan default rates of poorly performing for-profit colleges. Specifically, for-profit higher education institutions received $24 billion in title IV loans and Pell Grants in 2009, accounting for about a quarter of the Federal college loan dollars, despite them comprising only about 10 percent of the higher education institutions.

Meanwhile, students from the for-profit colleges have loan default rates after 3 years about twice the rate of all college defaults and rising to 25 percent. Now, these are averages. That doesn't matter. What matters is: Does it work? Does it work for kids? Are they getting their money's worth? Are taxpayers getting their money's worth by helping people attend these institutions, or are we graduating students with a mountain full of debt, no more employable than the day they walked into that door.

To make the matter even worse, in 2009, the average tuition of the for-profit institution is $14,000 per year, compared to $7,000 per year for average 4-year universities and $2,500 for community colleges.

Now, again, what I would look at would be the return on investment. Are they providing twice the value of a 4-year or community college? The data says no. Are they providing six times the value of community colleges and making somebody employable in the future? The answer, by and large, again is no. That's why the Higher Education Act authorized the Education Department regulations that this amendment would block.

I strongly support the process that the administration has gone through, including the process on the rule on gainful employment.

The administration has not turned a deaf ear to the industry, to the legitimate concerns of quality operators. The first rule that they put out there was—I think they've acknowledged had some room for improvement. They've been working daily in conjunction with the responsible players in the for-profit education industry to establish a real playing field to ensure that we are not doing these students and taxpayers a disservice through this program. GAO has detailed the issues in its report last summer, and the Leadership Conference on Civil and Human Rights wrote to the U.S. Education Department a couple of weeks ago that the rule will benefit minority students, as they disproportionately enroll at for-profit schools, overpaying for poorer quality education, as compared to the public counterparts.

The proposed rule is a reasonable way to ensure gainful employment for students, and I applaud the administration for taking on this difficult battle for minority students, to ensure basic transparency and to protect taxpayer funds.

I urge a ''no'' vote on the amendment.

I yield back the balance of my time.

Mrs. BIGGERT. I move to strike the last word.

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

Mrs. BIGGERT. Mr. Chairman, I rise in support of the Kline amendment. It is imperative that Congress put the brakes on what has become this administration's culture of runaway regulation.

Specifically, the amendment under consideration will prohibit the use of funds in the underlying bill for the implementation of a misguided regulation commonly referred to as the gainful employment rule, which has already led to job loss and uncertainty in the proprietary college sector. Moving forward, I'm concerned that that rule will jeopardize access to many educational and training programs that provide students with skills to meet the demands of an ever-changing labor market.

In function, this rule would prohibit college programs from receiving Federal student loans unless new complicated loan repayment criteria are met. As such, the rule incentivizes institutions to pursue only those repayment plans which satisfy arbitrary government goals rather than the plans that best fit students' needs. This may be loan repayment; also ignoring measures of seemingly equal importance such as on-time graduation rates and clear placement.

Equally troubling, under the rule, proprietary institutions would, sadly, be forced to navigate an additional restrictive layer of Federal bureaucracy, requiring Federal approval in order to offer any new programs. Unfortunately, this provision fails to realize what is the agile nature of these proprietary institutions that uniquely position them to help unite a properly equipped workforce with employers in today's uncertain job market. By unlawfully restricting the flexibility, we risk failure to capitalize on emergency economic opportunities.

□ 2020

Moreover the gainful employment rule applies almost exclusively to one sector of higher education, the proprietary schools which tend to teach job-specific skills, often to at-risk populations such as low-income, minorities, single parents, high school dropouts with GEDs, and first-generation college students who do not have financial help from parents. Somehow there is the notion that the bad actors of the Federal higher education loans world is exclusively within the proprietary college sector. This is preposterous, but the fact is that the administration has chosen to discriminate against these schools. The fact remains, a student can graduate from any institution of higher education with inadequate income to repay their debts, and students should not suffer simply because the school that best suits their needs operates under a for-profit model.

I have repeatedly asked the Department of Education to refrain from implementing this rule until we have clear data on the state of our Nation's overall higher education system. If the administration were serious about addressing unscrupulous recruiting practices at the college level, this data would be compiled and made available, and particularly to Members of Congress. As it stands, we have little more than this singular, last-minute vote to slow down the administration's race to squeeze the for-profit college sector out of existence.

I yield back the balance of my time.

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

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

Mr. ELLISON. Mr. Chair, I would like to point out a few important facts about the for-profit educational sector, and that is that the low-income students make up about half of the enrollment for for-profit colleges and minorities comprise about 37 percent. So this really is a matter of low-income and minority students facing what are high-cost loans for students, and often 90 percent of the money comes from the Federal Government.

Now, as I listen to my friends in the Republican caucus, I would think that they would want the best value for the public dollar. This rule means that some money spent will result in the outcome that is sought in the beginning, which is gainful employment.

Too many of the students who go to these schools are coming out with nothing other than big debt, and no education, no gainful employment at all. And this is a problem. And I'm surprised that we would not say that, look, we are going to make sure that when the Federal dollar is put forward, there will be value coming back for it.

Now, I am no opponent of for-profit colleges. I think ones that are performing well are certainly welcomed in the market and serve a valuable role. But there are bad actors. And I think it's important to point out we have seen this movie before, Mr. Chairman. We have seen it when people said, Look, poor people, low-income people

of color need to get mortgages. And, well, you know what? Well, they can get subprime mortgages. Now, not all subprime mortgages were predatory mortgages, but some were. And enough were to be able to take advantage of people on a very severe scale.

This rule, if it goes into effect, if allowed to proceed forward, would make sure that these students and the government get good value for their money, and no for-profit college that is not relying on a business model that bilks the consumer, the student, should object. No college, no for-profit college that relies on a business model that actually is designed to help the students they propose to help should object to saying, Look, we're going to deliver what we say we're going to deliver, which is gainful employment.

This is no friendly thing for the poor and low-income students of color. This is an abuse. Not all for-profit colleges, but some. And the Federal Government has a responsibility to make sure that these students are not taken advantage of.

By the logic of some of the proponents of this amendment, we should say that, look, any loan shark, pawn shop, payday lender, we ought to just thank them because, you know what, they serve the poor. Well, they had better serve the poor in a fair, scrupulous way and not take advantage of people in a circumstance where they are at a disadvantage.

So I urge members to vote this amendment down and to allow the proper rulemaking procedure to go forward.

I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, I move to strike the last word.

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

Mr. ROKITA. Mr. Chairman, I rise to support this amendment. This so-called ''gainful employment'' regulation is another example of this big Federal Government run amok.

Today, Hoosiers in Indiana, and all Americans, are free to choose from accredited colleges and pick the one that they believe fits their needs. These are accredited colleges. No one has accused them of unfairly serving the poor—no one rightfully has—or anyone else. They are accredited. They are licensed.

The Federal Government gets involved in student loans and grants already, more so, I would say, than I and others would like it to. But at least, Mr. Chairman, we still let individuals make their own decisions on where to go to school.

The new rule makes a mockery of our American tradition of free choice, replacing it with a bizarre program where the Federal Government decides what job you should seek and what school you can attend. Let me walk you through it.

Under this rule, the Obama administration has proposed a plan that, number one, creates a matrix that examines the student loan debt to future income of a prospective student; then, it compares that ratio to the student loan repayment rates of graduates of the same program; and, number three, and finally, it decides if the student can have access to the loans they would need to attend the school or program of their choice.

So for those of us listening, watching at home, what this means is, if you are contemplating going to school so that you can economically better yourself, or because you otherwise want to enrich your life, you just can't go to the college or school of your choosing if you need a government loan.

Instead, a nameless, faceless bureaucracy using some bizarre arbitrary formula gets to decide whether or not you have chosen a field of study that will pay enough to justify the investment, in the mind of that particular bureaucrat. Unbelievable.

The government and the Obama administration are now micromanaging this part of our lives, too. Talk about central planning, Mr. Chairman.

To make matters worse, this new program will disproportionately hurt Hoosiers and other Americans who are least able to do anything about it: Working Americans who need new training and new skills to move forward in the workforce. This was what this Congress should be about.

If this regulation becomes reality, it will immediately prevent 400,000 people from developing new skills to benefit the workforce. By 2020, nearly 5.4 million students will be denied the higher education program of their choice.

In a global economy, we cannot compete without an educated and flexible workforce. This amendment will allow Americans the choice they deserve and the educational flexibility our Nation needs. I urge a ''yes'' vote.

I yield back the balance of my time.

□ 2030

Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I rise today in strong opposition to the Kline-Foxx-Hastings-McCarthy amendment that would stop the Department of Education's proposed gainful employment regulation. Proprietary colleges account for only 7 percent of the higher education student population; yet last year 44 percent of student loan borrowers who defaulted within 2 years of beginning their repayment were students who had attended for-profit schools.

Mr. Chairman, I know something about these private postsecondary schools. One could make the argument, and you will hear, oh, not all of the schools. Of course, not 100 percent of the schools are ripoff schools, but a huge majority of them are. I have experienced some of this firsthand.

While I was working with poor students in South Los Angeles, we were trying to get them into GED classes. The recruiters would come along and tell them that they could get them into their schools, they could help them to get Pell Grants, and they could help them get a career, and, lo and behold, they would sign up. You would see them a few days later, some were going to be dental assistants and they had a little green jacket on and they had a little box that they carried to make it look as if they were carrying dental tools. But it was just a matter of months later when you would find sometimes the school was out of business. They had been going to school, there were no teachers, there was no equipment.

They were ripoff schools. And I want to tell you, they make a lot of money. Take a look at this one school, Capella. They earned $335 million in profits; 78 percent of that was government money.

Now, my friends on the opposite side of the aisle will have you believe they want to save the government money. They want to make sure that they do everything to protect the government from spending the taxpayers' money unwisely. Something is wrong with this picture when they take the floor and argue for the continued ripoff of our students and our taxpayer money to these schools.

Let me tell you who some of them are. Corinthian, bad reputation; Everest, ITT, Westwood. And, guess what? Kaplan University. Guess who owns Kaplan? The Washington Post. Do you think The Washington Post makes most of its money from the newspaper? You got another thought coming. Their profits and their revenue for the most part is coming from Kaplan University, which has been found to have done all kinds of things to get these students in, charging them higher prices for these classes. They are not getting jobs, they don't get a career, and they end up not only owing the government money, but they are prevented from having a decent quality of life because now they can't get a section 8, they can't get another Pell Grant, and, you know what? In many States they are going after Social Security money and retirement money.

This is the next big scandal in America. You think that the meltdown that we just had and the foreclosures that we are experiencing across this country are bad. You wait until the investigations are done and the truth is told and the amount of money is counted from the ripoffs.

Now, I know that this is a powerful lobby that I am working against. I understand that. They roam these Halls, and they have plenty of resources, and they put out plenty of materials. They buy full-page ads. They are up on television, the Joe Blow School of Computer Learning that has no school. I want to tell you, I understand how tough this is.

But what I don't understand is how they could be joined by people who

claim to care about the taxpayers' money and claim that they are fighting to reduce government, when in fact they are supporting the ripoff schools that are increasing the amount of Pell Grants that we give to schools, who will not get any jobs or create any careers.

This is not right. We should not have to suffer this kind of misrepresentation. Members of this House should be in support of students who want to learn. The worst thing that can happen to students who drop out of school, to students who haven't made it, to all of a sudden think that somehow they are going to get a job and get into one of these ripoff schools and get disappointed time and time again.

I know what populations they are targeting. I see them. They are targeting the welfare mothers. They are targeting gang-bangers. They are targeting all kinds of people that they know are going to have a difficult time succeeding.

So you keep doing this, it is going to catch up with you. I ask that this amendment not be supported.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

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

Mr. THOMPSON of Pennsylvania. Mr. Chairman, the President has promoted a policy to have 5 million new college graduates by 2020, and I commend the President for that goal. However, I have to stop and wonder, how are we going to achieve that mission if the Department of Education is going to put up roadblocks such as the proposed rules for gainful employment?

In reality, career college also serves many purposes for many different people from all walks of life. This is not an issue of black or white, rural or urban, young or old, or Republican or Democrat. This is an issue of access to opportunity.

I represent a very rural district in Pennsylvania. Many of my constituents don't have access to a community college, and they live a significant distance from any university. Many proprietary schools have sprung up out of necessity. Many students in Pennsylvania choose these schools because of their convenience. They realize that career colleges offer course work of all types and work to accommodate the busy schedules that we all have. They realize that life does not just stop for 4 years so that you can go to a school. And they realize these institutions will give them the skills they need to enter the workforce and earn a decent living.

Mr. Chairman, I have concerns that the Department of Education has stepped way beyond its authority and begun determination of an arbitrary ruling on gainful employment. I ask my colleagues to support this bipartisan amendment.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. HASTINGS of Florida. Mr. Chairman, I rise in support of this amendment that will prohibit the use of funds by the Department of Education for its misguided gainful employment rule.

Perhaps it would be helpful for the body and the public to know what this gainful employment is that we are talking about. Under the Higher Education Act, proprietary colleges and universities and career training programs are required to offer programs that lead to gainful employment in a legally recognized occupation in order to participate in the Federal student aid programs.

The term ''gainful employment'' has been in the statute for over 40 years; and during the most recent reauthorization of the Higher Education Act, there was absolutely no debate or discussion on a need to further define the term.

Now, when this originated, several of our colleagues on both sides of the aisle, and I am deeply appreciative of the chairman and my colleagues, in a bipartisan fashion we went about our business trying to understand just what kind of proposed rule it is that the Department is talking about and just how it is that it will impact the overall public.

What this amendment would do is prohibit the use of funds for implementation of the draft regulation that the Department issued on October 29, 2010, and will prohibit the Department from promulgating or enforcing new regulations regarding gainful employment.

Let me put a face on these schools, as my colleagues that are opposed have done.

Perhaps some of them have never eaten at a restaurant where the person that prepared the food went to a proprietary institution. I have.

Perhaps none of them have had physical therapy where the person administering it graduated from a proprietary school. I have.

And, most importantly, I want this body to understand that of the eight people that had the last hands-on experiences with my mother for 2 years, all were nurses in two different hospitals and at home, and all graduated from proprietary schools.

□ 2040

We all agree that both taxpayer funds and students' best interests should be protected in higher education. But I can tell you this: rushing into a blanket approach that will limit student access to higher education and fail to adequately address problem institutions is not the way to go.

You know what we did here in this institution? What we did here for the people that work with us, young people that graduate from Ivy League schools, historically black schools, all over this place, we created a program that will allow them to help pay off their student loans. Some of us hire people at what I would not call gainful employment that may have graduated from institutions that I attended or that the President attended.

I don't understand why the Department refuses to recognize job placement, professional certification, passing rates, employer verification, or anything else related in determining an institution's effectiveness. If it's unreasonable amounts of student debt that they're trying to address, I agree that that is a concern. Let's have a frank discussion on student debt. But it is not only the institutions that are responsible. Students, lenders, policymakers, as well as institutions must be part of this process and must be held accountable.

This proposed rule is very broad and its implementation so burdensome that many schools will undoubtedly close. And I don't buy into that fallacious argument that 50 percent of these people don't graduate or don't go on to do this, that, or the other. In this economy in the United States of America, a whole lot of students are graduating from a whole lot of schools and are not getting jobs today. And many of these schools that we're attacking, unreasonably, are places where I know, at least in the congressional district that I'm privileged to serve, that many of these people have received jobs—and many of them leave the institutions, like the last two nurses that worked with my mom that had a job when they left the institution.

This may please some of my friends in this body, and the Department of Education, but what will happen to the single mother looking to change careers who needs the flexibility of a private sector college? What about the first-generation college student who needs the added support.

Mr. Chairman, I urge that we support this amendment.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

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

Mr. FLAKE. Mr. Chairman, I rise in support of the amendment. If the Department wants to issue a rule, do a rule that actually targets the abuses rather than takes on a segment of the industry that may or may not be complicit in the kind of allegations that are there. This is overly broad. Let's have them go back to the drawing board and actually target abuses that occur, not a segment of the industry that's actually providing services.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

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

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to the Kline amendment. Although I know that career colleges play an important role in higher education, I cannot support this amendment because the scope of the prohibition is too broad and the timing

of this amendment prior to the release of any final regulation preempts the traditional regulatory process.

Together, the amendment's comprehensive ban on the Department's ability to ''implement, administer, or enforce'' any current, pending, or future regulation of gainful employment inappropriately and prematurely restricts the responsibility of the administration to regulate institutions of higher education.

In the many meetings I've had with career college stakeholders, each one of them has admitted that there are bad actors. Despite this uniform recognition, this amendment would tie the hands of the Department of Education from any effort to encourage these schools to improve their practices and protect their students.

I support career colleges, yet I am resolute in my belief that the Federal Government has the responsibility to protect students and hold institutions of higher education accountable—especially those that access public dollars. I stand with over 50 civil rights groups, Historically Black Colleges and Universities, and student groups who support strong gainful employment protections for students, including key civil rights groups such as the NAACP, the Leadership Conference on Civil and Human Rights, and the Children's Defense Fund; the three HBCU advocacy groups—NAFEO, the United Negro College Fund, and the Thurgood Marshall; and key education groups such as the American Federation of Teachers, the NEA, and the Council for Opportunity in Education.

Let's be clear and make no mistake. The Kline-Foxx amendment is not about protecting low-income minority students. If that was the case, then those concerns would have been expressed by not cutting Pell Grants for over a million students by approximately $845 per student. If the goal was truly to support low-income minority students, the CR would not have cut $200 million in institutional aid from nonprofit HBCUs, predominantly black colleges and universities, and Hispanic-Serving Institutions. If the goal was truly to help low-income minority students, the CR would not have cut $44 million from GEAR UP and TRIO—programs that are designed to help first-generation students prepare and succeed in college.

The reality is that this amendment completely stops the Department of Education from any form of oversight of career colleges that educate 10 percent of higher education students, receive approximately 24 percent of Federal grants and loans, and account for 48 percent of loan defaults.

I say let's slow down the process. Let's stop now. Let's give the Department of Education an opportunity to review its work and come back to us with some regulations that take care of the needs of students and not protect just the institutions.

I yield back the balance of my time.

Mr. TOWNS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TOWNS. Mr. Chairman, I strongly support the Kline-Foxx-McCarthy-Hastings amendment, which would prohibit the use of funds by the Department of Education for the implementation of the Gainful Employment Act. I am concerned that if this rule is implemented, it will apply an unnecessary broad-brush approach to a complicated situation. This rule, if implemented in its proposed form, will effectively close high-quality programs while leaving programs of questionable value open. So this is not the way to deal with this issue.

We all know that a college education, whenever possible, is one of the best paths a student can take to secure employment in a time when our Nation's unemployment rate is just under 10 percent. In some communities, it's double that. Let's not close off any meaningful job training programs. The Department should not forget that these programs serve 2.8 million, and many of them are economically disadvantaged minority students who will lose access to the educational opportunities that they cannot get elsewhere. These students are nontraditional and need the extra assistance offered by these flexible programs.

Supporting this amendment is supporting access and choice. Supporting this amendment is supporting educational opportunities for minorities. A ''yes'' vote is a vote for economically disadvantaged students. Many of them are the first in their families to attend college. These students wish to have the opportunity to attend a flexible program that trains them to be the best they can be.

□ 2050

I urge my colleagues to understand how important this is to be able to provide an opportunity for these young people in many instances. One incident; you cannot draw national conclusions because you know one student that did not finish. You can pick the finest university and the most prestigious university in this country and you can find examples. Let us be serious. We need to provide opportunities for people to be able to have a better quality of life.

On that note, I encourage my colleagues to vote ''yes'' on this amendment.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

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

Mr. ANDREWS. Mr. Chairman, I join a strong coalition of Democrats and Republicans in urging a ''yes'' vote on the Kline-Hastings amendment. I do so because I believe that every student should be guaranteed the right of knowing that he or she is going to get a high quality education for every tuition dollar they spend and because every taxpayer should be guaranteed that not one dime of Pell Grant or student money goes to any school under any ownership or management that does not properly spend the public's money. This is a goal that I believe is shared universally by each speaker on each side who has spoken here tonight. Our difference is not over whether we should guarantee students and taxpayers high quality and gainful employment. Our difference is over how to accomplish that.

Here is my concern about the rule that has been proposed thus far. It is both under-inclusive and over-inclusive. To understand that, consider two schools. The first school successfully places 50 percent of its graduates in the job for which it's training people. So let's say it's a job in medical records technology and 50 percent of the students from that school are placed successfully. That school has a tuition that generates a rate so that 7 percent of the graduate's income goes to pay back their student loan. The second school successfully places 90 percent of its graduates in the medical records technology field, but its tuition generates a repayment rate of 10 percent. So again the first school only places half of its graduates in the job for which it's training people and the second school places 90 percent of its jobs for which it's training people. Under this rule, the first school survives and the second school is thrown out of the program. Let me say this again. The school with the 50 percent placement rate continues to get taxpayer dollars, but the school with the 90 percent placement rate doesn't. This doesn't make any sense and it is the basis for our bipartisan objection.

What should we do? If we're going to measure gainful employment, let's come up with a proposal that measures gainful employment. Let's ask the question that when students graduate from a school, whether it's for-profit, nonprofit or public, whether those students in fact gain employment and whether that employment raises their income and, therefore, is gainful. Let's measure what the law actually says.

Finally, I think there is the issue of whom should make this decision. As Chairman KLINE pointed out, as Mr. HASTINGS pointed out, as others have, the statutory phrase ''gainful employment'' has been with us for a very long time. But this Congress has never chosen to define it. So the issue here is a separation of powers issue. Who should determine what gainful employment means? Should it be an administrative agency or should it be the duly elected representatives of the people? I think it should clearly be the duly elected representatives of the people.

So I would urge my friends, both Democrat and Republican, to vote yes

for a procedure that will correct this rule, let us join together, Republicans and Democrats, and do a bill, work on legislation that will give us the kind of outcome that we should really have here.

Now why are we doing this? We're doing it so the person with three jobs gets fair treatment here. You all know her. She's the person who works 35 or 40 hours a week on her feet, and that's a full-time job; she's raising children, and that's a full-time job; and she's going to school, and that's a full-time job. Let's not put the additional burden of taking away or jeopardizing the quality school that she has chosen for herself. Everyone in this Chamber, I believe, supports high quality career education. Instead of a rule that subverts that principle, let's write a bill that advances that principle. Let's vote ''yes'' for the Kline-Hastings amendment.

Mr. HONDA. Mr. Chair, I rise against this amendment and to express my strong support for the Department of Education's proposed federal student aid funding rules for postsecondary education programs that prepare students for gainful employment in a recognized occupation.

The program includes a loan repayment rate measure to assess how effectively program attendees repay the student loans they borrow; debt to earnings measures that assess the relationship between the student loan debt of program completers and their earnings; and a stringent performance threshold for each of the three measures.

I strongly support these ''Gainful Employment Rules'' because they protect students from fraud, which has adversely impacted the minority student population.

These rules were a response to the Department of Education's recent investigation findings that some for-profit institutions were promising students' job placement upon completion of their programs and not following through on their commitment. Consequently, students who enrolled in these schools were unable to pay off student loans because they were never placed in the jobs they were promised and could not find employment. According to the Institute for College Access and Success, the student default rate at for-profit colleges is the highest at 25 percent in comparison to private non-profit schools at 7.6 percent, and public schools at 10.8 percent respectively.

Not surprisingly, nearly one in five students who attend for-profits default on their loans within 3 years. Students seeking an education are completely unaware of the dire long term implications of loan default including the inability to receive credit to rent an apartment; buy a car or home; or receive future loans for postsecondary education. Moreover, evidence has shown that some programs tend to overcharge students for an education that can be acquired at a much lower cost at a private non-profit or public institution.

Despite this increased federal assistance, tuition at for-profit institutions continues to far outpace other schools. Attendance at a two-year for-profit institution costs more than five times as much as a community college, forcing students to take out more loans, including risky private loans. The percent of bachelor's degree recipients from for-profit institutions who carry debt in excess of $30,000 is more than four times that of their peers at public institutions.

I am especially troubled by the fact that low-income and minority students are increasingly concentrated in for-profit institutions. Approximately one out of every four African-American, Latino, and low-income students start their post-secondary education at a for-profit institution. According to a study by the Education Trust, for-profit institutions represent about 9 percent of all student enrollments, but 16 percent of black students and 24 percent of Pell Grant recipients attend these schools. Four-year, for-profit institutions have an average graduation rate of 22 percent, while public institutions have a rate of 55 percent and private institutions 65 percent. For black and Hispanic students, the graduation rates are similarly low at for-profits—16 percent and 28 percent, respectively—far below the rates for such students at public and non-profit colleges.

In the 2008–2009 school year, the federal government invested $4.31 billion in grant aid at for-profit institutions, quadruple what it had invested just a decade earlier. With this level of public investment, the Department of Education has a fiduciary responsibility to make sure that its investment is being administered correctly and that the for-profits are delivering on the commitment they make to their students. The Department's ''Gainful Employment Rules'' will accomplish these goals, and I support their adoption.

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

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

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

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

AMENDMENT NO. 11 OFFERED BY MR. PENCE

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available by this Act may be made available for any purpose to Planned Parenthood Federation of America, Inc. or any of the following affiliates of Planned Parenthood Federation of America, Inc.:

(1) Planned Parenthood Southeast in Atlanta, Georgia.

(2) Planned Parenthood of the Great Northwest in Seattle, Washington.

(3) Planned Parenthood Arizona in Phoenix, Arizona.

(4) Planned Parenthood of Arkansas and Eastern Oklahoma in Tulsa, Oklahoma.

(5) Planned Parenthood of Greater Memphis Region in Memphis, Tennessee.

(6) Planned Parenthood Affiliates of California in Sacramento, California.

(7) Planned Parenthood Los Angeles in Los Angeles, California.

(8) Planned Parenthood Mar Monte in San Jose, California.

(9) Planned Parenthood of Orange & San Bernardino Counties, Inc. in Orange, California.

(10) Planned Parenthood Pasadena and San Gabriel Valley, Inc. in Pasadena, California.

(11) Planned Parenthood of the Pacific Southwest in San Diego, California.

(12) Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties in Santa Barbara, California.

(13) Planned Parenthood: Shasta-Diablo in Concord, California.

(14) Six Rivers Planned Parenthood in Eureka, California.

(15) Planned Parenthood of the Rocky Mountains in Denver, Colorado.

(16) Planned Parenthood of Southern New England, Inc. in New Haven, Connecticut.

(17) Planned Parenthood of Delaware in Wilmington, Delaware.

(18) Planned Parenthood of Metropolitan Washington, D.C., Inc. in Washington, District of Columbia.

(19) Florida Association of Planned Parenthood Affiliates in Sarasota, Florida.

(20) Planned Parenthood of Collier County in Naples, Florida.

(21) Planned Parenthood of Greater Orlando, Inc. in Orlando, Florida.

(22) Planned Parenthood of North Florida in Jacksonville, Florida.

(23) Planned Parenthood of South Florida and the Treasure Coast, Inc. in West Palm Beach, Florida.

(24) Planned Parenthood of Southwest and Central Florida, Inc. in Sarasota, Florida.

(25) Planned Parenthood of Hawaii in Honolulu, Hawaii.

(26) Planned Parenthood of Greater Washington and North Idaho in Yakima, Washington.

(27) Planned Parenthood of Illinois in Chicago, Illinois.

(28) Planned Parenthood of the St. Louis Region in St. Louis, Missouri.

(29) Planned Parenthood of Indiana, Inc. in Indianapolis, Indiana.

(30) Iowa Planned Parenthood Affiliate League in Des Moines, Iowa.

(31) Planned Parenthood of East Central Iowa in Cedar Rapids, Iowa.

(32) Planned Parenthood of the Heartland in Des Moines, Iowa.

(33) Planned Parenthood of Southeast Iowa in Burlington, Iowa.

(34) Planned Parenthood of Kansas and Mid-Missouri in Overland Park, Kansas.

(35) Planned Parenthood of Kentucky, Inc. in Louisville, Kentucky.

(36) Planned Parenthood Southwest Ohio Region in Cincinnati, Ohio.

(37) Planned Parenthood Gulf Coast, Inc. in Houston, Texas.

(38) Planned Parenthood of Northern New England in Williston, Vermont.

(39) Planned Parenthood of Maryland, Inc. in Baltimore, Maryland.

(40) Planned Parenthood League of Massachusetts in Boston, Massachusetts.

(41) Planned Parenthood Affiliates of Michigan in Lansing, Michigan.

(42) Planned Parenthood of West and Northern Michigan in Grand Rapids, Michigan.

(43) Planned Parenthood Mid and South Michigan in Ann Arbor, Michigan.

(44) Planned Parenthood of South Central Michigan in Kalamazoo, Michigan.

(45) Planned Parenthood of Minnesota, North Dakota, South Dakota in St. Paul, Minnesota.

(46) Planned Parenthood of Southwest Missouri in St. Louis, Missouri.

(47) Tri-Rivers Planned Parenthood in Rolla, Missouri.

(48) Planned Parenthood of Montana, Inc. in Billings, Montana.

(49) Planned Parenthood of the Heartland in Omaha, Nebraska.

(50) Planned Parenthood Affiliates of New Jersey in Trenton, New Jersey.

(51) Planned Parenthood Association of the Mercer Area in Trenton, New Jersey.
(52) Planned Parenthood of Central New Jersey in Shrewsbury, New Jersey.
(53) Planned Parenthood of Greater Northern New Jersey, Inc. in Morristown, New Jersey.
(54) Planned Parenthood of Metropolitan New Jersey in Newark, New Jersey.
(55) Planned Parenthood of Southern New Jersey in Camden, New Jersey.
(56) Planned Parenthood of New Mexico, Inc. in Albuquerque, New Mexico.
(57) Family Planning Advocates of New York State in Albany, New York.
(58) Planned Parenthood Hudson Peconic, Inc. in Hawthorne, New York.
(59) Planned Parenthood Mohawk Hudson in Utica, New York.
(60) Planned Parenthood of Mid-Hudson Valley, Inc. in Poughkeepsie, New York.
(61) Planned Parenthood of Nassau County, Inc. in Hempstead, New York.
(62) Planned Parenthood of New York City, Inc. in New York, New York.
(63) Planned Parenthood of the North Country New York, Inc. in Watertown, New York.
(64) Planned Parenthood of South Central New York, Inc. in Oneonta, New York.
(65) Planned Parenthood of the Rochester/Syracuse Region in Rochester, New York.
(66) Planned Parenthood of the Southern Finger Lakes in Ithaca, New York.
(67) Planned Parenthood of Western New York, Inc. in Buffalo, New York.
(68) Upper Hudson Planned Parenthood, Inc. in Albany, New York.
(69) Planned Parenthood Health Systems, Inc. in Raleigh, North Carolina.
(70) Planned Parenthood of Central North Carolina in Chapel Hill, North Carolina.
(71) Planned Parenthood Affiliates of Ohio in Columbus, Ohio.
(72) Planned Parenthood of Central Ohio, Inc. in Columbus, Ohio.
(73) Planned Parenthood of Northeast Ohio in Akron, Ohio.
(74) Planned Parenthood of Northwest Ohio in Toledo, Ohio.
(75) Planned Parenthood of Southeast Ohio in Athens, Ohio.
(76) Planned Parenthood of Central Oklahoma, Inc. in Oklahoma City, Oklahoma.
(77) Planned Parenthood Advocates of Oregon in Eugene, Oregon.
(78) Planned Parenthood of Southwestern Oregon in Eugene, Oregon.
(79) Planned Parenthood Columbia Willamette in Portland, Oregon.
(80) Planned Parenthood Pennsylvania Advocates in Harrisburg, Pennsylvania.
(81) Planned Parenthood Association of Bucks County in Warminster, Pennsylvania.
(82) Planned Parenthood of Central Pennsylvania, Inc. in York, Pennsylvania.
(83) Planned Parenthood of Northeast and Mid-Penn in Trexlertown, Pennsylvania.
(84) Planned Parenthood of Western Pennsylvania in Pittsburgh, Pennsylvania.
(85) Planned Parenthood Southeastern Pennsylvania in Philadelphia, Pennsylvania.
(86) Planned Parenthood of Middle and East Tennessee, Inc. in Nashville, Tennessee.
(87) Texas Association of Planned Parenthood Affiliates in Austin, Texas.
(88) Planned Parenthood Association of Cameron & Willacy Counties, Inc. in Brownsville, Texas.
(89) Planned Parenthood Association of Hidalgo County, Inc. in McAllen, Texas.
(90) Planned Parenthood Association of Lubbock, Inc. in Lubbock, Texas.
(91) Planned Parenthood of Central Texas, Inc. in Waco, Texas.
(92) Planned Parenthood of North Texas, Inc. in Dallas, Texas.
(93) Planned Parenthood of the Texas Capital Region in Austin, Texas.
(94) Planned Parenthood of West Texas, Inc. in Odessa, Texas.
(95) Planned Parenthood Trust of San Antonio and South Central Texas in San Antonio, Texas.
(96) Planned Parenthood Association of Utah in Salt Lake City, Utah.
(97) Planned Parenthood Advocates of Virginia in Charlottesville, Virginia.
(98) Planned Parenthood of Southeastern Virginia, Inc. in Hampton, Virginia.
(99) Virginia League for Planned Parenthood in Richmond, Virginia.
(100) Planned Parenthood Public Policy Network of Washington in Seattle, Washington.
(101) Mt. Baker Planned Parenthood in Bellingham, Washington.
(102) Planned Parenthood of Wisconsin, Inc. in Milwaukee, Wisconsin.

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

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

Mr. PENCE. Mr. Chairman, I believe that ending an innocent human life is morally wrong. But I rise tonight because I also believe it's morally wrong to take the taxpayer dollars of millions of pro-life Americans and use it to fund organizations that provide and promote abortion—like Planned Parenthood of America. The American people deserve to know that Planned Parenthood is not only the largest abortion provider in America, Planned Parenthood is also the largest recipient of taxpayer funding under title X.

According to their latest annual report, Planned Parenthood received more than $363 million in taxpayer money while boasting of having performed an unprecedented 324,008 abortions during the same period.

The amendment that I bring to the floor tonight would deny any and all funding to Planned Parenthood Federation of America and its affiliates for the rest of the fiscal year. But let me be clear. This amendment would not cut funding for health services. It would simply block those funds already in the bill from subsidizing America's largest abortion provider.

Now I am aware that title X family planning funds are eliminated in this bill. But eliminating title X funding has never been my goal. I support the important work of title X clinics across the country. The reality is that Planned Parenthood receives hundreds of millions of taxpayer dollars from Federal funding sources other than title X, and our effort tonight is specifically to focus on denying any and all Federal funding to the largest abortion provider in America.

The reasons for doing so are many. The case for defunding Planned Parenthood has made headlines for years. In 2002, Planned Parenthood was found civilly liable in Arizona for failure to report statutory rape. Since that time, Planned Parenthood affiliates have been found violating reporting laws in Indiana and California, and found to have violated statutory reporting laws in places like Ohio. Recently in California, Washington, New Jersey and New York, Planned Parenthood clinics have been accused of fraudulent accounting over billing practices. And, of course, last week as the Nation watched in horror, new undercover videos were released that showed Planned Parenthood employees in multiple States apparently willing to aid human sex traffickers by coaching them on how to falsify documents to secure secret abortions for underage prostitutes. As the father of two teenage daughters, there are not words strong enough to portray my contempt for this pattern of fraud and abuse against young women by Planned Parenthood, and that's what brings us here today.

Now I know that some consider this amendment to be something of a war on Planned Parenthood. But this is not about Planned Parenthood's right to be in the abortion business. Sadly, abortion on demand is legal in America. This is about who pays for it. Nobody is saying that Planned Parenthood can't be the leading advocate of abortion on demand in America, but why do I have to pay for it? Nobody is saying that Planned Parenthood can't continue to be the largest abortion provider in America. But why do tens of millions of pro-life American taxpayers have to pay for it?

□ 2100

Let me be clear as I come to the floor.

I long for the day that Roe v. Wade is sent to the ash heap of history, when we move past the broken hearts and the broken lives of the past 38 years. But as this debate rages on, I call on my colleagues in both parties:

Let's at least respect what has been the historic and overwhelming consensus of the American people: that we ought not use their taxpayer dollars to provide or promote abortion at home and abroad. Let's end taxpayer support for abortion providers, specifically Planned Parenthood, once and for all.

I urge my colleagues to take a stand for taxpayers and to take a stand for life, to take a stand against a pattern of corruption, and to take a stand for young women in crisis pregnancies, who deserve access to unbiased and compassionate health care services.

Let's end the taxpayer support of Planned Parenthood. The Pence amendment's purpose is to do simply that and, in so doing, to stand with the American people, to stand with the American taxpayer, and to stand without apology for the sanctity of human life.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. We were told by our Republican colleagues that they were here to create jobs, to turn the economy around, and to reduce the deficit,

but here they go again—spending time on an extreme, divisive social agenda.

Mr. Chairman, in a breathtaking and radical step, the Republican majority has already proposed to eliminate title X funding, which has connected millions of American women to health care since 1970. Now this amendment by the Congressman from Indiana continues the same pattern of contempt for women's health and basic rights. With this amendment, my colleague is trying to specifically exclude one provider of legal health services, Planned Parenthood, from Federal funds. This amendment has nothing to do with the deficit. It is an attack by one Congressman on one organization, and it needlessly puts the lives of American women in danger.

Planned Parenthood carries out millions of preventative and primary care services every year. This includes immunizations and routine gynecological exams. This includes nearly 1 million screenings for cervical cancer, identifying more than 90,000 women who are at risk for cervical cancer. Every year, cervical cancer kills 4,000 women. If you can identify the risk early on, then you can save a woman's life. Planned Parenthood cares for more than 3 million American men and women every year.

In my State of Connecticut, more than 62,000 men and women benefit from health care at Planned Parenthood clinics. Over 70 percent of those patients have a family income of less than $16,245 a year. In other words, this is the only way they can afford care. In fact, 6 of every 10 women who seek care at a title X-funded center like Planned Parenthood consider it their main source of medical care.

The vital preventative care and family planning services supported by title X save money and save lives. For every dollar invested in title X, taxpayers save just under $4. But under the guise of budget cutting, the new majority is launching an assault on title X and endangering women's health. Understand their purpose. Understand it clearly: to impose their traditional view of a woman's role.

This legislation is not about the Federal funding of abortion. Federal funds, including title X, are already banned from going towards abortion services under the Hyde amendment. Rather, much like the repeal of health care reform, this is part of a Republican agenda to force women back into traditional roles with limited opportunities.

This amendment will cause more than 3 million people to lose access to basic primary and preventative health care. I am a cancer survivor. I am a cancer survivor who is only here because my cancer was found at stage 1. I can tell you that losing access to screening will cost lives and will kill women in this country.

It comes down to this: The proposals to eliminate title X and to defund Planned Parenthood are bad policies that hurt women and do nothing for our economy. In fact, it costs money.

This Republican Congress is trying to turn back the clock on women's health and to turn back the clock on women's basic rights. They are taking us back to a day when family planning was not a given opportunity for women. Instead of making it harder for women to get health care, we should be standing up for these vital services. I encourage and urge my colleagues to defeat this amendment.

I yield back the balance of my time.

Mrs. SCHMIDT. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. CAPITO). The gentlewoman from Ohio is recognized for 5 minutes.

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Every day, Americans sit at their kitchen tables, and they do a number of things, including trying to figure out how to stretch that dollar and how to stop unnecessary spending. And they are asking us in Congress to do the same. I look at this room as our kitchen table.

Over the last week, we have debated that issue: How do we stretch the American tax-paying dollar?

Tonight, Madam Chair, I rise in support of the Pence amendment because it ensures that our precious tax dollars will no longer go to a group whose main purpose is to provide abortions.

Make no mistake: Planned Parenthood is our Nation's largest abortion provider. It receives one-third of its $1.1 billion from tax-paying Americans. For the sake of abortion, Planned Parenthood holds itself above the law, ignoring mandatory reporting requirements, skirting parental consent, and aiding and abetting child sex-trafficking.

Madam Chair, this hurts young girls in the process.

Four years of investigations show 17 Planned Parenthood clinics in 10 different States facilitating the sexual exploitation of women. In 2008, the Mona Lisa Project showed 10 Planned Parenthood clinics in California, Indiana, Arizona, Tennessee, Alabama, and Wisconsin ignoring mandatory reporting laws and finding ways to skirt parental consent laws, covering up sexual abuse so girls can get secret abortions.

I only wish this weren't true, but in my own hometown of Cincinnati, Ohio, twice Cincinnati Planned Parenthood did just that. In one case, it was a father who brought his daughter to the abortion clinic. When she was taken into the room, she told the abortion provider it was he who raped her.

They did nothing. He is now in jail.

We have an ongoing case right now of a coach who took a young girl to the clinic, and said, I'm her guardian. When later the parents took her to the doctor and the doctor asked—When did she have this abortion?—the parents were shocked.

He is now on trial.

So this isn't something that is out there of ''a wish come maybe.'' This is something that actually happened in my own city.

In 2011, seven Planned Parenthood clinics in New Jersey, Virginia, New York, and Washington, D.C., aided and abetted the sexual trafficking of children, helping actors posing as a pimp and a prostitute to ''manage'' an underage sex ring to get secret abortions, contraceptives, and STD testing to keep their commercial child rape business ''safe.''

Planned Parenthood called the behavior of a Richmond counselor, who coached the pimp and the prostitute on how to use judicial bypass to get secret abortions for their underage sex slaves, ''professional.''

Like former Planned Parenthood director Abby Johnson says, ''It's not a training problem; it's an ideology problem.''

Now, Planned Parenthood will tell you they are trying to prevent abortions, but last year alone, they performed 324,008 abortions and prevented 283,000. One in 10 Planned Parenthood clients receives an abortion. They are the largest provider of abortions in America.

America's taxpayers are asking us to be wise with their dollars. When you ask the question—should we be paying for abortions?—American taxpayers say ''no.''

Should we be providing America's largest abortion provider taxpayer funding to help keep its lights on so that on one side it can provide family planning services and on the other side provide abortions?

I believe the folks at the kitchen table in America are saying ''no.''

□ 2110

Tonight in this Chamber, at America's kitchen table, I am asking our Members to say no to this practice and support the Pence amendment.

I yield back the balance of my time.

Mrs. LOWEY. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Madam Chairwoman, I rise in strong opposition to the amendment. Our constituents sent us here to create jobs. Instead, the majority is pushing an extreme right-wing agenda to limit women's health.

In the course of considering the underlying bill that eliminates the Federal family planning program, a Member of the majority—in fact, another gentleman from Indiana—proposed providing birth control to horses. And now we are considering an amendment attacking Planned Parenthood, which has provided health services to one in five American women. So it seems to me that Republicans believe that horses should have family planning, but women should not.

I strongly urge those who support this affront to women's health to clearly explain to their constituents that

they want to make it harder to access pap tests, breast exams, routine gynecological examinations, flu vaccinations, smoking cessation services, cholesterol screening, contraceptives, and all of the other services that Planned Parenthood provides.

My friends, this is not about abortion. Federal law prohibits Federal dollars from being spent on abortion. This amendment is about denying women access to basic health services. I oppose this amendment because we should be focusing on creating jobs and protecting women's health.

I yield back the balance of my time.

Mrs. BACHMANN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Madam Chair, I thank the gentleman from Indiana (Mr. PENCE) for bringing forth this tremendous amendment this evening for us to consider. I am grateful for his willingness to bring this forward because this is a concerning issue for so many Americans, concerning on so many issues, and concerning for people as well who are concerned about the use of tax funds.

There is an article that appeared in The Wall Street Journal in 2008 that was a fairly deep expose' of Planned Parenthood and what Planned Parenthood was doing with their money. I would like to quote from that article:

Flush with cash, Planned Parenthood affiliates nationwide are aggressively expanding their reach, seeking to woo more affluent patients with a network of suburban clinics and huge new health centers that project a decidedly upscale image.

Executives say they are rebranding their clinics to appeal to women of means, a move that opens new avenues for boosting revenue, and they hope new political clout. Two elegant new health centers have been built, and at least five more are on the way; the Planned Parenthood facility in Denver, Colorado, is 52,000 square feet. They feature touches such as muted lighting, hardwood floors, and airy waiting rooms in colors selected by marketing experts.

Planned Parenthood has also opened more than two dozen quick-service ''express centers,'' many in suburban shopping malls, including my home State of Minnesota. Some Planned Parenthoods sell jewelry. Some sell candles, books, and T-shirts right next to the contraception. It is ''a new branding,'' says the president, Leslie Durgin, senior vice president at Planned Parenthood of the Rocky Mountains.

Planned Parenthood is the Nation's largest abortion provider. They reported a record $1 billion in annual revenues. One-third of that comes from the Federal and State grants that we are discussing this evening.

And the nonprofit ended their year with a surplus of $115 million, or a third of the grants that they received from government, and with net assets of nearly $1 billion. In 2008, Planned Parenthood had 882 clinics nationwide. One of their competitors—and they do have independent, for-profit competitors—said Planned Parenthood is ''not unlike other big national chains. They put local, independent businesses in a tough situation.''

Even as the total number of abortions in the United States has dropped, the number performed by Planned Parenthood has grown to nearly 290,000 a year. In 2005, Planned Parenthood accounted for one in every five abortions, and they are pushing to increase their market share.

The president of Planned Parenthood of the Rocky Mountains also said she has encouraged more Planned Parenthood clinics to offer abortions. Sarah Stoesz, who heads the Planned Parenthood operation in my State of Minnesota, said she recently opened ''three express centers in wealthy Minnesota suburbs, in shopping centers and malls, places where women are already doing their grocery shopping, picking up their Starbucks, living their daily lives.''

And stopping off for an abortion.

''I like to think of it as the LensCrafters of family planning,'' Steve Trombley, the top executive in Illinois, said as he toured an express center a few doors down from a hair salon and a Japanese restaurant in the well-to-do suburb of Schaumburg, Illinois.

The strategy draws new patients and money. In Illinois, Planned Parenthood officials say they take a loss of nearly $1 a packet on birth-control pills that go to poor women under Title X. However, they make nearly $22 on each month of pills sold to an adult who can afford to pay full price out of pocket. And the majority of woman who stop by the new Planned Parenthood in Schaumburg are in that group of affluent women.

In 2008, Planned Parenthood's political action arm planned to raise $10 million to influence the fall campaigns. Under Federal tax law, the health care wing of Planned Parenthood can't support political candidates, but they can mobilize voters and they can advocate on issues like abortion rights and sex education in schools, all paid with Federal grants.

To encourage the new wave of patients to join the cause, an express center in Parker, Illinois, sells political buttons next to the condoms and sets out invitations for political activism by the magazine rack. The center opening in Denver in 2008 uses 20 percent of their space for health care; 40 percent of their space they use for meetings, including political work.

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

Mr. KINGSTON. Madam Chair, I move to strike the requisite number of words.

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

Mr. KINGSTON. I yield to my friend in the well, the gentlewoman from Minnesota.

Mrs. BACHMANN. I thank the gentleman.

In Portland, Oregon, a planned 40,000-square-foot headquarters will include space for candidate forums and phone banks, as well as a clinic. Again, all paid for with an additional subsidy from the Federal and State taxpayer. Mr. Greenberg said donors were initially skeptical about the size and the $16.5 million cost, but eventually they came around because the building becomes ''a symbol for our outreach and a symbol for our community activism.''

Madam Chair, it is clear after extensive study and review by this Wall Street Journal what we are seeing today is that Planned Parenthood is focused on political activity, and they are focused on becoming big business. When you have the executive director of Planned Parenthood in Illinois saying they want to become the LensCrafters of big abortion, I think we should listen to them. If they want to become the LensCrafters, then let them become the LensCrafters.

As my colleague, Mr. PENCE, said, abortion is legal today in the United States, but the taxpayers shouldn't have to support it. And if they want to become the LensCrafters, Planned Parenthood, a billion-dollar organization, should lose the $300 million they receive in Federal grants, and they should also have their tax-exempt status seriously studied by the Internal Revenue Service. If they are competing with for-profit businesses and putting them out of business, then Planned Parenthood has no business holding a nonprofit status that benefits that organization.

On any number of levels, Madam Chair, this year, more than any other year, we need to completely defund Planned Parenthood and begin a process to end the tax-exempt status of this now profit-seeking, political-seeking organization.

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

□ 2120

Ms. LEE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. I rise in opposition to the Pence amendment and the war on women throughout this bill. And to the gentleman from Indiana, just take a look at what is being proposed and why I call it a war on women.

First, the elimination of funding for lifesaving family planning programs funded by title X which help provide a range of critical services, including testing for sexually transmitted infections, contraceptives, and annual health exams which, by the way, do not include abortions services, though I wish that law was overturned.

This war on women totally eliminates the President's teen pregnancy prevention initiative which supports evidence-based sex education and are specifically designed to reduce abortion. It imposes a funding restriction on how the District of Columbia can use its own funds to pay for health care and abortion services. It includes an amendment to restrict State Medicaid funding for family planning, which are predominantly women of color in many communities.

This is really a shame and a disgrace. This includes an amendment to reinstate the Federal refusal rule issued in the waning days of the Bush administration which would dramatically expand the current ability of health providers to refuse to provide health care services that they oppose ideologically while jeopardizing the ability of patients to get health care. And that's just on the domestic front.

The bill eliminates funding for the United Nations Population Fund, which provides critical reproductive health care, including family planning services to the world's poorest women and which does not provide abortion services, though they are much needed. This bill would also reinstate the global gag rule and prevent family planning organizations that provide abortions with their own private money from receiving Federal funds. This bill cuts $100 million from USAID's family planning programs.

But that's not enough for some people, as an amendment was filed to completely, mind you, completely eliminate these programs which help prevent more than 7.8 million unintended pregnancies around the world.

These decisions by the Republican majority will endanger women's health, severely restrict women's rights, insert the government into the private medical decisions of women and their families, and are nothing short of an all-out war against women.

And we are fighting back. Instead of working together to get our economy moving again, to help the unemployed, and to create jobs, the Republicans are seeking to impose an ideological agenda on the country. And now we have the Pence amendment, an amendment that would restrict title X funding from going to Planned Parenthood, one of the oldest, most important, most trusted, most utilized public health organizations in the country.

Let's be clear, this is not about abortion. Existing restrictions prevent Federal funding for abortion. This is about a direct attack on an organization that provides critical health services aimed largely at women in underserved communities throughout the country.

With over 85 local affiliates and more than 800 health centers across the country, the services provided by Planned Parenthood are invaluable. Every year, Planned Parenthood affiliates see nearly 3 million patients and provide contraception to nearly 2.5 million patients and over 1.1 million pregnancy tests. They provide nearly 1 million Pap tests, identifying about 93,000 women at risk of cervical cancer. They provide 830,000 breast exams, nearly 4 million tests for sexually transmitted infections, including HIV. They provide health education for nearly 1.2 million people.

How are any of these activities objectionable? Are you against women getting breast exams? Do you object to women and girls getting tested for HIV? Are you opposed to women controlling their own bodies and determining if and when they want to get pregnant? Let's be clear, government funding does not make up the whole sum of Planned Parenthood's finances, but government funding does provide invaluable support to help local health centers provide services for women to avoid cancer, to protect their health, and to lead healthy and fulfilling lives.

So let's stop this attack on a trusted health provider, and let's stop this war on women. That's not what the American people want. They want jobs. They want a chance to work hard and take care of their families. They don't want to argue with their insurance provider or with their employer or their government or their elected officials about abortion. We should be working together to unite our country and to tackle the challenges that Americans face each and every day, not pursuing divisive, ideologically driven agendas.

So I urge a ''no'' vote on this CR and on all these amendments that wage war on women.

I yield back the balance of my time.

Mr. PITTS. I move to strike the last word.

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

Mr. PITTS. Madam Chair, we have seen in just the past couple of weeks incidents that remind us of the horrors associated with the abortion industry. We have seen in a women's health clinic in west Philadelphia women and children brutally killed in late-term abortions. We have seen a series of videos that have given us a behind-the-scenes look at the standard operating procedures at Planned Parenthood clinics across the countries. The videos depict investigative journalists receiving advice on how to run their prostitution business and how to obtain illegal abortions.

Some people have said, Character is who you are when no one is watching. Or to put it another way, It is what you do when you think no one is watching. Planned Parenthood, the number one abortion provider in the country, has revealed its true character in these videos. Unfortunately, Planned Parenthood staff exposed their true colors, and they neglected to act with integrity when faced with a situation dealing with sex trafficking. It was more important to them to promote abortion than to help rescue underage girls enslaved in prostitution.

In this country, 95 percent of abortions occur in clinics, not hospitals. These clinics don't need Federal tax dollars to support their unethical practices. Planned Parenthood recently reported providing 332,278 abortions in the year 2009. That's the last reported year. Planned Parenthood, itself, has recently made plain the centrality of abortion to its mission, mandating that every Planned Parenthood affiliate have at least one clinic performing abortions within the next 2 years.

Despite being a billion-dollar-a-year corporation, Planned Parenthood receives $363.2 million, 33 percent of its income, from government grants and contracts, that is, from taxpayer dollars. Unfortunately, Planned Parenthood actively ignores statutory rape reporting laws and campaigns against efforts to enforce or strengthen them, as illustrated in the recent videos.

Planned Parenthood in Kansas claims to be ''a trusted source of health care and education for thousands of women, men and children,'' yet was charged with 107 criminal counts, including failure to report sexual abuse and falsifying documents in order to perform illegal late-term abortions. Planned Parenthood in California has privately admitted to overcharging the State and Federal Governments by at least $180 million for birth control pills, despite internal and external warnings that its billing practices were improper. Planned Parenthood in Indiana has been accused of endangering the safety and well-being of minor girls by intentionally circumventing State parental involvement laws and breaking State law by refusing to report statutory rape.

There are many other sources of family planning money to other organizations and to State and local governments. Unfortunately, Planned Parenthood is exploiting women and children. They have shown themselves to be an extreme organization with unethical practices. Our daughters and granddaughters deserve better.

I urge support of the Pence amendment.

I yield back the balance of my time.

□ 2130

Ms. SCHAKOWSKY. I move to strike the last word.

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

Ms. SCHAKOWSKY. Madam Chairman, House Republicans have made their agenda really clear. What's obvious is that it's really not about creating jobs. It's not about addressing the economy, but rather the extreme agenda is to undermine women's access to reproductive health care and attack women's health providers that women rely on in their communities.

We've seen an all-out assault on Planned Parenthood. Instead of attacking unemployment, Republicans are waging a war against women. This is not about Federal funding of abortion, and it is not about quality of care. This is about cutting off women's access to

affordable care in an effort to score political points. This amendment does nothing to improve the economy. It will result in lost jobs, and it will take away the only source of primary and preventive care from millions of American women.

Planned Parenthood, a trusted organization by women, plays a critical role in our Nation's health care system, and the Pence amendment would have a devastating impact on communities across the country. Planned Parenthood serves over 3 million Americans every year. More than 90 percent of the care Planned Parenthood health centers offer is preventive care. Planned Parenthood provides lifesaving cancer screenings, routine gynecological examinations, contraceptive services, immunizations and testing and treatment for sexually transmitted infections.

Planned Parenthood saves money. So this is not about saving Federal dollars. It saves money. For every dollar spent on the services I mentioned, and others, $3 are saved.

One in five American women has received care from a Planned Parenthood health center at some point in her life, making it one of the largest women's health care providers in the country. And now is not the time to constrict women's access to and funding for Planned Parenthood. And American women will suffer if the extreme Republican agenda becomes law. Six in 10 women who access care from women's health centers like Planned Parenthood's health centers consider it to be their main source of health care. This amendment intends to literally wipe Planned Parenthood off the map.

Planned Parenthood is an invaluable community-based provider, and it is critical to achieving the goal of improving quality health care in this country, including efforts to improve women's health, lowering the rate of unintended pregnancies, and decreasing infant mortality.

I find it ironic, very disturbing, that the very same people that want to take away family planning funding and access to safe and legal abortions, which are not funded by public dollars, have also proposed a nearly $750 million cut to the Women, Infant and Children program to pregnant women and newborn children. This, like the repeal of health care reform, is part of the Republicans' divisive social agenda that goes too far.

Now is the time to be working on the issues that are most important to Americans, creating jobs and improving the economy, rather than legislation that takes health care away from women.

I yield back the balance of my time.

Mr. FLAKE. I move to strike the last word.

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

Mr. FLAKE. Madam Chairman, I want to thank the gentleman from Indiana for bringing this amendment forward. It was said earlier in this discussion that this is a war being waged by one Congressman on one organization. I don't think that that's accurate. I think that this is an effort by many Members of Congress, each of whom represents some 650,000 individuals, who do not want to see their tax dollars used to fund abortion. I think it's as simple as that. And when you see the videos that have been referenced earlier today about what went on in these clinics, and the misrepresentation that was there, and the out and out illegal behavior that was encouraged, that warrants some kind of action. And I think that's what this effort is about.

So I think it behooves us to tone down the rhetoric and to actually decide what is this effort about. And it's about ensuring that individuals who do not want their tax dollars used to fund abortions may have that right to say so here in the House of Representatives on the floor here, and to vote to have their Members of Congress, their Representatives here vote in the way that they feel they should vote. That's what this effort's about. I commend the gentleman for bringing it forward.

I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Chair, I move to strike the last word.

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

Ms. WASSERMAN SCHULTZ. Madam Chair, sadly, our colleagues on the other side of the aisle have no idea how to create jobs or turn the economy around, so their true colors have come to the surface. And Speaker BOEHNER made that clear when asked about the potential job losses that will result from horrendous budget cuts that we have been debating for the last couple of days, when he responded, so be it.

So I rise today to urge my colleagues to vote ''no'' on this amendment. This is a dangerously ideologically motivated stunt that will imperil the lives and well-being of millions of women and their families. This amendment is not just a war on Planned Parenthood, as the gentleman from Indiana said. It's a war on women.

Planned Parenthood clinics are a crucial part of our national health care fabric. Through Federal funds, including Medicaid reimbursements and title X funding on an annual basis, Planned Parenthood health centers are able to offer nearly one million lifesaving screenings for cervical cancer, 830,000 breast examination, contraception to nearly 2.5 million patients, nearly 4 million tests and treatments for sexually transmitted infections, including HIV, and education programs for 1.2 million individuals. These are much needed services that we could not afford to lose.

In addition to completely de-funding Planned Parenthood, this amendment would also strike all Federal funding for title X programs. This would be a colossal mistake and truly a matter of life and death to millions of women nationwide.

Since 1970, the title X family planning program has been a key component of our Nation's health care infrastructure and an essential element in the winning strategy to reduce unintended pregnancies.

Today title X serves over 5 million low-income individuals every year. In every State, women and men rely on title X for basic primary and preventative health care including annual exams, lifesaving cancer screenings, contraception and testing and treatment for sexually transmitted diseases. In fact, in 2009 alone title X providers performed 2.2 million Pap tests, 2.3 million breast exams, and over 6 million tests for sexually transmitted diseases, including nearly a million HIV tests.

As a breast cancer survivor whose cancer was caught at the earliest stage, like my friend from Connecticut, I know how critical these screenings are in saving women's lives. And preventative care isn't limited to cancer screenings and education on how to avoid STDs.

Supporters of this bill mistakenly argue that this cut is necessary to prevent Federal funding for abortions. Let me be clear: Federal funding for abortions is already prohibited by law. This has been the case for decades. Yet this amendment attempts to take funding prohibitions to an unconscionable new level and, if passed, will result in millions of women not being able to obtain necessary preventive care like birth control and cancer screenings.

If Republicans truly want to reduce abortions in this country, they would vote against this amendment. Indeed, title X actually reduces the number of abortions. Title X services help to prevent nearly 1 million unintended pregnancies each year, almost half of which would otherwise end in abortion. Current statistics from the Gutmacher Institute indicate that nearly half of pregnancies in the United States are unintended. We should be providing women and their families with the resources they need, not striking them.

Indeed, Planned Parenthood and the title X program provide vital family planning services which help improve the life of the mother and the child. It's a simple fact. Family planning keeps women and children healthy. When women plan their pregnancies, they are more likely to seek prenatal care, improving their own health and the health of their children. In fact, access to family planning is directly linked to the declines in maternal and infant mortality rates. There should be no shadow of a doubt that this amendment is anti-woman and anti-family.

While my colleague from Indiana may frame this amendment in the context of fiscal responsibility, that is once again a mistaken premise. This amendment would not cut the deficit. In fact, title X actually saves taxpayer dollars. Since many of the patients

served by title X are on Medicaid, preventative care like cancer screenings and contraceptive counseling actually means fewer costs to the taxpayer in the long run. Indeed, for every public dollar invested in family planning, $3.74 is saved in Medicaid-related costs. That's savings to both Federal and State governments.

And one of the most detrimental and dangerous things we could do to women and their families right now is to defund the leading title X provider nationwide, Planned Parenthood. Every year, Planned Parenthood works tirelessly to improve the health of communities across this country. Six in 10 women who access care from centers like Planned Parenthood say it is their main source of health care. We cannot cut these women off from the health services that should be available to all of them.

Efforts to undermine the title X program and this essential health care provider are not only reckless; they are also anti-woman, anti-child, and anti-taxpayer.

□ 2140

Madam Chair, this is a horrendous amendment that would devastate access to health care for millions of American women and should be defeated.

Mrs. HARTZLER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. HARTZLER. I rise in support of this amendment.

Planned Parenthood has funded abortion from the taxpayer for too long. It has been said that this is a threat to women's health. Well, Planned Parenthood isn't about health. It's about profit.

They have a record of preferring abortion over the truth. I have seen firsthand their view of truth.

Several years ago I was a teacher, and I taught child development. I had a student who came to me who just found out that she was pregnant. The night before, she had visited a Planned Parenthood clinic to discuss her options. She was 4 weeks along.

She asked a simple question, What does it look like? The answer? Oh, don't worry about it. It's just a blob of tissue. They encouraged her to have an abortion; but, thankfully, she wanted more information.

She and a friend came to me for information. They wanted to know if I had pictures of what a fetus looked like at 4 weeks old, since I taught child development. I did. She looked at the pictures of the baby with its developing fingers and eyes and a beating heart. Her response? She was shocked.

That's not a blob of tissue. That's a baby. And then she asked this question: Why would they tell me that, Mrs. HARTZLER? Sadly, I didn't have an answer. They didn't care about the truth. They didn't care about the young woman before them. They cared about a profit.

This pattern continues with recent revelations that they were willing to cover up child sexual trafficking and child sexual abuse and aid and abet prostitution. Where was Planned Parenthood when they had a chance to protect young women? They turned a blind eye. I'd call it a war against young women.

And yet this organization received $363 million of revenue a year from you and me, the taxpayer.

Hardworking men and women in this country should not have to write a check on April 15 to fund these abominable practices. At a time when we are borrowing 40 cents out of every dollar we spend and running a huge deficit, we need to look for savings to the taxpayer wherever we can. Certainly, saving $363 million from this abortion provider is a smart and a right thing to do, so that all Americans, born and unborn, will have the opportunity to enjoy the blessings and the rights of life, liberty, and the pursuit of happiness.

So as a woman and a mother and a former teacher, I am proud to support the Pence amendment, and I ask all my colleagues to stand on the side of truth, life, and the young women of this country.

Madam Chair, I yield back the balance of my time.

Mrs. CAPPS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. I rise this evening to speak in strong opposition to the Pence amendment. The Pence amendment is an attack on women's health. This much is clear.

What isn't clear is what these women who today are cared for by Planned Parenthood doctors and nurses would do for care if the Pence amendment should pass.

Planned Parenthood serves 3 million Americans every year. These are Americans who rely upon Planned Parenthood to receive their annual wellness exams; Americans who rely upon Planned Parenthood to receive contraceptive services to prevent unplanned pregnancies; Americans who get tested and treated for sexually transmitted infections, improving their health and protecting the health of their community; Americans who rely on Planned Parenthood for their cancer screenings, tests that can detect cervical cancer or breast cancer early, when it is easier and less expensive to treat, saving our entire health care infrastructure millions of health care dollars.

And these Americans cannot just go somewhere else, somewhere that my colleague on the other side of the aisle would find more palatable. Sixty percent of those who use Planned Parenthood services consider it to be their main source of health care, their medical home.

A vote to strip Planned Parenthood of its funding is a vote to cut these Americans off from their health care system. Surely we can't want that.

In my own congressional district, Planned Parenthood of Santa Barbara, Ventura, and San Luis Obispo Counties serve over 31,000 patients every year. I must ask the supporters of this mean-spirited amendment, where should these 31,000 people go, especially now when this reckless Republican omnibus spending package cuts community health centers by $1 billion?

And what about your constituents? In the amendment's author's own State of Indiana, 18,000 citizens rely upon Planned Parenthood services each year, 18,000 Hoosiers whose elected Representatives are voting to shut down their doctors' office.

Finally, Madam Chair, I know that the supporters of this amendment are trying to characterize this as a vote about abortion. It's not about abortion. It's a vote about whether or not you believe in providing women and Americans comprehensive health care. Because, despite all the misinformation being thrown around here, 95 percent of Planned Parenthood services have nothing to do with abortion. And as has been strongly and firmly stated, there are no Federal dollars used for those receiving abortion services.

The last time I checked, 97 percent is an A-plus, which calls into real question the motivation behind this amendment. Combined with the mean-spirited bills moving through the Energy and Commerce and Judiciary Committees, attacking women's health service access, with the zeroing out of title X family planning funds in this bill, with a reinstatement of the global gag rule, with a 50 percent slash in international family planning money, and a completely devastating slash to the Women, Infants and Children's nutrition program, along with other cuts I have mentioned, it adds up to only one conclusion: House Republican leadership is starting an all-out war on women's health care. The targets? Women's insurance coverage, their providers, their health care choices.

For more than 90 years, Planned Parenthood's doctors, nurses, and other health professionals have been providing health care to millions of women, and one in four American women voters has received care from a Planned Parenthood health center at some point in her life.

So let's take a stand against this attack on women's health care. I urge a ''no'' vote on the Pence amendment.

I yield back the balance of my time.

Mr. DOLD. Madam Chair, I move to strike the last word.

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

Mr. DOLD. Madam Chair, I rise today in opposition to the amendment. The elimination of family planning dollars would deny access to preventative care for millions of women each year.

From the numerous conversations I've had with doctors, including my own sister who is an OB/GYN, I believe in the importance of encouraging access to basic preventative care.

Since 1970, the title X family planning program has been a component of our Nation's health care infrastructure and has been an essential element in providing contraception and education to millions of Americans.

Today, title X family planning services over 5 million low-income individuals each and every year. Through a recent study, we learned that for every dollar invested in family planning approximately $3.74 is saved in Medicaid-related costs.

Title X funding provides critical preventative health care, including annual exams, cancer screenings, HIV testing, and family planning.

□ 2150

While we must always ensure that funds are applied properly, completely prohibiting any funds from going to the main provider of title X family planning services I believe would be shortsighted and would negatively impact the lives of women who depend on these health care services.

I yield back the balance of my time.

Mr. NADLER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chairman, I am not going to repeat all of what has been said about the Republican war on women, about the fact that the Republican majority was elected pledging jobs and all we see is a war on various social services and women and nothing about jobs, but I am going to say this: I have been listening very carefully to the supporters of this amendment, to Mr. PENCE and others, and what do I hear? I hear that we must punish Planned Parenthood by defunding them because they have committed a number of sins.

Sin Number 1, they perform abortions. They are a very large abortion provider, and even though none of those abortions are paid for with Federal funds, that is prohibited under the Hyde amendment however you read it, we don't like Planned Parenthood because they are a large abortion provider.

Number two, we don't like Planned Parenthood because they have committed allegedly various terrible things. Some provocateurs went into their offices and said that they were representing sex workers and they were offered services, and any organization that is willing to do this should not get Federal funds.

We are going to punish Planned Parenthood, number one, because they are a large abortion provider and we don't like abortion providers; and, number two, because they do other things, which if in fact they do, which I don't think they do, but if in fact they do, they are bad things.

There is a major problem with this. There is a major problem with this rhetoric and with this reasoning. And, by the way, the CR to which this is an amendment eliminates title X family planning funding anyway, so it will eliminate most of the funds that go to Planned Parenthood. But whatever funds that are available, they can go to other people to provide those services, not Planned Parenthood, because we don't like Planned Parenthood for various reasons.

A bill that punishes someone, some person or organization who is named or is identifiable, by legislative action is called a bill of attainder. That is the definition of a bill of attainder: A legislative punishment, penalty, a legislative penalty, a legislative-enacted penalty—in this case, no funding—directed at some identifiable person or organization to punish them for something.

Article I, Section 9 says, ''No bill of attainder or ex post facto law shall be passed''; a fundamental foundation of constitutional law.

If Planned Parenthood or anybody else is doing terrible things and ought to be punished, that is up to the courts. If, indeed, Planned Parenthood is trafficking with sex traffickers, let them be prosecuted. If, indeed, Planned Parenthood is doing anything illegal, let them be prosecuted. Let the organization be prosecuted. Let the individual employees who are doing these things be prosecuted at law. That is our system. But you don't punish an organization because they are doing something of which you don't approve.

Now, if you want to say we don't think that there ought to be any contraceptive services in the United States and therefore we are going to have no title X funding, the CR does say that. I don't agree with it, but it is constitutional. But to say that if we have title X funding, if we have maternal services funding, none of it can go to Planned Parenthood, it can go to somebody else, but not Planned Parenthood, that is a legislatively enacted punishment because Planned Parenthood is or is allegedly doing things of which you don't approve.

Now, I heard a lot at the beginning of this Congress about we have to make sure that we adhere to the Constitution. This is a bill of attainder, because it is a legislatively enacted punishment of a named organization because that organization is doing things or is allegedly doing things of which we don't approve.

So I submit that in addition to all the other reasons why this shouldn't be done that have been enacted here, this is flatly unconstitutional, and I challenge anyone to say how this is not a bill of attainder. Again, the black letter definition of a bill of attainder is a legislatively enacted penalty aimed at some person or organization that is identifiable, named right here, for some reason, that they have done various things, provided abortions, done illegal things or otherwise.

So in addition to all the other problems, this amendment is unconstitutional and will be struck down by the courts if it should pass.

I yield back the balance of my time.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. BROUN of Georgia) assumed the chair.

## MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 17. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

## 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. 514. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The SPEAKER pro tempore. The Committee will resume its sitting.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The Committee resumed its sitting.

Mr. BUCSHON. Madam Chairman, I move to strike the last word.

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

Mr. BUCSHON. Madam Chairman, I rise today in support of the Pence amendment that prohibits any funds from the underlying bill going to Planned Parenthood of America. I want to start with a personal story as a physician.

I performed lifesaving surgery on infants as young as 22 weeks' gestation at birth. Madam Chairman, I have held these lives in my own hands. They are viable human lives at birth and, unfortunately, Planned Parenthood uses taxpayer funds to cut these lives short; tragically, sometimes within weeks of medically proven viability outside the womb. Again, I have held these lives in my hands.

Abortion, of course, for any reason is wrong, but this situation I have personal experience with is particularly distressing for me because I am a physician and also I am a father of four.

I want to reiterate that Planned Parenthood has received $363.2 million in taxpayer funding as of its 2009 annual report, one-third of their $1 billion income. During that same time period,

Planned Parenthood-supported clinics performed over 324,000 abortions, and this is by their own accounting. Federal taxpayers should not be asked to subsidize these actions.

In addition, Madam Chairman, currently in Planned Parenthood there are 11 clinics under investigation in Arizona, Ohio, Connecticut, California and Tennessee, among other States, including my own State of Indiana, where in 2008 a video showed a Planned Parenthood clinic covering up a rape of a 13-year-old girl. Can everyone see a pattern here? In total, Planned Parenthood is facing 107 criminal charges, including 23 felony charges. What they are doing is not only morally wrong, but appears to be criminally negligent.

Press reports have recently said that Planned Parenthood is now mandating by 2013 that all of its regional affiliates must provide abortions. It is important to note that the amendment does not affect title X services such as breast cancer screening, HIV prevention, STD testing and other valuable health care services to women.

This amendment is about abortion, in contrast to what has been said here on the House floor earlier tonight. Title X supports 4,500 community clinics throughout America that provide critical services, which I support, and I am proud of these facilities for the quality of care that they provide.

Again, this amendment is about abortion. I strongly support it. I urge all my colleagues to vote ''yes,'' and I would like to thank the gentleman from Indiana (Mr. PENCE) for his strong leadership on this amendment.

I yield back the balance of my time.

□ 2200

Mr. WELCH. Madam Chairman, I move to strike the last word.

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

Mr. WELCH. Madam Speaker, I am pro-choice. But that is a question of deep conscience, religious conviction, and of personal importance to every individual and every family.

One of the great conservatives who has served in this institution was Henry Hyde. The Hyde amendment, which has been the law of the land since it was passed by Mr. Hyde, says that there shall not be public funds that are used to pay for abortions. That is true now. It has been true for decades since that law was passed. It reflects a certain mutual respect that we can have differences of opinion, even on matters of profound religious conviction, moral conviction, and moral belief.

This is not about abortion. The Hyde amendment is the law of the land. Federal funds cannot be used under this provision to provide abortions. What this is about is whether primary and preventive care is going to be extended, oftentimes to poor people, but also to vulnerable middle class people by Planned Parenthood clinics throughout this country, including 10 in Vermont that are doing a tremendous job for people who really need this care.

Is this Congress big enough, generous enough that it can allow those with different points of view on this question of choice to coexist as long as we have the separation with the Hyde amendment? It has not been abolished. It is intact. So the question I ask is if we pass this bill, what happens to the 19,000 Vermonters who get services for HIV testing, who get services for breast cancer screening, who get services for cervical cancer, who find out when it's timely to find out so they can be healthy and have a full life? What do we say to them when we pull the plug on them having the access to the care that they need and they deserve? This is not necessary.

This is not about abortion. The real-world implication of this legislation will be to say to 19,000 women in the State of Vermont, from one end of the State to the other, No, you cannot have access to cervical cancer screening, you can't have breast cancer screening, you can't get evidence-based sex education. We are a better Nation than that. We are a better Congress than that.

The Hyde amendment acknowledges that we have profound differences of opinion on this question of abortion, but we can share a common goal that young, vulnerable Americans in every one of our districts can have access to the care that they need.

I yield back the balance of my time.

Ms. FOXX. Madam Chairwoman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Thank you, Madam Chair. I came tonight to support the Pence amendment.

I just came from my office where I was reading and answering my mail. My tax-paying constituents emphatically do not want their hard-earned money being used to kill innocent life.

Planned Parenthood currently has 87 regional affiliates with 817 health clinics in the U.S., with 173 performing surgical abortions, and many others—at least 131 and as many as 300—offering chemical abortions. Planned Parenthood itself has recently made plain the centrality of abortion to its mission, mandating that every Planned Parenthood affiliate have at least one clinic performing abortions within the next 2 years.

Planned Parenthood reports that it's a not-for-profit organization and receives over $336 million in combined Federal, State, and local grants and contracts and had an excess of revenue over expenses of almost $112 million in 2006, $85 million in 2007, and $106 million in 2008. Planned Parenthood in California has privately admitted to overcharging the State and Federal Governments by at least $180 million for birth control pills, despite internal and external warnings that its billing practices were improper.

My colleague from Indiana gave also a lot of statistics about what the problems are with Planned Parenthood. Despite it being a billion-dollar-a-year corporation, Planned Parenthood received $363.2 million reported in its 2008–2009 annual report, 33 percent of that income from government grants and contracts, that is, from taxpayer dollars. Of that, $53 million is from title X. So from these other government sources they're getting $310 million.

We are not going to be stopping Planned Parenthood from giving true health care to women and children. We know that the vast majority of Americans oppose abortion. Over 60 percent oppose any money coming from taxpayer receipts for abortions.

My colleague from New York talked about this being a bill of attainder and said that this is a punishment. Well, ladies and gentlemen, I'm less concerned about the potential that this is a punishment for Planned Parenthood, but I am very concerned about the punishment inflicted on millions of innocent lives when they are violently deprived of their lives through abortion in Planned Parenthood clinics.

I yield back the balance of my time.

Ms. SLAUGHTER. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Chair, I rise in strong opposition to this amendment that attacks Planned Parenthood. By targeting Planned Parenthood, the Pence amendment will risk the lives and safety of millions of American women. These proposed cuts to family planning represent the opening salvo in an all-out war on women's health. I have been a soldier on the other side of that war for several decades. I have served now in three legislatures. In two of them this was one of the issues that came up continuously, is what we would do. In most cases, men in either blue or gray suits felt compelled and competent to tell women what they could do with their lives.

It has been a serious problem to try to get women's health in the first place. It was up to the 1990s before women were even considered subject for research at the NIH. It has been an absolute awful time for most of us who are such strong believers in the rights of women and women's health and that women should have the ability to make decisions themselves and not have men have to make them for them. It has been a dreadful time for us to see ending tonight in trying to do away with one of the most important agencies in the United States, Planned Parenthood.

I stand here tonight in lieu of hundreds of women in the State of New York, most of them Republican women, who financed, who spoke for, who founded the agency of Planned Parenthood. New York was being filled with

an influx of new citizens to America and Planned Parenthood allowed them to space their children so that there would be healthier children and healthier mothers. And we have all benefited from that.

But why are we attacking proven medical care? Why aren't we trying to create jobs, which is the only thing we've heard about for the last 6 months? This amendment will do absolutely nothing to move our country forward, but indeed backward.

In my own State of New York, the cuts to Planned Parenthood would affect 209,410 patients. Don't tell me that what you're doing here tonight is to allow Planned Parenthood to keep on with the cancer screenings, to keep on making sure that cervical cancer is not something about to take the life of a woman. Don't tell me that you are only trying to cut abortion. You know, we know, everybody knows that Planned Parenthood abortion money is not public tax money. As my other colleagues have said, that has been true for a very long time.

The cuts were proposed under the guise of being fiscally responsible, but nothing could be further from the truth. For every dollar—and I want to say this maybe twice, it's so important, because nobody seems to have gotten this except my new friend from Illinois—for every dollar invested in family planning services, taxpayers save $4. So if you think you're going to save yourself some money, go back to your planning board for that. But cutting family planning is not fiscally responsible and will not reduce the United States' bottom line.

Furthermore, as we've said over and over again, it has nothing in the world to do with cutting Federal money for abortions. That is simply a smokescreen. We want to empower women to be able to prevent unintended pregnancies, and that's what we would like to do here tonight with the help of Planned Parenthood and other agencies and doctors and medical professionals in the country—make sure that women have education and access to contraception. That is precisely what family planning is and what it does.

I yield back the balance of my time.

□ 2210

Mr. ROKITA. Madam Chairman, I move to strike the last word.

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

Mr. ROKITA. Thank you, Madam Chair.

I rise in support of the Pence amendment. The time has come to end Federal funding of abortion. This is one of the worst misappropriations of funds in our Federal budget and it is unacceptable to most of the people—Republican, Democrat, liberal or conservative—in this country. Many taxpayers, including me, are sickened that their hard-earned tax dollars are put toward funding the nearly 1.3 million abortions in America every year. The minority party's demagoguery and demagoging language about some kind of war on women is nothing but laughable.

Plenty of family planning services outside of Planned Parenthood exist to help families seeking direction, care and counsel. Those actively sound places and services deserve a portion of funds to continue their much needed and well-respected services.

But our nation's largest provider of abortions isn't one of them. Under title X, Federal funds go directly to Planned Parenthood where the money ultimately funds abortion and this is one of the worst stipulations in current law. Again and again, Planned Parenthood has proven itself corrupt and misleading. No American who is against abortion should be required to help pay for it. And no American can seriously argue that the Federal Government isn't paying for abortion right now, when Planned Parenthood receives at least $360 million from the taxpayers each year while simultaneously performing more than 324,000 abortions.

Regarding the gentleman from New York's charge that we should be using a bill of attainder and challenging us to say otherwise, I take that challenge, as a person licensed to practice law in Indiana and licensed to practice before the United States Supreme Court. I would say that the bill of attainder, this amendment is not that.

The people of the Fourth District of the State of Indiana and their Representative have the right to produce an amendment to stop taxpayer funding of abortions, and we are doing that here tonight.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I move to strike the last word.

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

Mr. WAXMAN. A number of our colleagues on the other side of the aisle, the Republican side of the aisle, have said they don't want abortion to be funded and, therefore, they're going to vote for the Pence amendment. But they believe that people ought to be able to get the clinical and preventive services that a group like Planned Parenthood would otherwise make available to them.

Well, look. Plant Planned Parenthood does not pay for anybody's abortion using taxpayers' dollars. That is clearly in the law. It's covered by the Hart amendment. If Planned Parenthood has abortion services, it is completely separate. It is not only separate from family planning services and others for which they get government funding, they have to keep separate records. It's a completely different operation.

So the Pence amendment is trying to strike the funds under the health and human services programs for the services that Planned Parenthood as an organization would provide for them. Now it's not just family planning funds. It's all Federal programs, including Medicaid and the community health centers program. This organization serves 15 percent of all women in need of contraceptive services in the U.S., and for millions of women, it is their primary health care provider, the place they go to not only for planning services but basic preventive health services such as cancer screenings.

Take that money away from them, they're not going to be able to serve the women who need those services. So where will those people go? Are they going to go to the community health centers? Well, this particular funding bill takes out a billion dollars from the community health centers. Where else can they go? Are they going to look to the Medicaid program? One of the entitlements that the Republicans most want to savage is Medicaid. Then where can they go? Are they going to go to the exchange in a couple of years that will be available under the Affordable Care Act? Of course not. The Republicans are trying to repeal that law.

What will be the consequences? The consequences will not diminish the number of abortions. The consequences will be to deny women, and men, who may go to a clinic or to Planned Parenthood in order to get basic medical services. I think this is a serious mistake. If you're against abortion, be against abortion. But don't take it out on Planned Parenthood because they serve abortion clients in a separate operation. That's like saying I never want to pay for any services provided by a doctor, even though it's not abortion services. I don't want that doctor getting any money for contraceptive services. I don't want that doctor to be paid if he's providing screening for venereal disease. I don't want that doctor to be paid for any other service because he might also, without your funds being used, provide abortion services.

When you look at this carefully, this is trying to punish Planned Parenthood. But the ones who get punished are the people who won't be able to get the family planning services and the preventive screening services that Planned Parenthood regularly provides, and they won't be the only provider for many of these women because they have nowhere else to go if they can't afford to go see a private doctor and pay for it.

I thought it was amazing to hear an argument that was made on the House floor that one Member didn't like money to go to Planned Parenthood because they're competing with for-profit abortion services. I just was stunned by that argument. I didn't know what it meant, except perhaps they'd like to have the private, for-profit abortion services be able to provide the services instead of Planned Parenthood.

Whatever happens there is another issue, because Federal dollars, taxpayers' money, will not be used for it. But taxpayers' dollars should be used for title X family planning, for Medicaid, for community health centers,

for health screening, for preventive health services, and that's why the Pence amendment should be defeated.

I yield back the balance of my time.

Mr. OLSON. Madam Chair, I move to strike the last word.

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

Mr. OLSON. Madam Chair, I rise today to support the Pence amendment, which would prohibit any Federal funding from going to Planned Parenthood. I want to thank my friend from Indiana who continues to fight tirelessly to ensure that organizations that promote and perform abortions do not receive Federal funding from hardworking taxpayers in this country, the majority of whom do not want their money going to such causes.

In June, I received a report I requested from the Government Accountability Office which revealed that just six organizations connected to the abortion agenda received over $1 billion in Federal funds over the past 8 years. One billion dollars. The most significant portion of that money was for Planned Parenthood and their affiliates, the largest abortion provider in the United States.

A recent Planned Parenthood reporting shows that in 2007 alone, 305,000 abortions were performed at their facilities. Planned Parenthood recently opened a new facility in Houston, right in the middle of Houston's largest minority neighborhoods. At seven stories high and 78,000 square feet, this center is their largest center in the United States. An entire floor is going to be completely devoted to abortions.

If we keep sending Federal funds to abortion providers, we are supporting abortion advocates everywhere with our taxpayer dollars, allowing them to build more mega-centers such as the one in my hometown.

□ 2220

It is time to renew this call and to bring light to this issue. The transfer of taxpayer funds that supports such organizations must stop. I am proud to have once again introduced the Taxpayer Conscience Protection Act, a bill that requires each State to report annually to the HHS Secretary the amount of funding which is sent to organizations like Planned Parenthood.

Before I conclude my remarks, I have to point out to my colleagues on the other side of the aisle that the Pence amendment does not—does not—cut any funding for health services. It simply blocks those funds from Planned Parenthood, the largest abortion provider in the country. There are many health clinics, hospitals, faith-based organizations, and many more that also provide health services for women. We must shine a bright light on the exorbitant amounts of money that taxpayers provide each year for abortions.

I ask my colleagues to stand beside our colleague from Indiana in this fight by voting a resounding ''yes'' on his amendment.

I yield back the balance of my time.

Mr. DEUTCH. Madam Chair, I move to strike the last word.

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

Mr. DEUTCH. Madam Chair, I do not believe that the government should interfere with the reproductive rights of a woman, but that is not what is being debated here.

No matter how many times our friends on the other side of the aisle say that this is an amendment meant to prevent Federal dollars from going to fund abortions, it will not make it true; it will not make it so. That's not what this is about. We have heard all of the statistics. We know what this is about.

I would like to spend a moment talking about how this whole debate is viewed around the country. I would like to spend a minute talking about what the country ought to look like for my daughters and for my son.

In this amendment, we can envision a Nation where there might be a place for sex education to be taught in a scientific and comprehensive way, which might actually reduce the number of unwanted pregnancies, which might actually reduce teen pregnancies, and which will keep our American children and young women healthy.

We might actually envision a country where we have testing for sexually transmitted diseases and where, if caught, we can help make the Nation healthier.

Madam Chair, we also have an opportunity here tonight to think about a Nation where women have the opportunity to seek the health care they need and deserve—poor women oftentimes who might have no place else to go but who can have an opportunity to get the health care they need and to get the cancer screenings they need, screenings that can save their lives.

We can envision all of these things in this amendment.

Ladies and gentlemen, we know what Planned Parenthood provides in these clinics: 95 percent of what they provide is health care that does exactly what we want done in this country; 95 percent of what Planned Parenthood does helps keep Americans healthy. It helps take care of women, and it helps make sure that they are better mothers. It helps make sure that their families can be taken care of, and it helps identify cancer before it's too late so that kids can grow up with their mothers.

We understand what this amendment is about. This is not an amendment about abortion. This is an amendment about clamping down on a clinic that provides medical services whose politics those on the other side simply do not agree with. This is about the opportunity to move forward with something that can provide those health care services: with clinics that can help save lives.

We can do all of that right here in this House.

Members, I ask, as we go forward today, that we think about the opportunity we have here to cast a vote that supports women, to cast a vote that supports families, and to take what will be the most pro-family vote we will have an opportunity to cast in this CR debate: that is a vote against this amendment.

I urge my colleagues to do so.

I yield back the balance of my time.

Mr. HUELSKAMP. I move to strike the last word, Madam Chair.

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

Mr. HUELSKAMP. Madam Chair, I rise in support of the Pence amendment for a number of reasons.

As was indicated, I do come from the State of Kansas; and in listening to the debate this evening, it is rather interesting to find very little support for actually the institution of Planned Parenthood and for a full discussion of what they have been involved in.

Two days ago in the State of Kansas, another hearing was conducted. Charges are moving forward—107 criminal charges against Planned Parenthood. It is very interesting. It is an entity under criminal indictment for covering up more than 100 crimes: failures to report; helping to cover up incest, rape. The list goes on and on. It has happened in multiple States, a young lady by the name of Lila Rose has indicated.

If you don't believe me, take a look at the tapes, Madam Chair. Take a look at the tapes of how Planned Parenthood is helping sexual predators continue their activities.

I would also like to point out one thing that we cannot forget. I must admit I am certainly disappointed that our Supreme Court claims that there is somehow a right to abortion. We do know there is no right to the Public Treasury; there is no right to the taxpayer dollar; there is no right to demand that Americans front this organization with their taxpayer money.

That is the question of this amendment, Madam Chair.

There is another question to face here, and we need to be very clear. My wife and I have four adopted children, and they're watching tonight. They're adopted children, and they come from a group of children the history of Planned Parenthood has targeted: minorities. My children are adopted. They're the very type of children this organization targets, and there is evidence it still continues today. Undercover work has shown again and again how this organization locates in minority neighborhoods.

Madam Chair, it is not only fiscally irresponsible to send our taxpayer dollars to this type of entity and organization; I think it is morally reprehensible that we would send $300 million of our hard-earned money to an entity that targets minorities, that helps sexual predators, that continues to cover up rape and incest and sex slavery. There is no excuse for that.

Everyone in this body should be standing on their feet and recognizing that, no matter your position on the issue of abortion, we should all agree: Our taxpayer dollars are undeserving of the efforts of Planned Parenthood. The history is clear. The present is clear. It is time to defund this entity. They are unworthy of our dollars.

With that, Madam Chair, I yield back the balance of my time.

□ 2230

Mr. LYNCH. Madam Chair, I move to strike the last word.

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

Mr. LYNCH. I would be remiss if I did not thank the Speaker, Speaker BOEHNER, for the open rule that we have been working under for the past several days. Even though we have not agreed on much, probably not anything, I do appreciate the fact that we have been able to have a fair and open debate on some of the most profound issues of our time.

I am hoping earnestly this is not the last open rule we have. I know that it has turned 3 days of debate into 6 or 7 days of debate. There has been a lot of hot air in this Chamber. I think if this Chamber were a hot air balloon, we could probably make Europe. But I do think there is credit due to the Speaker for allowing this debate to occur.

I do want to remind the Members, in spite of some of the pronouncements of the previous speaker, that there is fixed law that prevents Federal funding from being used for abortion. That is really not what this is about. This is about the ability of Planned Parenthood to conduct women's health care, to offer services that are deeply needed in many communities where no other source of health care is available.

Planned Parenthood last year carried out 1 million screenings for cervical cancer and 830,000 breast exams and offered nearly 4 million tests and treatments for STDs, including HIV. Those are the services they provide. They are prohibited by law by the Hyde amendment from using Federal funds for abortions. That is a fact. You can be entitled to your own opinion, but that is a fact.

I am a pro-life Democrat. I am a pro-life Democrat, and my faith informs my position on this issue. There used to be, I think, a general agreement, as divisive as this debate is and has been in this country for years, there has been a level of agreement that we have reached where I think we agreed at one point in this country that the best way to reduce abortion in this country is to prevent unwanted pregnancies. We used to agree on that. This bill, this amendment, will increase the number of abortions in this country.

The heart of what Planned Parenthood does is in the area of contraceptives and medical screenings for cervical cancer and breast cancer. But contraception is a big part of what they do in trying to reduce the number of unwanted pregnancies in this country.

If we take the funding away from them, and it says all funding—all funding. It doesn't distinguish. All funding out of title X is prohibited from Planned Parenthood. So let's not play a game about what you are against and what you are for. This is for all funding. That is what the bill says.

And if you prevent Planned Parenthood from providing advice and services on contraception, we know for a certainty, especially in the communities that they provide services to, we are going to have an increase in the number of abortions in this country. That is the natural consequence of what is on the table here in this amendment. You are going to reduce funding for contraception; you are going to have more unwanted pregnancies, and you are going to have more abortions.

Is that is what this debate is about? Is that what we are trying to do here?

I used to think it was different. I thought we had some level of agreement on this, that the goal was to reduce the number of unwanted pregnancies and that is how we were going to reduce abortions in this country.

I am disheartened by this amendment. I wish that the gentleman would withdraw this amendment because I think it is counterproductive to the goal of reducing the number of abortions in this country.

And as a family who has been affected by cervical cancer and breast cancer, I think that is very important work that they do. And I support that.

I don't have many friends in the Planned Parenthood community. They don't support me. I am pro-life. But I respect the good work that they do.

I yield back the balance of my time.

Mr. GOHMERT. Madam Chair, I move to strike the last word.

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

Mr. GOHMERT. I rise in support of the Pence amendment, and I am aware of some very helpful work that Planned Parenthood has done to help some women with some difficult medical issues. But we have heard discussion here about a bill of attainder. And Article I, Section 9, paragraph 3 says: No bill of attainder or ex post facto law will be passed. That is the Constitution.

A bill of attainder, according to William Rehnquist, is: a legislative act that singled out one or more persons and imposed punishment on them, without benefit of trial.

No one is being found guilty of a crime here. I know about those things. I have found people guilty of crimes after a trial. That is not what is happening here any more than it was what was happening when people decided to defund Guantanamo Bay or defund ACORN because they were complicit in encouraging prostitution.

To come in here and say that when this body finds that one entity does not deserve to be receiving more money that was pried out of taxpayers' hands is somehow a bill of attainder, then it means we can never withdraw money from someone to whom it was given previously. That is not a bill of attainder. In fact, to take it away, one would first have to assume that this money was the property of this entity before they ever received it.

Now, that would be like saying that the taxpayers that earned the money and the taxpayers that had to give it up because we stole it, but we legalized the theft because we can do that, we can say, You earned it. It is yours, but we have the power to legalize taking it away from you against your will. We have done that. We have taken it away. But we have a responsibility to be frugal and to be wise.

No, I will not yield. I didn't ask to be yielded to when I was being upset by the explanation inappropriately of a bill of attainder. But I know the gentleman is one of the smartest people I know, but this is not a bill of attainder.

The F–35, we voted on a second engine. Well, there had been money appropriated, supposedly, before. They could come in and say it is a bill of attainder to take it away. It is not. It is not their money.

This body has an obligation to investigate and to look carefully as to where we should most appropriately spend the taxpayers' money that we have taken, or the 42 cents out of the dollar now we are borrowing from China, or whoever will give us the money.

But it was never the intention of the founders that we could not be responsible as a body and say this shouldn't go to this place; it would be better served going somewhere else. That is our job, and we have an obligation.

One other thing, and to those who say, and I know well meaning, because I know the people who are saying it and I know their hearts and I know they really believed what they were saying. But I have got Part 1 of the act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, which is ObamaCare, because the Senate stripped out every word of the bill, including the title, and substituted, therefore, ObamaCare. This is the first half of the bill. And if you turn over, if you turn over to page 119, (B) subsection; says it: Abortions for which public funding is prohibited. But if you go to subsection (ii), it has this title: Abortions for which public funding is allowed.

That's not all. Legal clinics are financed and are required to be financed under this bill, and there is no prohibition either by the Hyde amendment or any provision in this bill or the Executive order that legally prevents Federal funding for allowing abortions in some of those medical clinics that are established and will happen.

Also, if you flip over here—and you wouldn't find this in a word search for ''abortion'' because it was too cleverly put back. But if you look at 122, it is required to have insurance plans, and there will be Federal funding involved to make this happen, that there be ''at least one such plan that provides coverage of services described in clauses (i) and (ii) of subsection (B).''

That is abortion, folks. There is money for it here.

□ 2240

Mrs. MALONEY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. I rise in strong opposition to the Pence amendment, which will eliminate all funding for the many services provided by Planned Parenthood. That's the amendment that is before us, not the other items that other people are talking about.

This amendment is not merely anti-choice. It is also anti-health, anti-woman, and anti-poor, and is a thinly veiled attack on birth control. This amendment will not do anything to grow our economy or create any new jobs to help us out of this great recession. It will only turn this Nation backwards.

Planned Parenthood is the Nation's largest provider of family planning services; and for roughly 60 percent of their patients, they serve as the primary care physicians, as 90 percent of the health care they provide every day is primary and preventive.

This is not about abortion. The Hyde amendment is alive and well, and it prevents and restricts any use of Federal funds for abortion. This is about primary and preventive health care. This anti-woman amendment will restrict millions of women from access to family planning, HIV testing and counseling, and breast and cervical cancer screening, leaving them with nowhere else to turn.

The other side's vision of smaller government would expand the government's power over women's choices. It is wrong, it is shortsighted, and it is unjust. Instead of getting between a woman and her doctor, instead of allowing women to have control over their own health care, instead of forcing personal beliefs on half the population, let's turn to the business of creating jobs and economic opportunity and away from the business of ruling other people's lives.

I urge a ''no'' vote on the Pence amendment.

I yield back the balance of my time.

Mrs. ROBY. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Alabama is recognized for 5 minutes.

Mrs. ROBY. I rise in support of the amendment.

I oppose funding to Planned Parenthood. We should not be giving Federal funds to groups like Planned Parenthood that used the money for abortions. Planned Parenthood has recently made plain the centrality of abortion to its mission, mandating that every affiliate have at least one clinic performing abortions within the next 2 years.

Additionally, it is beyond shocking that Planned Parenthood employees were recently found on video aiding and abetting in the alleged sex trafficking of minors. This is not the first time that Planned Parenthood has shown such shocking behavior. It happened in my home State of Alabama back in 2009. A Planned Parenthood counselor was caught on hidden camera telling an alleged 14-year-old statutory rape victim that the clinic does sometimes bend the rules a bit rather than report sexual abuse to State authorities. Two years later, we are still seeing this outrageous behavior by Planned Parenthood employees.

It is time to stop funding such an organization with taxpayer dollars. Planned Parenthood ignores statutory rape law reporting, pushes abortion procedures, and opposes any effort to elevate the legal status of a fetus at any stage of development. It is not a proud day that citizens learned that these activities have been continually funded by the Federal Government. It is even a worse day when we are told that our government has funded Planned Parenthood with more than $363 million in government grants and contracts. The continual action by Planned Parenthood and its employees is demeaning for women and a black eye for our society.

Planned Parenthood in Kansas claims to be a trusted source of health care and education for thousands of women, men and children; yet it was charged with 107 criminal counts, including failure to report sexual abuse and falsifying documents in order to perform illegal late-term abortions. Planned Parenthood in California has privately admitted to overcharging the State and Federal Government by at least $180 million for birth control pills despite internal and external warnings that its billing practices were improper.

Planned Parenthood in Indiana has been accused of endangering the safety and well-being of minor girls by intentionally circumventing State parental involvement laws and breaking State laws by refusing to report statutory rape. Funding must be stopped. Planned Parenthood must not be granted any more taxpayer dollars to push their agenda to take away the rights of the unborn. I urge my colleagues to vote ''yes'' on the Pence amendment and stop the funding of Planned Parenthood.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Chairman, I don't doubt that the gentleman from Indiana is sincere. We all know him, and we know the long-standing commitment that he has had to this issue. But having served on the Judiciary Committee with the late Chairman Henry Hyde, I know how sincere he was in the work that he did to ensure that no Federal funds could be used for abortion. That is the law of the land.

I also know how committed our colleague from Massachusetts is to his values of pro-life; but he eloquently stood on the floor of the House and gave us a moral compass. This is not about abortion. This is about saving lives. And the Planned Parenthood effort, albeit with ills that any large organization may have—corrected ills, has a valuable and worthy purpose in saving lives. My fear is with the Pence amendment having the potential of passing, that we set the stage for going back 10, 20, 30, 40 years when women had no place to seek counseling. They know well that the adherence to the law that the Planned Parenthood organization must have is that they cannot use Federal funds for abortion.

But this is not about abortion. This is about family planning and counseling services that have long been part of the Planned Parenthood family. And all we'll do by cutting these resources will be, in fact, going back to the dark ages when young women had no place to go. So Planned Parenthood does not equate to abortion. Family planning does not equate to abortion. Title X funds do not equate to abortion because the law of the land is clear. But what we will have are young women who will have no place to go to be able to ask questions.

Yes, the Planned Parenthood facility is in the 18th Congressional District in Houston, Texas, a heavily diverse but heavily minority district; and I would argue that its efforts are positive in health education, the work it does, in Pap tests for cervical cancer, in STD testing, in menopause and hormone treatment, in urinary tract treatment, in breast exams, and in outreach to the Latino community, all services that would not be there if it was not for these committed workers and the committed Office of Planned Parenthood.

Community health clinics, to be gutted. And as was indicated, all the work that we're doing on the floor of the House, the question has to be, one, are we going forward in helping the American people create jobs? Or even in this amendment, causing thousands of Americans to lose their jobs in a worthy cause of helping those who many times cannot help themselves? What about those who have suffered a violent act of sexual assault? Where do they go? What do we say about a Planned Parenthood who, throughout its existence over the last couple of decades, has received violent threats, bomb threats? I am reminded of the police support that this local chapter had to have because of the constant threats upon their staff.

So this is not all peaches and roses. We are simply standing here and saying, allow them to do their work, which is assisting a young woman by the name of Karen, 28 years old, who was between jobs, newly married, and did not have any health care. She saw the results of a pregnancy test that she got from the drugstore and couldn't believe what it said.

□ 2250

She didn't know where else to go. She was frightened, 28 years old. But she went to Planned Parenthood. And what she said, without any pressure, she had the test and discovered that she was pregnant. And the nurse didn't ask her any indicting question; simply said, what do you want to do? And she thought about it, and she decided to say she wanted to have the baby.

Don't let those stories go untold where women are counseled and they go forth with their plans with the idea that they have someone to help them along, even provide them with services to be able to carry that baby to term.

So I simply want to say, they have suffered enough violence for Planned Parenthood. Let's not have more violence on the floor of the House, and let's vote down this particular amendment to continue them serving the women that need to be served.

I yield back the balance of my time.

Mr. CULBERSON. I move to strike the last word.

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

Mr. CULBERSON. Madam Chairman, I rise in strong support of the Pence amendment. It's important to note that the Hyde amendment has been in place for decades. There's overwhelming support among the American people that we don't want our tax dollars used to subsidize or support abortion in any way. And people listening to the debate tonight, those on the floor, pro-life Democrats, no matter who you are, shouldn't be distracted by the discussion of the family, the health care services provided by the organization Planned Parenthood. Planned Parenthood could solve this public policy problem they've got by simply refusing to perform abortions. If they stop performing abortions this is not an issue. If Planned Parenthood would stop turning a blind eye or, at best, stop being indifferent to the criminal conduct that's been exposed at their facilities and lead the charge to see that criminal complaints are sworn out against people associated with Planned Parenthood or their employees engaged in criminal conduct, a lot of this problem would go away. All Planned Parenthood has to do is say they're going to stop performing abortions. And yet they won't do it.

This is not about the health care services that they provide in other areas. This is about the fact that the overwhelming majority of Americans do not want our tax dollars used to subsidize or pay for abortions. This is a very straightforward vote tonight for all of the Members of the House, whether or not you will vote to permit your constituents' tax dollars to be used to fund or subsidize abortion. That's the question before the House tonight. It's not complicated. And Planned Parenthood is not entitled to these dollars, these tax dollars. There's no punishment being given here. Planned Parenthood, we, as a Congress will make the public policy decision here tonight in this debate, in this vote, whether or not Planned Parenthood should continue to receive tax dollars. That's been decided for decades. No tax dollars should be used to subsidize or fund abortion. That's been the position of the Congress through the Hyde amendment for many, many decades, and we're continuing that tradition tonight by ensuring that no tax dollars flow through Obamacare, which, by the way, does allow our tax dollars to be used for abortion because what is not excluded is included, and the Obamacare bill allows for our tax dollars to be used for abortion by subsidizing exchange plans that provide coverage for abortion. Therefore, this vote is truly very simple. Will we, the Congress of the United States, permit our tax dollars to be used to subsidize or fund abortion? It's an up-or-down vote.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. Make no mistake about it. This is about abortion.

Just prior to coming to the floor tonight, before this debate ever began, I was answering an email I got from a friend of mine in Atlanta. And he said, stop public funding of abortion. I was talking to him on the phone when I saw Mr. PENCE come down here and start this debate. And he was telling me about his sister-in-law that had an abortion about 30 years ago. She has nightmares. She has visions of these two babies that she aborted.

I'm a medical doctor. I've performed all these health services that my Democratic colleagues keep talking about, and I have for years. I like women. I'm married to one. I have two daughters. I have thousands of patients that I've seen over the years, and I've done pap smears and breast examinations and sexually transmitted disease tests and all those health care services that my Democrat colleagues keep talking about. This is not about that.

We keep hearing about the Hyde amendment. And certainly the Hyde amendment is in place. But make no mistake about this. What Planned Parenthood does is the proverbial shell game, shifting funds so taxpayer dollars still go to an organization that provides abortion, and the more we pour money to this organization, the more abortions they're going to try to promote and provide. And, in fact, Planned Parenthood was established on the philosophy of eugenics. And they're still carrying out that philosophy. There are more black babies killed through abortion today proportionally than there are white babies or any other colored babies.

And we've also seen tapes where Planned Parenthood operatives have even promoted that type thing.

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

Mr. BROUN of Georgia. I move to strike the last word.

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

Mr. BROUN of Georgia. So this is all about preventing abortion. I know my Democrat colleagues are well-meaning. They all say the same talking points, and I believe in the depths of my heart that you all really believe what the Democratic colleagues say. And I know they're well-meaning.

But the American people demand better. My patients demand better. The taxpayers, your taxpayers, Democratic colleagues, demand better.

This is about abortion. Planned Parenthood is not going to shut down if the Pence amendment is passed and this continuing resolution is signed into law. Planned Parenthood won't go away. They can continue to supply the services that they get from other financial sources. They can continue to provide abortions. So it's not going to even stop that.

I believe very firmly in my heart that we must stop abortions because these are babies. I introduced H.R. 212, which is the Sanctity of Human Life Act that defines life beginning at fertilization, and I know, as a medical doctor, that's when my life began, that's when all of our lives began.

Those babies deserve the right of personhood. They deserve the right to live. So this debate is about life. It's about giving children the right to grow up and become functioning citizens in our society. And it's about taxpayers' funds continuing to support an organization, the largest provider of abortions in the world, to continue that process of killing babies. So we must take the taxpayer funds away.

It's not going to stop Planned Parenthood from doing Pap smears, breast examinations, STD exams, all those things that my Democrat colleagues keep talking about. It's not going to stop that.

What it will do is just take taxpayers dollars out of the equation. Planned Parenthood can no longer do the cost shifting, use taxpayer dollars for other purposes besides the stated purpose of abortion. And hopefully, they won't continue to provide abortions with taxpayer dollars. It's not fair to taxpayers. It's not fair to women. It's not fair to my patients. It's not fair to even the Planned Parenthood patients that are not seeking abortions.

□ 2300

I encourage my colleagues, let's have some sanity here. Let's have some civility here. Let's think about what really this is all about. It's about abortion, not providing health services to

underprivileged women. I have provided those services. I have given away hundreds of thousands of dollars of my services over an almost four-decade career practicing family medicine.

I care for my patients. I want them to have the services that they need. I have provided those services. But this is about abortion. Let's stop the funding of Planned Parenthood by taxpayer dollars. Let them do their business until we outlaw abortion. Hopefully, we can, because it's killing babies.

You see, I don't believe that God can continue to bless America while we're killing 4,000 babies every day. They are babies. They are human beings. We treat green turtle eggs better than we treat human being babies in the womb. We've got to stop it.

That's the reason I support the Pence amendment. That's the reason I hope all my colleagues and the American public will demand a stopping of the public funding of abortions through Planned Parenthood by supporting the Pence amendment.

I yield back the balance of my time.

Ms. MOORE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. I would plead with my colleagues to reject the Pence amendment and not to defund Planned Parenthood. And I mean that as a double entendre; to not defund the ability of women to plan parenthood. I know of what the previous speaker, the gentleman, referred.

To all those well-meaning people who want to speak about the value of life and not funding contraception and not wanting to make an abortion, which is the law of the land, available if people would choose that. I am really touched by the passion of the opposite to want to save black babies.

I can tell you, I know a lot about having black babies. I've had three of them. And I had my first one when I was 18 years old, at the ripe old age of 18. An unplanned pregnancy. And let me tell you, I went into labor, unfortunately, on New Year's Eve, had not even one dime. Phone calls cost a dime at that time. I didn't have a phone in my home and didn't have a dime to go to the phone booth to call an ambulance, an ambulance which is a waste of money using Medicaid dollars, but I didn't have a car and didn't have cab fare.

I just want to tell you a little bit about what it's like to not have Planned Parenthood. You have to add water to the formula to make it stretch. You have to give your kids Ramen noodles at the end of the month to fill up their little bellies so they won't cry. You have to give them mayonnaise sandwiches. They get very few fresh fruits and vegetables because they are expensive.

It subjects children to low educational attainment because of the ravages of poverty. You know, one of the biggest problems that school districts have in educating some of these poor black children who are unplanned is that they are mobile; they are constantly moving because they can't pay the rent.

And, yes, I heard many of you talk about sexual predators. It subjects them to sexual predators, as when you try to go out and do a little work you have to leave your kids with just anybody because you don't have $800 to $1,200 a month for child care.

And let me tell you, you know, the public policy has treated poor children and women who have not had the benefit of Planned Parenthood with utter contempt. These same children, it has been very difficult to get them health insurance through CHIP.

When you go to the grocery store to buy them a little birthday cake with your food stamps, everyone stares at you in contempt.

And, yes, on a bipartisan basis, Democrats and Republicans ended the entitlement to Aid for Families With Dependent Children; so that when we have a recession like we have now, women, who are alone typically, poor, of color, with these poor black children, have no money, go months and months and months with little or nothing to sustain themselves.

And you know, I recall that the first item on the YouCut Web site was to cut temporary assistance to needy families. And let me tell you what it does to women who cannot plan their parenthood. It derails their ability to complete education and training so they can get a job.

The TANF law is very harsh. It won't even let women complete high school diplomas. It sends them into work fair programs and very low wage service industries, often jobs with no unemployment benefits. And of course, they are treated with contempt and disdain when they apply for any aid. They are humiliated.

And so I would beg my colleagues, I would beg them to not defund Planned Parenthood. Planned Parenthood is healthy for women, it's healthy for children, and it's healthy for our society.

I yield back the balance of my time.

Mrs. BLACK. Mr. Chair, I move to strike the last word.

The Acting CHAIR (Mr. GINGREY of Georgia). The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACK. Planned Parenthood, the largest abortion provider in the United States, receives millions of dollars in government aid, yet they are still classified as a nonprofit organization.

From 2008 to 2009, Planned Parenthood received $363 million, which is one-third of their $1 billion income, from grants and contracts from Federal and State governments. And during that time, the number of abortions that they performed increased to a record number of 324,000. That's almost 25,000 from 2006 to 2007. And each fiscal year since 2000, the government has increased its funding an average of $22 million per year while the number of abortions they perform steadily increased. This occurred while the overall abortion rate in the United States declined.

And despite all of this, we continue to give this organization money—millions—despite reports that Planned Parenthood clinics have failed to comply with State statutory rape reporting laws, often ignoring parental consent laws. And, most recently, a few have refused to report instances of sex trafficking of minors.

Simple fact: Funding Planned Parenthood and its affiliates does not decrease abortions. It increases it.

When I think of Planned Parenthood, I am immediately reminded of a night 20 years ago when I was working in the emergency room at Hendersonville Hospital.

A 22-year-old girl presented after receiving an incomplete abortion from the Planned Parenthood clinic. She had no followup number, and she didn't know where to go to receive the care that she needed. Unfortunately, she waited at home, bleeding for hours before coming to the emergency room. But it was too late. And due to the excessive bleeding loss, her body responded by an uncontrollable clotting condition known as DIC, and at this point there was nothing we could do. We watched this young girl die. This young girl, with her whole life ahead of her, died that night.

Stories like these are the everyday tragedies that go untold. That is why I stand here this hour to show my support for this amendment and for all of the continuing efforts to defund Planned Parenthood. I thank the gentleman from Indiana for introducing this vital amendment.

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

Mr. COHEN. Mr. Chairman, I move to strike the last word.

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

Mr. COHEN. Mr. Chairman, this has been an interesting debate as we look at the 150 years back in history and we look at the Civil War. And as we look back at the Civil War, some people reenacting it as if it was a good event, we look at kind of a retreat in history here tonight.

□ 2310

It was 1965 when Griswold v. Connecticut, the 7–2 Supreme Court decision, said Planned Parenthood could not be prohibited by the government from giving contraceptive advice to married people, and we have come a long ways since then in terms of liberty. And I am kind of surprised as we get here in 2011 and we look at this House, and part of this House which claims to be so concerned about liberty and individual freedoms and individual rights is more hung up on the Tenth

Amendment and something to do with States and Federals, rather than the Ninth Amendment and the penumbra right that gives women and individuals the right to make certain decisions.

We have got a group over there really concerned about earmarks, yet what this is I would submit is not a bill of attainder; it is a reverse earmark, because you are saying who we can't give money to. And the logic I have heard from my friend from Georgia was that because even though we have the Hyde amendment which says Planned Parenthood can't use Federal funds for abortion because they do other Planned Parenthood activities, helping with HIV–AIDS screening, helping with cervical and breast cancer exams and treatments and other birth control-type activities other than abortion, because they do abortion too, this helps contribute in the milieu of their overall funding. With that logic, we wouldn't fund any hospital, any health clinic or any doctor that any part of their practice or any part of their operation has anything to do with abortion because the funds get commingled and it helps contribute to their ability to provide abortion.

So the bottom line is this isn't is about Planned Parenthood. It is not the reverse earmarks that it is, that it picks out only Planned Parenthood, including Planned Parenthood in Memphis, Tennessee, that provides health care to over 5,000 women a year, low-income women a year who need information about how to plan their families other than just abstinence, that we know from Alaska to Florida has failed. This is an effort to take away from people an individual choice and to require and make the government, this government, this Congress, Big Government, the decider of individuals' lives rather than giving them some choice.

I yield to the gentleman from New Jersey.

Mr. PALLONE. I thank the gentleman.

I am just amazed by the extortion that I heard on the other side of the aisle tonight. Basically what the Republicans said is that if Planned Parenthood agreed not to perform abortions, then they could continue to perform their other functions. But if they insist on performing abortions, then we are going to starve them for money and they won't be able to provide contraceptives and family planning and all the other health care services for women that are so important here.

To me, that is just an incredible statement, because essentially what you are saying is we will extort this. We don't really care about all these other services that they are providing. What we really care about is abortion. And if you sign on the dotted line, then you can continue to perform the other health care services, as long as you don't perform the service that is allowed under the law of the land.

Now, I cannot believe that that was actually stated here this evening, because I know and we all know that all these other services, reproductive services and health care services, are so important for women, so important for families. For me to hear a Member on the other side suggest that somehow they are going to extort that and threaten that and hold that over everyone in order to accomplish this goal of saying you can't perform abortions I think is outrageous.

I now understand what the purpose of this amendment is. It is to close down Planned Parenthood and all the good things that many of you admit they are actually doing just in order to accomplish this ideological goal related to abortion. I just think that is incredible. To me, frankly, for the first time I understand what it is all about.

But let's not be hypocrites about this. If that is what you are about, then admit it. And one person did. The rest of you are going on and on about all of the terrible things that Planned Parenthood has done. Frankly, most of the men and women who perform the services at Planned Parenthood are very well-meaning people, and they shouldn't be attacked because of a few that haven't done the right thing.

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

Mr. FLEMING. Mr. Chairman, I move to strike the last word.

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

Mr. FLEMING. Mr. Chairman, I have been a practicing physician for over 35 years. I have delivered hundreds of babies. You know, our President once said when asked when does life begin, he said, that is above my pay grade. Well, I can tell you, Mr. Chairman, it is not above my pay grade, and I can tell you as a scientist and as a physician that life begins at conception, and that is often forgotten in this Chamber right here.

Abortion violates the very tenets, the simple tenets of our culture, and that is the killing of innocent life. But here is something else you don't hear much in this Chamber here today. How is it that human beings, how is it that Americans can decide to kill an innocent human life? The way we do it is through dehumanization; that is, we think of that unborn baby to be something inanimate or just a part of the body. I have seen people get more upset about a dying pet than they have in giving up their pregnancy through abortion.

So I say to you, Mr. Chairman, here today that I rise in support of the Pence amendment. Yes, of course, money is fungible. Money goes in one end and then into another account and then on elsewhere. So anything that taxpayers do in terms of giving money to Planned Parenthood is subsidizing abortions. And we know that the American people by a small margin and a growing margin oppose abortion in general, but a wide margin of Americans oppose taxpayer funding of abortion.

With that, I yield to the gentleman from Iowa.

Mr. KING of Iowa. I would like to thank the gentleman from Louisiana for addressing the House and for yielding to me, and all of those who have spoken on this issue.

I recall back here on this floor in the early part of the session in 2007 when the Mexico City vote came up, and I remember that debate here on this floor. I remember watching the vote go up on the board, the language that would compel American taxpayers to fund abortion in foreign lands. For the first time in years, the Democrats lost the debate but won the vote. And I saw Members over on this side of the floor jumping up and down, hugging themselves, cheering, cheering because of what? Because you had taken a step to compel Americans who are conscientiously objecting taxpayers to fund abortions in foreign lands.

How could anyone cheer something like that? What was the moral standard that brought about such elation? It is a complete confusion to me to think that we can't even describe what this is.

I brought some posters to the floor of the House Judiciary Committee last week that showed what dilation and evacuation is. It is dismemberment. Abortion. I don't know if there anybody in this Chamber that could actually witness a real abortion and stand there, let alone lend their hand to such a thing.

But I remember buying the movie ''Silent Scream'' for my children when they were about 9, 10 and 11 years old and sitting on the floor in the living room and watching 8 minutes of parts of babies being put in a stainless steel pan and having an inventory done of a little foot, a little arm, a little leg, a little torso, a little crushed skull, until all the things added up, and then they sucked out the pieces that were missed.

That is what is going on. And we are asking Americans to fund this through Planned Parenthood, or any other organization?

Here is where I would agree with Mr. COHEN. I would go further than this. And he made the point—I know he wouldn't agree. I would say no funds should go to any entity that should perform such a ghastly, ghoulish and gruesome procedure, and this House cannot compel American taxpayers to do so. And we will stand tonight and we will put an end to the Federal funding of Planned Parenthood, and we will move on and we will shut off all of the funding to those entities that do that to our unborn children in this country.

Mr. FLEMING. Mr. Chairman, I would like to say in conclusion to my remarks, and I thank the gentleman from Iowa, that tonight we are all getting tired. We have debated for 3 days and 3 nights. But in that same period of time, think about the number of babies who have been killed through abortion, through a sterile area where a doctor goes in and we have the usual

instruments and so forth and the fetus sucked out of the womb and then the mom on with her life.

□ 2320

But we also know that statistics tell us that these mothers just don't go on with their lives, as has been suggested by the other side. The rate of depression, the rate of suicide, the rate of problems with future pregnancies increase dramatically after abortion.

So tonight should be the beginning of the ending of this horrible practice.

With that, I yield back the balance of my time.

Ms. CASTOR of Florida. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Thank you, Mr. Chair.

We were hired by our neighbors in our hometowns to come up to Washington and fight for jobs and help get the country back on the road to recovery. But instead, this Republican Congress is taking an extreme right turn right back into the dark ages because they are targeting a very important initiative that has provided fundamental health services to women since 1970 to say no more will women that depend on family planning in the United States of America have that lifeline any longer—that lifeline for breast cancer screenings, cervical cancer screenings, the annual Pap smear, for contraceptives. We can't go back to the dark ages—and we're not going to let you.

As often as it has been misstated on this floor tonight, none of the money for family planning goes to pay for abortions. This is their false battle cry. In effect, what they're doing is they want to cut off the lifeline for mothers and daughters, aunts, your friends, your neighbors who sometimes don't have a place to go to afford that important doctor's visit. There seems to be little if any empathy for these women from the Republican side of the aisle, as they propose no alternative for providing this care, and they don't seem to realize or, frankly, care that unintended pregnancies will rise if this program is abolished.

Cutting off these funds and eliminating this care for women will not stop abortion, which is their claim. Only family planning will stop abortion. The major consequence of wiping out title X, which really means that all-important trip to the doctor's office for a woman who doesn't have any place else to go for their breast cancer screening, their annual exam, the only consequence, major consequence, will be eliminating health care for millions of women while also increasing the bill to taxpayers. For every public dollar invested in family planning, taxpayers save $4.

So attacking reproductive health care for women may make for very interesting politics, but it doesn't prevent unintended pregnancy. It doesn't create jobs. It doesn't improve the economic situations of our hometowns. And that's what we should be debating for hours and hours tonight.

I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I move to strike the last word.

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

Mr. LAMBORN. Mr. Chairman, I rise in support of the amendment to remove taxpayer dollars from Planned Parenthood. In my State of Colorado, the voters passed a State constitutional amendment by initiative about 30 years ago. It said no taxpayer dollars will go to abortion, whether directly or indirectly. We decided in Colorado that because money is fungible, giving taxpayer dollars to an organization that provides abortion, even if they say it doesn't go directly to abortion, does indeed ultimately fund it. This is because that taxpayer money frees up that organization's resources to be moved around on its books. Money is fungible.

Taxpayer dollars enable Planned Parenthood to perform abortions, and the sentiment in Colorado is the same as in the rest of America: Americans don't want to use taxpayer dollars for abortions. Until the day comes that Planned Parenthood stops performing abortions, it should not get another penny of taxpayer money.

I urge my colleagues to support the Pence amendment.

Mr. Chairman, I now yield to the distinguished gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Chairman, it's time Americans, especially policymakers, health officials, the media, and law enforcement, took a second and critical look at Planned Parenthood. Not only does Planned Parenthood vigorously lobby and litigate against parental notification and parental consent laws, thus enabling secret abortions for very, very young girls to be procured in their clinics, but now we've learned from recent undercover taped investigations at several of its clinics that Planned Parenthood employees were found to be more than eager to assist people posing as sex traffickers to procure abortions for underaged girls.

As a prime sponsor of the Trafficking Victims Protection Act of 2000, I found it appalling to watch Planned Parenthood personnel again and again and again offer to provide and facilitate abortions for hypothetical sex trafficking victims as young as 13. In light of a recent comprehensive study suggesting that 100,000 American girls, mostly runaways, are forced into prostitution each year, average age 13, the videotapes of Live Action, the NGO headed by a courageous young woman, Lila Rose, that did the undercover work, is an engraved invitation for serious investigation by the Attorney General of the United States and law enforcement everywhere. It further begs the question: Why are taxpayers giving hundreds of millions of dollars each and every year to Planned Parenthood?

Despite the best and slickest market branding money can buy, the stubborn fact remains that Planned Parenthood clinics are among the most dangerous places on Earth for a child. Planned Parenthood's own personnel are now taking a second look—many of them—and, thanks to ultrasound, are clearly seeing what is being done to millions of children in the womb, like the 332,278 babies exterminated in Planned Parenthood's abortion clinics in 2009.

One of those abortion providers who took a second look and walked away is Abby Johnson, a former Planned Parenthood abortion clinic director. In her book ''Unplanned,'' Abby Johnson exposes the duplicity and cruelty of what really goes on behind closed doors at a Planned Parenthood clinic. In it she writes how she witnessed and assisted in an abortion of a 13-week-old baby by holding the ultrasound probe, and as she pointed out in the book, it was the first ultrasound-guided abortion at that facility.

She writes in the book: ''The details startled me. At 13 weeks you could clearly see the profile of the head, both arms, legs, and even tiny fingers and toes. With my eyes glued to the image of this perfectly formed baby, I watched as a new image emerged on the video screen. The cannula, a straw-shaped instrument attached to the end of the suction tube, had been inserted into the uterus and was nearing the baby's side. It looked like an invader on the screen: out of place, wrong. It just looked wrong.''

She goes on to write: ''My heart sped up; time slowed. I didn't want to look, but I didn't want to stop looking either. At first, the baby didn't seem aware of the cannula. It gently probed the baby's side, and for a quick second I felt relief. But I couldn't shake an inner disquiet that was quickly mounting to horror as I watched the screen.'' Remember, this is an abortion clinic director saying this.

''The next movement was a sudden jerk of a tiny foot of the baby as he started kicking, as if trying to move away from the probing invader.''

The Acting CHAIR. The gentleman from Colorado's time has expired.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. SMITH of New Jersey. ''As the cannula pressed in, the baby began struggling to turn and twist away. It seemed clear to me that the fetus could feel the cannula, and it did not like the feeling. And then the doctor's voice broke through, startling me: 'Beam me up, Scotty,' the abortionist said lightheartedly to the nurse. He was telling her to turn on the suction, in an abortion the suction isn't turned on until the doctor feels he has the cannula in exactly the right place.''

This abortion clinic director went on to write: ''I had a sudden urge to yell, Stop; to shake the woman and say, Look at what's happening to your baby. Wake up; hurry. Stop them. But even as I was thinking those words, I thought of my own hand and saw my own hand holding the probe. I was one of them performing this act'' of abortion.

□ 2330

''My eyes shot back to the screen. The cannula was already being rotated by the doctor and now I could see the tiny body violently twisting with it. For the briefest moment it looked as if the baby was being wrung like a dishcloth, twirled and squeezed. And then the little body crumpled and began disappearing into the cannula before my eyes. The last thing I saw was the tiny perfectly formed backbone sucked into the tube. And then everything was gone. The image of that tiny dead baby mangled and sucked away kept replaying in my mind. What was in this woman's womb just a moment ago was alive. It wasn't tissue. It wasn't cells. This was a human baby, fighting for life. A battle was lost in the blink of an eye.

''What I have told people for years''—8 years as a clinic director at a Planned Parenthood clinic—''what I have told people for years,'' Abby Johnson continues, ''What I believed and taught and defended is a lie.''

I ask Members to read this book, ''Unplanned,'' and realize the scandal of the killing of these unborn children and calling it choice.

Mr. Chairman, there is nothing whatsoever benign or caring or generous or just or compassionate or nurturing about abortion. Earlier one of our colleagues called abortion healthy for the child. Abortion dismembers children piece by piece. Planned Parenthood's own fact sheet talks about D&E abortions done during the second trimester period. Have you ever seen what a D&E is? The doctor goes in with forceps and this device and literally hacks that baby to death. Planned Parenthood itself says it takes 10 to 20 minutes to literally dismember that child.

Then there's the shots in the heart. There's a doctor right here in this area, that on perfectly healthy babies gives them cardiac sticks with either feticide poison or a burst of air which kills the unborn child.

So it is not healthy for children and we know for a fact it is not healthy for women, either.

Mr. Chairman, the Pence amendment simply seeks to end U.S. taxpayer complicity with this massive violence against children. Who we back, who we subsidize does matter. Not just what but who.

Planned Parenthood does more than 300,000 abortions each and every year. They are the largest provider; about a fourth of all the abortions in the United States. It is child abuse. It is time to take a second look at Child Abuse, Incorporated.

Support the Pence amendment.

I yield back the balance of my time.

Ms. SPEIER. I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Mr. Chairman, I had really planned to speak about something else, but the gentleman from New Jersey has just put my stomach in knots, because I'm one of those women he spoke about just now.

I had a procedure at 17 weeks, pregnant with a child that had moved from the vagina into the cervix, and that procedure that you just talked about was a procedure that I endured. I lost the baby. But for you to stand on this floor and to suggest as you have that somehow this is a procedure that is either welcomed or done cavalierly or done without any thought is preposterous. To think that we are here tonight debating this issue, when the American people if they are listening are scratching their heads and wondering: What does this have to do with me getting a job? What does this have to do with reducing the deficit? And the answer is: Nothing at all.

There is a vendetta against Planned Parenthood and it was played out in this room tonight. Planned Parenthood has a right to operate. Planned Parenthood has a right to provide services for family planning. Planned Parenthood has a right to offer abortions. The last time I checked, abortions were legal in this country.

Now, you may not like Planned Parenthood. So be it. There are many on our side of the aisle that don't like Halliburton, and Halliburton is responsible for extortion, for bribery, for 10 cases of misconduct in the Federal database for a $7 billion sole source contract. But do you see us over here filing amendments to wipe out funding for Halliburton? No. Because, frankly, that would be irresponsible.

I would suggest to you that it would serve us all very well if we moved on with this process and started focusing on creating jobs for the Americans who desperately want them.

I yield back the balance of my time.

Mr. CANTOR. Mr. Chairman, I move to strike the last word.

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

Mr. CANTOR. Mr. Chairman, Planned Parenthood receives a third of its $1.1 billion budget from taxpayer dollars. The opposition to this amendment continues to say that this is not about Federal funding of abortion, which the Hyde amendment prohibits. We all know, however, that money is fungible. Taxpayer dollars are going to keep the lights on and the doors open and to pay for things which frees up money for abortions. Recently, Planned Parenthood has been caught red-handed in several different clinics, including one in my hometown of Richmond, aiding and abetting sex trafficking and prostitution of minors.

Now the other side continues to say that Planned Parenthood has a right to operate. They don't have a right to do that. You cannot argue that an organization that engages in patterns of conduct such as those revealed in the videos seen in clinics such as that in my hometown, you cannot argue that an organization like that cares about the rights of women and girls it purports to serve.

So, Mr. Chairman, I ask you: Why on Earth are we giving $363 million in taxpayer funds every year to Planned Parenthood? It is time to say no more. The time has come to respect the wishes of a vast majority of Americans who adamantly oppose giving taxpayer dollars for abortion. That is why I support this amendment, Mr. Chairman, and that is why I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. CICILLINE. Mr. Chairman, I move to strike the last word.

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

Mr. CICILLINE. Mr. Chairman, I'm new to this body but I was just elected to the Congress of the United States and what I heard during the course of my campaign is the urgency to get people back to work, to strengthen the middle class, to create jobs and to deal with the deficit. We've just spent the last 3 hours under the cloak of deficit reduction. My friends on the other side of the aisle have pushed this very extreme amendment, which is targeting women's health care and women's health care providers. This ideological attack comes at the expense of our Nation's women. It's an attack on health centers and will put the lives of millions of women at risk—millions of women who seek and receive health care at Planned Parenthood centers all around this country.

Every year, Planned Parenthood doctors and nurses carry out nearly 1 million lifesaving screenings for cervical cancer and 830,000 breast exams. Its health centers provide contraception to nearly 2.5 million patients, and nearly 4 million patients are treated for sexually transmitted infections, including HIV.

□ 2340

Planned Parenthood provides preventative health care, and that represents 90 percent of its work. We already have a Federal prohibition of using Federal funds for abortion. Not a single penny intended or targeted by this amendment is used to terminate a pregnancy.

What we should be talking about is getting the American people back to work: creating jobs, responsibly dealing with our deficit, and doing everything we can to strengthen the middle class. That's what we were sent here to do. That's what we should be doing.

I urge my colleagues to reject this amendment so that we can get back to the important business of putting Americans back to work.

I yield to the gentlewoman from California.

Mrs. DAVIS of California. Mr. Chairman, I'll bet the American people are really surprised tonight because we are debating a continuing resolution when they are facing tremendous challenges. We should be thinking about them and about the challenges they face. We should be talking, as my colleague has said, about how to save money and about how to create jobs. Instead, we are debating an amendment that will do neither. It will undermine women's health.

This amendment denies women access to reproductive care, and it attacks the health providers that they rely on in their communities. These are health providers that are serving the underserved, and we are spending the evening attacking them.

Planned Parenthood plays a critical role in our Nation's health care system. We know that. These clinics help over 3 million Americans every year. More than 90 percent of the care they provide is preventative.

''Preventative.'' What does that mean? We have many physicians here. What does that mean, ''preventative care''? ''Preventative care'' means that men and women do not have to go through more costly procedures and even that their lives can be saved.

One in five American women has been to a Planned Parenthood health center for services like breast cancer screenings and cervical cancer screenings. We talked about all of that this evening.

I cannot let San Diego families lose these valuable services. I will not let that happen, because I know that, when women have better access to these services, it leads to healthier outcomes for both the women and their children. But this amendment proposes to cut these services under the guise somehow of being fiscally responsible. That's not true. What I know about my State of California is that title X-supported centers saved $581,890,000 in public funds in 2008 alone.

So let's talk about saving money. Let's talk about creating jobs. Let's not talk about constricting women's access to health care. Vote ''no'' on the Pence amendment.

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

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. This has been a good debate this evening. Mr. Chairman, I want to thank you for the time you have allowed this body to stand and have this debate. There has been a lot said. A couple of things, I think, do need to be corrected.

Mr. Chair, we are thinking about the American taxpayer, and we are thinking about our responsibility to the taxpayer. This is not a debate about a vendetta; this is not a debate about Planned Parenthood; this is not a debate about something that is extreme. What this is tonight is a debate about our stewardship and our responsibility to the American people.

Our discussion tonight—and I thank Mr. PENCE for his leadership on this—is how we fund this government in a responsible manner and how we get this government back on track. The taxpayers are weighing in. They're reminding us that we, the Members of the House, are the keepers of the purse of this great Nation, and that it is important that we have these discussions. They want us to do it respectfully; they want us to do it responsibly; and they want us to make wise decisions.

Quite frankly, Mr. Chairman, to give $363 million in taxpayer funds to an organization that has not conducted itself in a manner that suggests it deserves those funds is not respectful of the taxpayer.

I want to go back to what Mr. PENCE said at the beginning of the debate, that this is a debate about who pays. No one is saying that Planned Parenthood has to stop operating or has to stop being an advocate for abortion. What we are saying is that the American taxpayer should not have to foot the bill, especially for an organization that is facing criminal charges, that has admitted wrongdoing, and that is accused of endangering the safety of Americans. The American taxpayers should not have to spend millions of taxpayer dollars on this.

I encourage my colleagues to stand for appropriate stewardship of the taxpayer dollars and to support and vote ''yes'' on the Pence amendment.

I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I move to strike the last word.

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

Mr. GARAMENDI. I had not intended to get into this particular debate.

Mr. ROGERS of Kentucky. Reserving the right to object, we had an agreement. I thought that this would end the debate, and I would hope that that agreement could be agreed to.

Ms. ZOE LOFGREN of California. Mr. Chair, I rise today to express my opposition to the Pence amendment and efforts to eliminate the Title X family planning program.

Title X funding has connected millions of American women with essential health care since it was created forty years ago.

Given that federal funds, including those provided through Title X funding, are already banned from being used for abortion service, the real impact of this proposal is that over 5 million Americans will lose access to health care services—including important preventive care, such as cancer screenings, annual exams, and contraception.

This is a time when we should be focused on creating jobs, helping middle-class families, and encouraging innovation, not restricting access to health care for millions of Americans.

Thank you Mr. Chair, I urge my colleagues to oppose these efforts to eliminate Title X funding.

Mr. LANDRY. Mr. Chair, I rise today in support of the Pence amendment to prevent funds going to Planned Parenthood.

I've heard from many of my colleagues that this amendment defunds many necessary women's health services.

Let me be clear we must expand access to care for women in this country; however, abortion is not health care.

The Planned Parenthood website states, ''Our primary goal is prevention—reducing the number of unintended pregnancies, especially the alarmingly high number of teenage pregnancies, in the United States.'' Abortion is not a method of preventing unintended pregnancies; abortion takes lives that have already began.

We must not continue to support institutions that take unnecessary risks with the lives of young women and institutions that have been proven to be irresponsible with taxpayer dollars, have failed to report statutory rape, and have been caught aiding and abetting sex trafficking.

The thousands of taxpayers who do not condone the slaughter of innocent lives, many of my constituents on the coast of Louisiana, know that they deserve better than to support corrupt organizations.

I urge my colleagues to support this amendment without hesitation.

Ms. MATSUI. Mr. Chair, I rise today in opposition to the C.R. put forward by the Republican majority, and specifically to the defunding of Title X family planning programs, authorized under the Public Health Service Act. Started in 1970 by President Nixon, Title X funding provides for voluntary family planning projects, and is essential to protecting women's health services.

Currently, Title X is our nation's only program dedicated to providing low-income Americans with family planning and reproductive health services. My colleagues on the other side of the aisle are attempting to misconstrue Title X as federal subsidizing of abortion.

However, Title X does not provide for abortion services. But it does cover essential health care for millions of families and women.

From birth control to cancer screenings, approximately 5 million Americans rely upon Title X programs every year. In my hometown of Sacramento, I hear from women who tell me that if community health centers—like Planned Parenthood—close they would have nowhere else to go.

I also hear from health care providers, who tell me that if the local Planned Parenthood closes, they would not be able to absorb their patients.

For women who are unemployed or underemployed, often times they lack quality health coverage. That means that preventive health measures like cervical cancer screenings are financially unfeasible, so they turn to community health centers that receive Title X funding.

It means that care for pregnant women, who should deserve the best possible pre-natal care for their babies feel like they cannot afford to go to the doctor as often as they need to. So they turn to community health centers that receive Title X funding.

It means that young women, who are scared to talk to their parents about their sexual health, who want to seek out birth control and contraceptive measures, often before they become sexually active, but feel like they can't see their family doctor, turn to community health centers that receive Title X funding.

For all of these women, community health centers are their sole source of medical care. We simply cannot afford to cut the lifesaving and preventive care services for those who would not otherwise have access to such care, especially in our current economic climate.

Study after study shows that preventive care makes a healthier person. Preventive care creates healthier outcomes throughout one's life. And preventive care helps reduce health care costs, and will result in a healthier nation—both fiscally and physically.

Recently, I heard from one of my constituents, a woman named Cathy, who has been a health educator for the past 13 years. She started her teaching career at Planned Parenthood under Title X funded grants. Cathy said, "Without knowledge and preventative services, we are bound to accrue more expenses in reactive verses pro-active measures . . ." The House version of the FY11 Continuing Resolution would cut millions of American women off from birth control, cancer screenings, HIV tests, and other lifesaving care.

This outrageous attack would have a devastating impact on the women, men, and teens in our community. For the thousands of women in Sacramento, who depend on the services that community health centers that Title X supports, I urge my colleagues to vote against this harmful amendment. The defending of these vital health programs contained in the C.R. will devastate women's health for generations to come. Increased costs, unintended pregnancies, and spikes in sexually transmitted diseases, would all be consequences of stripping this critical funding.

Millions of young women, all around this country are looking to their leaders in Congress for leadership. It is my hope that this body acts in their interests, and the interests of their families. We must not cut off their only access to medical care.

I once again urge my colleagues to vote against this irresponsible amendment. As a mother and a grandmother, I find it offensive, and shameful.

Ms. HIRONO. Mr. Chair, I rise today in strong opposition to the amendment offered by Congressman PENCE.

Congressman PENCE'S amendment is a threat to women's health. It would prohibit Planned Parenthood from receiving any federal funds. As a result, Planned Parenthood would be disqualified from receiving Title X family-planning grants and other health related program funds.

Much of the cuts in H.R. 1 target the most vulnerable among us—the poor, children, young adults, and now women. We are a diverse country with good people on all sides of an issue, including abortion. I know this amendment strikes at a favorite target of the anti-choice group. Sadly, in pushing their anti-choice agenda, tens of thousands of women in our country will be denied health care services that have nothing to do with abortion.

The vast majority of Planned Parenthood's medical services are related to contraception, testing and treatment for sexually transmitted infections, cancer screening, and other services like pregnancy tests and infertility treatment. Abortion services comprise only 3 percent of the medical care Planned Parenthood provides. Federal law already prohibits Title X funds from being used for abortion services. It is important to point out that there are no known violations of this law. Despite any claims to the contrary, the Pence amendment is clearly a direct attack on women's preventive health care.

Congressman PENCE goes out of his way to name specific Planned Parenthood entities in his amendment that should not be funded, including Planned Parenthood Hawaii. I would like to share with the Congressman and this body my views on how Planned Parenthood Hawaii has helped women and their families.

In Hawaii, there are three Planned Parenthood centers, one in Honolulu on the island of Oahu, one in Kahului on the island of Maui, and one in Kailua-Kona on the island of Hawaii. Together, those three centers:

Served 7,835 patients.

Provided 2,582 cervical cancer screenings that detected 321 abnormal results that required further diagnosis and treatment.

Provided 2,705 breast exams.

Conducted 3,346 tests for chlamydia—the leading cause of preventable infertility—that resulted in 172 positive results and follow-up treatment.

By eliminating funding for the Title X Family Planning Program, the Planned Parenthood Clinic in Kailua-Kona may have to close its doors. That center is one of the only dedicated sexual and reproductive health clinics on the island. The centers on Maui and Oahu would be forced to reduce their clinic hours.

The Pence amendment eliminates a safety net program that provides family planning services and lifesaving preventive care to 3 million Americans every year. I urge my colleagues to join me in opposition to this amendment.

Mahalo nui loa (thank you very much).

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

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

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

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

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

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WESTMORELAND) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

## □ 2350

## LEGISLATIVE PROGRAM

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

Mr. ROGERS of Kentucky. Mr. Speaker, we have had I think a very elevated week of debate about the entire government. This is one of those very rare occasions when the Congress, for a single span of time, debates practically every element in the Federal budget. That is a very, very rare occurrence, and I think we have had a very elevated debate on both sides of the aisle. I want to commend all of the Members, Republicans and Democrats, for a good debate on a whole host of issues.

We are making progress, but we have a ways yet to go. I want to thank Mr. DICKS, the ranking member of this committee, for being very, very, very helpful in moving this process along.

And I have to pause, Mr. Speaker, and remind us all of how important staff is to what we do. This staff has been fantastic. We have been working with Mr. DICKS and leadership on both sides to try to find a way to make the debate concise and reasonable in time. We have reached an agreement that we want to propound to the body now which we think is fair and will give everyone an opportunity to make their presentations in due course of time.

## MAKING IN ORDER FURTHER CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1 in the Committee of the Whole pursuant to House Resolution 92, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations for the purpose of debate; amendments 8, 13, 19, 23, 38, 42, 46, 47, 48, 49, 51, 54, 55, 79, 80, 83, 88, 89, 94, 99, 101, 109, 117, 120, 126, 127, 137, 141, 144, 145, 146, 149, 151, 154, 159, 164, 166, 172, 174, 177, 185, 199, 200, 207, 216, 217, 233, 241, 246, 251, 255, 261, 263, 266, 267, 268, 274, 280, 281, 296, 323, 329, 330, 331, 333, 336, 342, 344, 345, 348, 367, 369, 377, 392, 396, 400, 401, 405, 408, 409, 414, 424, 429, 430, 439, 445, 448, 463, 464, 465, 467, 471, 480, 482, 483, 495, 496, 497, 498, 504, 507, 515, 519, 524, 525, 526, 533, 534, 536, 543, 548, 552, 560, 563, 566, 567, 569, 570, 577, 578, and 583; amendments 27, 278, 466, and 545, each of which shall be debatable for 20 minutes; amendments 104 and 540, each of which shall be debatable for 30 minutes; amendment 273, which shall be debatable for 40 minutes; and amendment 575, which shall be debatable for 60 minutes; and that each such printed amendment: (1) may be offered only by the Member who caused it to be printed in the RECORD, or a designee; (2) shall not be subject to amendment, except that the chair and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and (3) shall not be subject to a demand

for division of the question in the House or in the Committee of the Whole; and that except as otherwise specified in this order, each printed amendment shall be debatable for 10 minutes, and all specified periods of debate shall be equally divided and controlled by the proponent and an opponent.

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

Mr. DICKS. Reserving the right to object, I just want to also join the chairman in congratulating the staff. This is the hardest-working staff I have ever seen in my career. The effort that is put in on a bipartisan basis, this is the cohesive and professional staff that I have seen, and I have been up here on the Hill for over 40 years. I just want to say that Jennifer Miller and David Pomerantz worked very hard to put this agreement together. We asked for some additional time. Our Members wanted a chance to express themselves on some of these very important and sensitive issues that are in this legislation.

But it is my judgement that we should not object; we should accept this agreement and proceed forward and finish this legislation.

I withdraw my reservation.

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

***N O T I C E***

***Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.***

## EXECUTIVE COMMUNICATIONS, ETC.

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

538. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's ''Major'' final rule — Subpart A — Repowering Assistance Payments to Eligible Biorefineries (RIN: 0570-AA74) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

539. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0980; FRL-8861-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

540. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2008-0125; FRL-8860-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2010-0596; FRL-9249-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard; Withdrawal of Direct Final Rule [EPA-R05-OAR-2010-0850; FRL-9258-7] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

543. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identifying and Listing Hazardous Waste Exclusion [EPA-R05-RCRA-2010-0843; SW-FRL-9259-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

544. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans: Tennessee; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Nashville, Tennessee Area [EPA-R04-OAR-2010-0663-201061; FRL-9259-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

545. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Alabama [EPA-R04-OAR-2010-0697-201102; FRL-9259-8] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

546. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Removal of Limitation of Approval of Prevention of Significant Deterioration Provision Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Mississippi [EPA-R04-OAR-2010-0811-201101; FRL-9259-7] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

547. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Antelope Valley Air Quality Management District, Ventura County Air Pollution Control District and Placer County Air Pollution Control District [EPA-R09-OAR-2010-0860; FRL-9249-5] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals; Second Group of Chemicals; Technical Correction [EPA-HQ-OPPT-2007-0531; FRL-8862-6] (RIN: 2070-AD16) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

549. A letter from the Attorney Advisor, Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Wireless E911 Location Accuracy Requirements [PS Docket No.: 07-114] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

550. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — New Agency Logos [NARA-10-0006] (RIN: 3095-AB70) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

551. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Richardson Ash Scattering by Fireworks, San Francisco, CA [Docket No.: USCG-2010-0902] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA [Docket No.: USCG-2008-0747] (RIN: 1625-AA11) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Protection for Whistleblowers in the Coast Guard [USCG-2009-0239] (RIN: 1625-AB33) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL; Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2010-1054] (RIN: 1625-AA11, 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Security Zones; San Francisco Bay, Delta Ports, Monterey Bay and Humboldt Bay, CA [Docket No.: USCG-2010-0721] (RIN: 1625-AA87) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento New Year's Eve, Fireworks Display, Sacramento, CA [Docket No.: USCG-2010-1079] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

557. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Ancorage Regulations; Long Island Sound [Docket No.: USCG-2008-0171] (RIN: 1625-AA01) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## 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 Mrs. NAPOLITANO (for herself, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mrs. CAPPS, Mr. CICILLINE, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. CUELLAR, Ms. HIRONO, Mr. FRANK of Massachusetts, Mr. GONZÁLEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Mr. HOLT, Mr. POLIS, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. KILDEE, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. MATSUI, Ms. NORTON, Mr. PASTOR of Arizona, Mr. LUJÁN, Mr. SERRANO, Mr. RANGEL, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. RAHALL, Mr. SIRES, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Mr. THOMPSON of California, Mr. STARK, Mr. TONKO, Mr. HINOJOSA, and Ms. SLAUGHTER):

H.R. 751. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Energy and Commerce.

By Mr. SCHRADER (for himself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 752. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. LATHAM:

H.R. 753. A bill to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa; to the Committee on Agriculture.

By Mr. ROGERS of Michigan:

H.R. 754. A bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. STARK (for himself, Mr. JACKSON of Illinois, Ms. LEE of California, and Mr. FILNER):

H.R. 755. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on currency transactions; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 756. A bill to direct the Secretary of Transportation to prescribe standards for the maximum number of hours that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GARRETT (for himself, Mr. KING of New York, and Ms. ROS-LEHTINEN):

H.R. 757. A bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes; to the Committee on Financial Services.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. MCKEON, Mr. BISHOP of Utah, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. LAMBORN, Mr. CAMPBELL, Mr. GALLEGLY, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. COLE, Mr. BROUN of Georgia, Mr. CHAFFETZ, Mr. WALDEN, Mr. HUNTER, Mr. TIPTON, Mr. CALVERT, Mr. HERGER, Mr. LABRADOR, and Mr. SAM JOHNSON of Texas):

H.R. 758. A bill to amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. KLINE, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. HUNTER, Mr. CHAFFETZ, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. WALDEN, Mr. HERGER, Mr. LAMBORN, Mr. CRAVAACK, and Mr. CANSECO):

H.R. 759. A bill to require the Director of National Drug Control Policy to develop a Federal Lands Counterdrug Strategy, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, 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 Mr. NUNES:

H.R. 760. A bill to authorize the Secretary of Agriculture to designate certain parts of California's San Joaquin Valley as a rural area for purposes of programs under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, and Mr. DENHAM):

H.R. 761. A bill to allow certain Federal funding provided to the State of California to be used for a project or activity to improve or maintain California State Route 99, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Ms. VELÁZQUEZ):

H.R. 762. A bill to transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program to train public housing residents to provide home-based health services; to the Committee on Financial Services.

By Mr. MICHAUD (for himself and Mrs. SCHMIDT):

H.R. 763. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER:

H.R. 764. A bill to ensure fair treatment of existing levees and flood control structures under the national flood insurance program; to the Committee on Financial Services.

By Mr. BISHOP of Utah (for himself and Ms. DEGETTE):

H.R. 765. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes; to the Committee on Agriculture, 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 Mr. BONNER:

H.R. 766. A bill to extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO:

H.R. 767. A bill to permit individuals to choose to opt out of the requirement to maintain health insurance minimum essential coverage if such individuals also opt out of specified insurance reform protections; to the Committee on Energy and Commerce, and in addition to the Committees on 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 Mr. BOREN (for himself and Mr. BOUSTANY):

H.R. 768. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. COHEN (for himself, Ms. RICHARDSON, Mr. RANGEL, Mr. MCDERMOTT, Ms. NORTON, and Ms. TSONGAS):

H.R. 769. 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; to the Committee on Financial Services.

By Mr. CUELLAR:

H.R. 770. A bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUELLAR:

H.R. 771. A bill to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. HINCHEY, Mr. COHEN, Mr. FILNER, Ms. NORTON, Mr. CONYERS, Ms. BROWN of Florida, Mr. JACKSON of Illinois, Mr. HONDA, and Ms. FUDGE):

H.R. 772. A bill to amend the Internal Revenue Code of 1986 to restore the credit lost by individuals resulting from the replacement of the Making Work Pay Credit with the employee payroll tax cut for 2011; to the Committee on Ways and Means.

By Mr. DEUTCH:

H.R. 773. A bill to establish a separate office within the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 774. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of Tennessee (for himself, Mr. BURTON of Indiana, and Mr. JONES):

H.R. 775. A bill to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ENGEL:

H.R. 776. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 777. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits produced by small producers; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. FATTAH, Ms. HIRONO, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. POLIS, Mr. REYES, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. ANDREWS, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. SIRES, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. WU, Mr. MEEKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. BACA, Mr. GONZÁLEZ, Ms. CHU, and Mr. GENE GREEN of Texas):

H.R. 778. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KINZINGER of Illinois (for himself, Mr. SHIMKUS, Mr. DOLD, Mr. SCHOCK, Mr. HULTGREN, and Mr. JOHNSON of Illinois):

H.R. 779. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. PAUL, Mr. SERRANO, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. CAPUANO, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. HONDA, Ms. SPEIER, Mr. WELCH, Mrs. MALONEY, Mr. GRIJALVA, Mr. KUCINICH, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. BASS of California, Mr. BLUMENAUER, Ms. CHU, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Ms. DEGETTE, Ms. EDWARDS, Mr. ELLISON, Mr. FARR, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Ms. HANABUSA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JONES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. MOORE, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Ms. PINGREE of Maine, Ms. LINDA T. SÁNCHEZ of California, and Ms. LORETTA SANCHEZ of California):

H.R. 780. A bill to provide that funds for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 781. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for hiring veterans; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mr. TIPTON, Mr. GUTHRIE, Mr. TIBERI, Mr. PAUL, Mr. FLAKE, Mr. MILLER of Florida, Mr. LONG, Mr. YOUNG of Alaska, Mr. KINZINGER of Illinois, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. POSEY, Mr. PENCE, Mr. SULLIVAN, Mr. ROONEY, Mr. YODER, Mr. BILBRAY, and Mr. LAMBORN):

H.R. 782. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN:

H.R. 783. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

By Mr. NADLER (for himself, Mr. MEEKS, and Mr. RANGEL):

H.R. 784. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE (for himself, Mr. HEINRICH, and Mr. LUJÁN):

H.R. 785. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Natural Resources.

By Mr. ROHRABACHER (for himself, Mr. JONES, Mr. MCCOTTER, and Mr. MCKINLEY):

H.R. 786. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. BARTLETT, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BOREN, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Mr. DUNCAN of Tennessee, Mr. FORBES, Mr. GARRETT, Mr. HELLER, Mr. HUNTER, Ms. JENKINS, Mr. JONES, Mr. KINGSTON, Mr. LATTA, Mr. LAMBORN, Mr. MCHENRY, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. POE of Texas, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROYCE, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SIMPSON, and Mr. SULLIVAN):

H.R. 787. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. ROTHMAN of New Jersey:

H.R. 788. A bill to help keep students safe on school-run, overnight, off-premises field trips; to the Committee on Education and the Workforce.

By Mr. ROTHMAN of New Jersey:

H.R. 789. A bill to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the ''Sergeant Matthew J. Fenton Post Office''; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Ohio (for himself, Mr. HIGGINS, Mr. CAPUANO, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. TURNER, and Ms. MOORE):

H.R. 790. A bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. FOXX, and Mrs. MCMORRIS RODGERS):

H.R. 791. A bill to amend title 37, United States Code, to provide flexible spending arrangements for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. WEINER:

H.R. 792. A bill to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WOOLSEY (for herself, Mr. BACA, Ms. BASS of California, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr.

HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, and Mr. WAXMAN):

H.R. 793. A bill to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the ''Specialist Jake Robert Velloza Post Office''; to the Committee on Oversight and Government Reform.

By Mr. DEFAZIO:

H.J. Res. 41. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. BACA, Ms. MATSUI, Ms. BORDALLO, Mr. THOMPSON of Mississippi, Mr. MEEKS, Mr. HASTINGS of Florida, Mr. ROSS of Arkansas, Mr. MCGOVERN, Mr. SCOTT of Virginia, Ms. BROWN of Florida, Ms. HIRONO, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. CUMMINGS, Ms. SEWELL, Ms. LEE of California, Mr. FILNER, Ms. MOORE, Mr. SERRANO, Mr. RANGEL, Mrs. NAPOLITANO, Mr. HONDA, Mr. GONZÁLEZ, Mr. COHEN, Mr. LEWIS of Georgia, Mr. DAVID SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. WATT, Ms. WILSON of Florida, Ms. LINDA T. SÁNCHEZ of California, Ms. FUDGE, Mr. RICHMOND, Mr. HOLT, Mr. CLAY, Ms. WOOLSEY, Ms. RICHARDSON, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Ms. WATERS, and Ms. CHU):

H. Con. Res. 19. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary; to the Committee on the Judiciary.

By Mr. HALL (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 97. A resolution providing amounts for the expenses of the Committee on Science, Space, and Technology in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. FINCHER (for himself, Mr. MCINTYRE, Mrs. BLACKBURN, and Mr. COBLE):

H. Res. 98. A resolution expressing the Sense of the House of Representatives that the Commissioner of the Food and Drug Administration should give the greatest weight in making critical policy decisions to readily available hard science data, including evidence from the natural sciences, physical sciences, and computing sciences; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Ms. BORDALLO, Mr. AL GREEN of Texas, Ms. HANABUSA, Ms. HIRONO, Mr. HONDA, Ms. MATSUI, and Mr. WU):

H. Res. 99. A resolution recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. CICILLINE, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. POLIS, and Mr. PAYNE):

H. Res. 100. A resolution honoring the life of David Kato and all who are victims of violence in Uganda because of their sexual orientation or gender identity; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, and Mr. POLIS):

H. Res. 101. A resolution expressing support for the Republic of India to gain a permanent seat on the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Ms. WILSON of Florida, Mr. DIAZ-BALART, Mr. BUCHANAN, Mr. ROSS of Florida, Mr. POSEY, and Mr. WEST):

H. Res. 102. A resolution commemorating the city of Fort Lauderdale, Florida, on its 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself and Mr. MORAN):

H. Res. 103. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a bilateral free trade agreement with Turkey; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAXMAN introduced a bill (H.R. 794) for the relief of Allan Bolor Kelley; which was referred to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. NAPOLITANO:

H.R. 751.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

By Mr. SCHRADER:

H.R. 752.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 and Article IV, Section 3 of the United States Constitution.

By Mr. LATHAM:

H.R. 753.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2 of the U.S. Constitution relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. ROGERS of Michigan:

H.R. 754.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that ''Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States''; ''. . . to raise and support armies . . .''; ''To provide and maintain a Navy''; ''To make Rules for the Government and Regulation of the land and naval Forces''; and ''To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. STARK:

H.R. 755.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. DEFAZIO:

H.R. 756.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. GARRETT:

H.R. 757.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4: ''To establish . . . uniform laws on the subject of bankruptcies throughout the United States.''

By Mr. NUNES:

H.R. 758.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. NUNES:

H.R. 759.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. NUNES:

H.R. 760.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Section 8 of Article I of the Constitution of the United States.

By Mr. NUNES:

H.R. 761.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.

By Ms. WATERS:

H.R. 762.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution of the United States.

By Mr. MICHAUD:

H.R. 763.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution, specifically Clause 1, Clause 3 and Clause 18.

By Mr. ALEXANDER:

H.R. 764.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. BISHOP of Utah:

H.R. 765.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BONNER:

H.R. 766.

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 regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes, as enumerated in Article I, Section 8, Clause 3 of the United States Constitution.

This bill is also enacted pursuant to no State shall enter into any Treaty Alliance, or Confederation, as enumerated in Article 1, Section 10, Clause 1 of the United States Constitution.

By Mr. DEFAZIO:

H.R. 767.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, Clause 3, the Commerce Clause.

By Mr. BOREN:

H.R. 768.

Congress has the power to enact this legislation pursuant to the following:

(1) Clause 4 of Section 8 of Article I of the Constitution; (2) Clause 14 of Section 8 of Article I of the Constitution; and (3) Clause 18 of Section 8 of Article I of the Constitution.

By Mr. COHEN:

H.R. 769.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 (relating to the power to regulate foreign and interstate commerce) of the United States Constitution.

By Mr. CUELLAR:

H.R. 770.

Congress has the power to enact this legislation pursuant to the following:

The Constitution including Article I, Section 8.

By Mr. CUELLAR:

H.R. 771.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8: Powers of Congress, Clause 18: The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Ms. DELAURO:

H.R. 772.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DEUTCH:

H.R. 773.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DEUTCH:

H.R. 774.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DUNCAN of Tennessee:

H.R. 775.

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. ENGEL:

H.R. 776.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1.

By Mr. HINCHEY:

H.R. 777.

Congress has the power to enact this legislation pursuant to the following:

CONSTITUTIONAL AUTHORITY STATEMENT

To accompany:

The Small Distillery Excise Tax Act of 2011

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Article 1—The Legislative Branch, Section 8—Powers of Congress: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. HINOJOSA:

H.R. 778.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clauses 1, 3, and 18 of Section 8 of Article 1 of the United States Constitution.

By Mr. KINZINGER of Illinois:

H.R. 779.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution, under which Congress has the power to lay and collect taxes, duties, imposts and excises, and to pay the debts and provide for the common defense and general welfare.

By Ms. LEE of California:

H.R. 780.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MCCOTTER:

H.R. 781.

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.

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Sixteenth Amendment: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. MCCOTTER:

H.R. 782.

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.

Further, this legislation would enable the States to exercise the rights granted to them by the Tenth Amendment to the Constitution.

Amendment X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

By Mr. MORAN:

H.R. 783.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8 of the United States Constitution, which provides Congress with the power to regulate commerce and relations between the United States and Indian Tribes, and to pass all laws necessary and proper for carrying into execution the foregoing powers, as well as all other Powers vested by the Constitution.

By Mr. NADLER:

H.R. 784.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1, 17, and 18.

By Mr. PEARCE:

H.R. 785.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. ROHRABACHER:

H.R. 786.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution. The authority to enact this legislation is also derived from Amendment XVI of the United States Constitution.

By Mr. ROHRABACHER:

H.R. 787.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ROTHMAN of New Jersey:

H.R. 788.

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 provide for the general welfare of the United States. . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof; as enumerated in Article I, Section 8.

By Mr. ROTHMAN of New Jersey:

H.R. 789.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. RYAN of Ohio:

H.R. 790.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the United States Constitution: Congress shall have power. . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. LORETTA SANCHEZ of California:

H.R. 791.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18),

which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WEINER:

H.R. 792.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. WOOLSEY:

H.R. 793.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

Mr. WAXMAN:

H.R. 794.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution provides that Congress shall have power to ''establish an uniform Rule of Naturalization''. The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. As the Court found in Galvan v. Press, 347 U.S. 522, 531 (1954), ''that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government.'' And, as the Court found in Kleindienst v. Mandel, 408 U.S. 753, 766 (1972) (quoting Boutilier v. INS, 387 U.S. 118, 123 (1967)), ''[t]he Court without exception has sustained Congress' 'plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden.' ''

By Mr. DEFAZIO:

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.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. CANSECO.

H.R. 23: Mr. DOYLE.

H.R. 38: Mr. TIPTON and Mr. GOODLATTE.

H.R. 97: Mr. PLATTS.

H.R. 100: Mr. HUNTER.

H.R. 104: Mr. POE of Texas.

H.R. 122: Mr. BROOKS.

H.R. 125: Mr. MCCOTTER.

H.R. 140: Mr. HARPER and Mr. ALEXANDER.

H.R. 178: Mr. ROE of Tennessee, Mr. WEST, Mr. SCHIFF, Mr. PASTOR of Arizona, Mr. BILIRAKIS, Mr. WOLF, Mr. BROOKS, and Ms. CASTOR of Florida.

H.R. 181: Mr. KINZINGER of Illinois and Mr. WALZ of Minnesota.

H.R. 186: Mrs. BACHMANN.

H.R. 199: Mr. GENE GREEN of Texas.

H.R. 234: Mr. CANSECO.

H.R. 272: Mr. BARTLETT and Mr. RIBBLE.

H.R. 303: Mr. BROOKS and Mr. LOEBSACK.

H.R. 308: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CAPPS, Ms. RICHARDSON, and Mr. CUMMINGS.

H.R. 327: Mr. OWENS and Ms. SUTTON.

H.R. 332: Mr. MARKEY.

H.R. 333: Mr. PEARCE.

H.R. 337: Mr. WOMACK.

H.R. 360: Mr. ROSS of Florida, Mr. LATTA, Mr. GINGREY of Georgia, Ms. FOXX, Mr. CRAVAACK, Mr. COFFMAN of Colorado, Mr. PEARCE, Mr. KINZINGER of Illinois, Mr. DESJARLAIS, Mr. THOMPSON of Pennsylvania, and Mr. BARLETTA.

H.R. 361: Mr. WOODALL, Mr. COFFMAN of Colorado, Mr. CANSECO, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. HUNTER, Mr. AUSTRIA, Mr. POMPEO, and Mrs. BLACK.

H.R. 365: Mr. COOPER and Mr. LOBIONDO.

H.R. 412: Mrs. BACHMANN.

H.R. 420: Mr. MATHESON, Mr. BOREN, Mr. ROSS of Arkansas, and Mr. ALTMIRE.

H.R. 421: Mr. LANKFORD, Mr. GIBBS, Mr. GUINTA, and Mr. BARTON of Texas.

H.R. 428: Mr. RIVERA, Mr. ROSS of Florida, and Mr. CANSECO.

H.R. 437: Mr. YODER.

H.R. 440: Mr. MARINO and Mr. SENSENBRENNER.

H.R. 456: Mr. FRANK of Massachusetts.

H.R. 459: Mr. WALSH of Illinois.

H.R. 470: Mr. SHERMAN and Ms. CHU.

H.R. 492: Mr. ROTHMAN of New Jersey.

H.R. 497: Mr. PETRI and Mr. KINZINGER of Illinois.

H.R. 498: Mr. WEST.

H.R. 501: Mr. ROTHMAN of New Jersey and Mr. FRANK of Massachusetts.

H.R. 529: Mr. WITTMAN.

H.R. 535: Mr. HIMES.

H.R. 539: Ms. ROYBAL-ALLARD and Mr. GEORGE MILLER of California.

H.R. 548: Mr. NEUGEBAUER.

H.R. 567: Mr. CANSECO.

H.R. 570: Mr. WEINER, Mr. GENE GREEN of Texas, and Mr. MCKINLEY.

H.R. 584: Mr. KIND.

H.R. 589: Mr. DOYLE.

H.R. 605: Mr. HUNTER and Mr. GRIFFIN of Arkansas.

H.R. 607: Mr. ELLISON and Mr. LANGEVIN.

H.R. 614: Mr. CICILLINE.

H.R. 673: Mr. SESSIONS, Mr. KINZINGER of Illinois, and Mr. WESTMORELAND.

H.R. 692: Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. GARRETT, Mr. MILLER of Florida, and Mr. WESTMORELAND.

H.R. 700: Mr. PETRI.

H.R. 711: Mr. COSTA.

H.R. 718: Mr. BILBRAY.

H.R. 721: Mr. COSTA.

H.R. 735: Mr. ROSS of Florida, Mr. HARRIS, and Ms. FOXX.

H.R. 738: Mrs. CAPPS and Ms. WASSERMAN SCHULTZ.

H.R. 743: Mr. GUTHRIE.

H.J. Res. 1: Mr. BENISHEK.

H.J. Res. 2: Mr. ALTMIRE, Mr. GUTHRIE, Mr. BENISHEK, Mrs. BLACK, Mr. CANSECO, Mr. DEFAZIO, Ms. JENKINS, and Mr. LATOURETTE.

H. Con. Res. 12: Mr. WAXMAN, Mr. SHERMAN, Mr. PETERS, Mr. COHEN, Mr. HASTINGS of Florida, Mrs. CAPPS, Mrs. LOWEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. KEATING, Mr. ROTHMAN of New Jersey, Mr. PLATTS, and Mr. KING of New York.

H. Con. Res. 13: Mr. POMPEO.

H. Res. 60: Mr. FALEOMAVAEGA, Mr. COSTA, and Mr. PETERSON.

H. Res. 61: Mr. LATTA and Mr. DAVIS of Illinois.

H. Res. 83: Mr. OLVER and Ms. WILSON of Florida.

H. Res. 95: Mr. GRAVES of Missouri.

H. Res. 96: Mr. FITZPATRICK, Mr. MEEHAN, Mr. BARLETTA, Mr. GERLACH, Mr. PITTS, Mr. SHUSTER, Mr. DENT, and Mr. THOMPSON of Pennsylvania.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, FIRST SESSION

*Vol. 157* WASHINGTON, THURSDAY, FEBRUARY 17, 2011 *No. 26*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

You are awesome, O God. We acknowledge Your sovereignty and might. Give our Senators a sense of Your nearness, as You nourish them with the reality of Your presence. Take their human and finite minds and illuminate them with the light of Your eternal wisdom. May their daily lives validate the faith of our Nation's Founders and all who have sacrificed for freedom. Teach them to think seriously about the blessings of liberty and help them to be grateful for this land of freedom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 17, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the Federal Aviation Administration bill. There will be up to 2 hours for debate equally divided and controlled between the proponents and opponents of the Inhofe amendment prior to a vote on the motion to invoke cloture on the Inhofe amendment, as modified. The filing deadline for second-degree amendments to this bill is 10 a.m. today. As a reminder, cloture was also filed on the bill. That cloture vote will occur upon disposition of the Inhofe amendment or, if cloture is not invoked on the Inhofe amendment, immediately following the Inhofe cloture vote. Senators should expect rollcall votes to occur throughout the day in an effort to complete action on the FAA bill.

I ask unanimous consent that the previous order for Senator COATS to be recognized at 1:30 p.m. be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAA AUTHORIZATION

Mr. REID. Mr. President, we are at a point where we can finish the FAA bill after all these many years. That was not a mistake. For years, we have been trying to get this bill completed. We are going to have a vote in 2½ hours, an important vote dealing with the so-called slot arrangement; that is, what air companies get to fly into which airports and what time and all that stuff. It has been very controversial.

We have had two main issues that have held up this legislation. One is a labor-management disagreement. That has gone away. Now we have the issue dealing with slots that will go away as a result of the cloture vote that will occur sometime in the next 2½ hours.

We can complete this legislation today. There is no reason we can't complete the legislation today. We have a number of votes that will have to be cast. That is something we will do. We are going to work to complete this legislation. Today is Thursday. It would be an appropriate time to finish.

As I mentioned last night, we have the Presidents Day recess when we need to go home to constituents. As I mentioned last night, I am always amazed—a lot of times, the press writes that we have gone back for a break, and ofttimes they write as if we are going to go back and leisurely hang around the house. The fact is, when we go home, we have a lot of work to do. Our constituents throughout the State are there during the week. We have government buildings that are open, and we can go visit there and do all the many things we have to do. For example, I have to address the Nevada State Legislature next week. These are the kinds of things we need to do during the time we go home.

I, like everyone else, would like to get back to my home in Searchlight more quickly, but we have to finish this legislation. There is no reason we can't. Everyone has had their opportunity to debate, to offer amendments. We could have as many as eight or nine amendments to vote on. There is work being done with Senator COBURN now to see if we can somehow condense his five amendments to a couple. The managers will work that out. We are on a path to being able to finish this legislation. I hope we can finish today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

## NET NEUTRALITY

Mr. MCCONNELL. Mr. President, yesterday, Republicans in both the House and Senate, led by Senator HUTCHISON, introduced a resolution of disapproval under the Congressional Review Act to repeal the so-called net neutrality regulations recently adopted by the Federal Communications Commission.

We believe, as most Americans do, that the Internet has transformed our society precisely because people have been free to create and innovate free from government intrusion. As Americans become more aware of what is happening here, I suspect many will be as alarmed as I am at the government's growing involvement in this area of our lives. They will wonder if this is a Trojan horse for further meddling by the government. We intend to use the tools available to us to push back against this meddling, and I want to thank Senator HUTCHISON for taking the first step in our effort.

## STIMULUS TWO-YEAR ANNIVERSARY

Mr. MCCONNELL. Mr. President, two years ago today, at a moment of deep economic uncertainty, the President signed a bill that he said would put us back on track. It was a plan, he said, that would ''save or create'' up to 4 million jobs over 2 years—a figure that he called his bottom line for success, a plan that was supposed to drive unemployment below 7 percent by now. And it was predicated on the notion that government spending—spending borrowed money on government programs—was the recipe for a rebound; a plan that said if we ''invest'' in government, we will get out of this mess.

We were told the bill included record investments. And then we learned what the administration means by ''investment:'' a plant database project; a multimillion dollar facelift for the Sunset Strip; a study of the mating decisions of female cactus bugs; hundreds of millions of dollars to a solar panel company that was supposed to double its workforce but ended up cutting jobs instead; massive bailouts to the States; turtle tunnels. Senators get the drift.

Within a year of its passage, the so-called stimulus bill had become a national punchline.

Nearly a trillion dollars was added to the debt as a result of this bill in the name of investing in our future. And in the 2 years since it was signed, we have lost millions of jobs.

And now they want to do it again. They are back for more.

Just as amazing is the fact that the same people who touted this bill now refuse to cut government spending. We learn about another wasteful stimulus project just about every day, and they say they can't find a dime's worth of government spending to cut?

It defies common sense.

I mean, if we can't cut a turtle tunnel when the country is $14 trillion in the hole, we have problems. It is time to turn over the credit card.

The bottom line here is that 2 years after the President told us he was investing in our future, here is what we have to show for it: higher unemployment than they predicted and trillions more in debt.

The fact is, dangerously high debt has actually slowed the recovery, making it harder to create private sector jobs.

So in my view this second debate was over before it started.

Massive government investment of borrowed taxpayer money as a tool for economic growth has been a failure.

## TRIBUTE TO PADUCAH

Mr. MCCONNELL. Mr. President, I wish to recognize the people of Paducah, KY, for all of the efforts they have made to make their city one of our country's best places in which to work, visit or live. Now that hard work has paid off. Paducah has been recognized by the National Trust for Historic Preservation as one of their Dozen Distinctive Destinations in America in 2011.

The National Trust for Historic Preservation seeks to recognize cities and towns that offer an authentic cultural and recreational experience. They take into account a community's commitment to the historic preservation and revitalization of its downtown, its rich cultural history, attractive architecture and a town's core character. Obviously, I think Paducah ranks highly in all of these criteria, and I am glad the National Trust for Historic Preservation, after considering thousands of communities across the Nation, agrees.

The history of Paducah is a history of life on the river. Paducah was originally settled because of its strategic position on the Ohio River, and traffic on the Ohio and the Tennessee River drove its economic development. As rivers were America's original highways, Paducah was founded on vital arteries of trade and commerce.

That history is still alive in Paducah because of the hard work of many to preserve their city's heritage. For years I have worked along with local leaders to enhance some of the city's greatest attributes; namely, Paducah's downtown and riverfront. Paducah is now a vibrant river town. I would encourage my colleagues, the next time they are planning a vacation, to keep Paducah in mind.

The National Quilt Museum of the United States, the River Discovery Center, the Lower Town Arts District, the Upper Town Heritage Walking Tour, and much more await them there. I will point out that the National Trust for Historic Preservation also recently named Paducah as having one of the most romantic main streets in America.

The Paducah Sun recently published an article about this high honor received by the city.

Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From paducahsun.com, Feb. 15, 2011]

CITY NAMED DISTINCTIVE DESTINATION

(By Will Pinkston)

Paducah keeps adding awards to its trophy shelf, as the city was named one of the 2011 Dozen Distinctive Destinations in America by the National Trust for Historic Preservation.

Since 2000, the National Trust for Historic Preservation annually selects communities across America that offer cultural and recreational experiences setting them apart from typical vacation destinations. Consideration for this honor comes with communities exhibiting a commitment to historic preservation and revitalization of their downtown centers, displaying their diverse cultural history and architecture, and showing efforts to implement sustainable ''green'' concepts.

''This is an incredible honor to be named by the national trust,'' said Rosemarie Steele, marketing director for the Paducah Convention and Visitors Bureau. ''There's strong criteria for qualifications and we've met all of them.''

Steele said several factors helped to put Paducah in the running for the trust's honor.

''Paducah's history is really rich in the diversity and the prosperity of being a river town,'' Steele said. ''The spirit of the people who decided to save and preserve downtown, which started years ago, and kept the moment alive, have made us a vibrant river town.''

The trust considered Paducah attractions, such as the National Quilt Museum of the United States, the annual Quilt Show, the River Discovery Center, the Lower Town Arts District and Upper Town Heritage Walking Tour.

''(The National Trust for Historic Preservation) wants to know what the hidden gems are, like all the creative experiences we have,'' Steele said. ''More than 5,000 people learn their craft in Paducah, not just quilting, but the arts, throughout lower town.''

The National Trust for Historic Preservation also considered the city's ''walkability,'' according to Steele, with many of Paducah's historic and cultural attractions centered within only a few blocks of one another.

''Paducah celebrates its past in a wide variety of ways, from protecting and restoring landmark buildings to commissioning artists to create life-sized historic murals,'' said Stephanie Meeks, president of the National Trust for Historic Preservation.

While being included on the Dozen Distinctive Destinations list is an honor in itself,

the National Trust for Historic Preservation asks the public to vote for the 2011 fan favorite on its website. Voters may cast ballots once daily through March 15. The winner will be announced March 16. Last year's fan favorite community was Marquette, Mich.

''We're really excited about the voting and we think we can win this one,'' Steele said. ''We're hoping to get a whole lot of help from the community to help us become the distinctive destination and fan favorite.''

Paducah's appearance on the trust's Dozen Distinctive Destinations list comes on the heels of it being named as having one of the most romantic main streets in America just this past week, Steele said. Towns from across the country submitted five photographs that best illustrated why their main street and downtown districts should be considered among the most romantic in the country; Paducah was included in the top five, alongside towns in Louisiana, Tennessee, Connecticut and Indiana.

''The beautiful thing about all of this is it really puts us in front of so many people through the national trust,'' Steele said. ''These honors will resonate with so many people who are considering on moving here.''

To vote for the Dozen Distinctive Destinations fan favorite, visit www.preservationnation.org/ddd/.

Mr. MCCONNELL. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. 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.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe modified amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the Essential Air Service Program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Udall (NM) modified amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) modified amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Hutchison further modified amendment No. 93 (to modified amendment No. 7), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the time be equally divided in the quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. CANTWELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the filing deadline for second-degree amendments be extended up until the cloture vote.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I came to the floor to briefly voice my very strong support for this FAA reauthorization bill and to thank my chairman, JAY ROCKEFELLER, for his leadership.

Many people have said this, but it is worth repeating. This is a jobs bill. The FAA reauthorization act is going to modernize our air transport system. As many have said far more eloquently than I could ever say, we are looking at a system that has its roots in the 1940s and the 1950s, and we need to move beyond this and get a 21st century system. That is what NextGen is going to do—give us a much better way to handle all of those flights, all of that congestion. It is going to be, in addition to a jobs bill—280,000 jobs nationwide—it is also going to be a bill that focuses on safety. The growth that will be spurred on by this bill is crucial, because this industry also accounts for nearly 11 million jobs and more than 5 percent of U.S. GDP.

I want to talk about two issues I have a great stake in for the people of California and, frankly, for the people of this country. The first issue is the passengers' bill of rights. I am so grateful to our leader on the committee, Senator ROCKEFELLER, and his ranking member, KAY BAILEY HUTCHISON, for ensuring that this bipartisan legislation—I wrote it with Senator SNOWE—is included in the FAA bill.

We have all heard the horror stories of travelers trapped for hours without adequate food or water, some not even able to access their medicines; planes filled with screaming kids; upset passengers and unsanitary conditions from overflowing toilets.

In fact, it is a situation that, if anyone has ever been in it, makes an indelible mark, and, frankly, it makes you less likely to want to fly in the American skies because you have a chance at being one of those unfortunate people to get trapped in such a situation.

I thank Kate Hanni, a constituent of mine who was trapped in one of these aircraft for hours on the tarmac and got off the plane and said: I need to do something about this. She is the one who lobbied very hard, a citizen's lobby, to get a passengers' bill of rights.

I am grateful the Department of Transportation, under President Obama, took the first step by adopting key elements of our passengers' bill of rights through regulation last year. Secretary LaHood, who heads the Department of Transportation, sent a strong message and basically said airlines must give passengers the option of deplaning if they have been stranded on the tarmac for more than 3 hours.

According to the Bureau of Transportation Statistics, there have only been 12 tarmac delays of more than 3 hours from May to October of 2010, after the Department of Transportation instituted this rule, compared to 500-plus in the same period a year earlier. So by putting in a regulation that tells the airlines they cannot keep people on planes past 3 hours and, if they do, they have to give them an option to get off, we have turned things around. We have seen 12 tarmac delays compared to 500. We want to codify these consumer protections. We want a law. We don't know what the next President

will do. We don't know what could happen. We need a law that says they cannot keep people on an aircraft for more than 3 hours unless they are about to take off in the next 30 minutes or the pilot says there is a danger in taking passengers back to the gate.

We have very commonsense loopholes. But we don't have any loopholes on this: they have to have adequate water, food, and access to clean restrooms if there is any type of delay.

We also set up a consumer complaint hotline within the DOT which would give passengers the means to communicate directly with the agency about delays. Someone will be on the other end when people are exhausted and upset and need to have redress.

The passengers' bill of rights has broad bipartisan support. It passed the Senate 93 to 0 last March. We believe we now have to see it through.

I understand some of my friends on the other side of the Capitol in the House have said no to the 3-hour time period. We are going to have to fight hard for it because the bottom line is, if we don't have an end time, we could go back to the same delays.

The last issue I wish to bring before the Senate that is important not only to my State but to every State is the issue of having more direct flight options into Washington, DC, Reagan National Airport than we have now for many cities across this great Nation. We have now 38 million people in California. We have an economy that is about the seventh largest in the world. We have one direct flight from Los Angeles into Washington National Airport. If one lives in San Francisco, Sacramento, San Diego, San Jose, Fresno, or any other city in our great State, they do not have an option of flying directly into our Nation's Capital. That is not good for business or jobs in California. It is not good for business or jobs in Washington or Virginia.

We need to encourage more domestic tourism. That creates jobs for our communities. Tourism in my State generated $90 billion and supported 881,000 jobs in 2009 alone. It makes a difference flying into the airport right here in DC. We can be in the Capitol in 15–20 minutes, depending on traffic, compared to getting off in Dulles, a great airport but not easy. Once we get off the plane, we have to get into a special train, and we walk and we go up escalators. We go on moving walks. It is quite good for exercise, but it is not good if one is interested in getting somewhere in a reasonable amount of time. Then the drive could be anywhere, on a good night, from 50 minutes to an hour and a half. That makes a difference to travelers, particularly those who are working or have work in this area.

I know there is a compromise on which my chairman and ranking member have been working to open some more slots so we can get more options in our State and other States that are likewise deprived. I will be supporting that compromise. It is crucial.

We need to have a bill that includes increasing service for citizens beyond this kind of artificial perimeter that was set up. We can't afford to wait any longer as opportunity lies in the balance. We are not going to overrun Washington National. Nobody wants to do that. We only want to do what makes sense and allow more freedom for the airlines to pick the routes for which they have a demand.

We have one direct flight into all of California. Boy, one can never get on that either. It just doesn't make any sense. We have multiple flights out of Dulles. There is not a balance there at all.

Again, this is a jobs bill. This is a consumer bill. This is a bill that is going to help commerce. I strongly support it.

I yield the floor 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. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, Senator BOXER—and not everybody knows this—is the author of the passengers' bill of rights. It has been an obsession of hers. It is not about helping airlines; it is about helping human beings. That has been a long process on the committee. It is in the bill. It is a very good part. She is responsible for all of that.

When Senator BOXER talks about more flights to the West, she echoes my deepest thinking. It is hard sometimes for people to understand. We are the East, and we get the feeling that everything happens in the East. But the fact is, the West is growing and the East is not. All of our slots are predicated on the fact that everybody lives in the East. Yes, there are some people out West—well, there are a lot more people out West. Los Angeles is huge beyond belief. That happens to be the home of Senator BOXER. But there are a lot of cities out there which don't get service and should have service. We have tried to address that in this bill.

The slots issue has been a very difficult one in the bill. But we have tried to address that by allowing the Department of Transportation to say: Are they getting enough? Is DC overcrowded or is it not? If it isn't, then they allow more to come on.

I enormously appreciate Senator BOXER in general. She chairs an important committee, but she comes to our hearings and always makes enormous contributions. On this bill of rights she is the author, which puts her right up there with the Founding Fathers.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague and friend Senator BOXER to hail the inclusion of the passengers' bill of rights in the reauthorization of the FAA. We have worked together for 5 years to protect passengers, and moving the passengers' bill of rights off the ''to-do'' list and into law will be a victory for the traveling public.

Senator BOXER and I have worked diligently as far back as the spring of 2007 to move this essential safety measure forward. Last year's passage of the FAA reauthorization bill brought us closer to our goal, but the legislation expired as the House and Senate grappled with other issues. Undeterred, Senator BOXER and I continued to stand up for this common sense safety and consumer protection proposal.

Make no mistake, providing airline travelers with access to food, water, restrooms, and medication is not just an issue of comfort—passengers who are pregnant, elderly, or ill require access to clean water and appropriate facilities—and no passenger should be held against their will just steps from an airport facility.

When passengers are able to safely deplane in the event of a delay, they absolutely should be given the choice to do so. This proposal ensures that passengers are given the right to get off a plane after 3 hours of delay on the tarmac. In 3 hours, a passenger could drive from Portland, ME, to Boston, complete an Olympic triathlon, or watch a full length movie. In that time, airlines can certainly ascertain whether or not they will actually be able to get off the ground. In March of last year, American Airlines flight 160 from San Diego to New York sat on the runway in Philadelphia for more than 5 hours, with passengers wondering if they ever would make it to New York.

Passengers already compete for window and aisle seats, and hope for exit rows with a bit more legroom. In fact, a Web site has made a business of providing charts of each air carrier's planes to show which have the best seats. The average airline seat is 17.2 inches wide, and passengers stuck in middle seats are given so little space to move. We have reached the point where we consult the Web to find which seat is least painful. Consumers want assurances that they will not be confined to their seats for any longer than necessary, and this bill helps assure passengers that their time in these tight spaces won't be longer than absolutely necessary to get to their destination.

We have gone from a record high of 268 flights delayed on the tarmac in June of 2009, to zero planes delayed on the tarmac for more than 3 hours in 2 consecutive months in October and November of last year. In the 8 months since the DOT rule was put in place, only 15 flights were delayed for more than 3 hours; in the same 8-month period the year before 586 flights with thousands of passengers aboard were held on the runway for hours on end.

After so many years of hearing horror stories of passengers being held hostage aboard aircraft for 9, 12, and even, what I believe is a record, 16 hours, passengers will be able to point

to Federal law that protects them. I hope the only runway record we set in the near future is the number of consecutive months without a single tarmac delay.

To its credit, the Department of Transportation took our bill, and wrote much of it into regulation, and for that, I commend Secretary LaHood and his predecessors. Flights will no longer be stranded on U.S. runways for hours on end, with passengers on board just hoping for clean water, lights, or appropriate facilities. The Department will also impose a fine of $27,500 per passenger on a stranded flight. Airlines that neglect the welfare of passengers aboard their aircraft won't soon forget the hefty fines they face.

The rules and regulations drafted by the Department of Transportation go a long way towards addressing our concerns. While it would be easy to say the job is done, and passengers are protected, I am pleased the FAA reauthorization will codify the passengers' bill of rights provisions.

It is critical that the Department of Transportation understands that the passengers' bill of rights will extend these passenger protections to international flights using U.S. airports. A passengers' final destination should not dictate his or her rights on the runway. Let us be clear, this passengers' bill of rights applies to every passenger on every commercial plane taking off from or landing in the United States or its territories.

At the end of a flight, there is simply no excuse for trapping people aboard an aircraft for hours on end with airport facilities only yards away. On December 26, 2010, four international flights were held at their U.S. destinations for upwards of 10 hours. While the airport and airlines continue to bicker over who was responsible for the delay, we want to make sure it never happens again. This legislation will ensure that airlines operating international flights will have a strong incentive to find a way to give passengers a way out. It is my hope that in the future all airlines will move heaven and earth to ensure that passengers are not trapped aboard aircraft without access to basic needs.

Airports and airlines have worked hard to improve service and reduce delays. In Portland, one of the major airports in Maine, the number of cancelled flights has dropped from 702 in 2001, to 213 in 2010, and the airport had the greatest percentage of on time departures since 2002. The naysayers who told travelers that these new rules would cause hundreds of cancellations have been proven wrong. Now, if we could only tame our famous New England winter storms, we could reduce that number even more.

This bill also provides recourse to consumers who have complaints or concerns about their air travel experience. When you have an issue with air travel, a consumer complaint hotline at DOT will be available to take your call. While it is our hope that this bill will improve the flying experience for travelers, passengers should have a clear path to addressing concerns with airlines. DOT should serve as a clearinghouse for collecting these concerns so a ''big picture'' view of the entire industry is available.

I am pleased that this legislation puts into Federal law the clear right of passengers to be treated with dignity while traveling. Reasonable treatment aboard aircraft should not just be a rule, it should be a legal right of passengers.

I look forward to working with Senator BOXER on other vital transportation issues that affect our rail lines, ports, and highways, and the entire Nation. With the reauthorization of many of our transportation programs this year, I am confident that improving the movement of passengers and freight will remain a congressional priority.

Ms. COLLINS. Mr. President, I rise today to speak about a Federal program that creates jobs, improves communities, and ensures air travel throughout the United States. The Essential Air Service Program was created in the wake of the airline deregulation of the 1970s to ensure the continuation of commercial airline service for smaller communities.

Four airports in Maine participate in the EAS Program: Augusta, Rockland, Bar Harbor, and Presque Isle. The EAS Program supports these communities and creates direct and indirect jobs.

If the EAS Program were discontinued, travelers would lose choices and the economies of these communities would suffer. For residents of northern Maine, the only way to travel by air would be following a 3- to 4-hour car drive.

The Maine Department of Transportation calculates that 1,351 direct and indirect jobs rely on aviation activities at the four Maine EAS airports. In rural areas such as Rockland and Presque Isle, these jobs make a huge difference. Without EAS, these jobs would likely disappear.

Additionally, without EAS, our rural communities would be less able to attract new businesses and residents. A businessperson may be less likely to locate a new operation in northern Maine if scheduled airline service is more than 3 hours away. It would be simply unfair to pull the rug out from under these rural communities as they try to attract new jobs and businesses.

EAS is a small fraction of the total FAA spending, but it has a large impact on our Nation's rural communities and travelers. I strongly support the Essential Air Service Program and will oppose eliminating this program.

Mr. REID. Mr. President, we have a briefing by the Secretary of State. We have votes scheduled at 10 until noon, about. I ask unanimous consent that vote be extended to 10 after the hour of noon to allow Members to listen to the Secretary of State and still move the bill along.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have talked to the Republican leader. He knows I have asked this consent.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 380

Mr. MCCAIN. Mr. President, in a few minutes, I will ask the Senate to proceed to the consideration of S. 380. S. 380 extends the Andean Trade Preference Act. But first I would like to make a few comments about the importance of this trade preference act.

I am very aware that a lot is going on in the world and there is upheaval in the Middle East and there is a lot going on on both sides of the aisle on spending, and I am very aware of what has dominated the news and the attention of the Congress and the American people. I want to talk for a few minutes about the importance of the Andean Trade Preference Act and the need to reauthorize it.

I remind my colleagues that the Andean Trade Preference Act was first enacted by President George Herbert Walker Bush as a way to boost the licit economies of several Andean nations that were major producers of illegal drugs. Over the past two decades, this program has been supported by Democratic and Republican Presidents, it has been reauthorized by Democratic and Republican Congresses, and it has been widely recognized as a dramatic success—creating jobs for our workers, who can sell cheaper imports to American consumers as a result of these trade preferences, while also supporting the economic development of strategically important countries in our hemisphere.

One of these countries is Colombia. We have been rightly focused on other parts of the world over the past decade, but one of the untold success stories is Colombia's transformation from a failed state to a thriving democracy. It has been one of the world's great stories and one of the greatest bipartisan triumphs of U.S. foreign policy in recent memory.

Through the courage and perseverance of the Colombian people, the government and armed forces of Colombia took their country back from terrorists and drug traffickers and warlords who murdered the innocent indiscriminately and sowed our society with illegal drugs. We were with them every step of the way. It was President Bill Clinton, together with a Republican Congress, who first enacted Plan Colombia, and it was President George W. Bush, initially with a Democratic Congress, who expanded Plan Colombia.

Over the past decade, the U.S. taxpayer has invested more than $8 billion to help Colombia win its war, and it has been some of the best money we have ever spent on a national security program. Remember, the Plan Colombia and the war, where we helped the Colombians take back their country from FARC and the terrorists and drug dealers, were to prevent drugs from coming to the United States of America, where the demand was created.

So I am proud that as an act of generosity and help on the part of the American people, it was in America's national security interest to see Colombia not become a failed state, which it almost was 10 years ago.

The Andean Trade Preference Act has been a critical component of this effort. It has provided Colombia, along with other Andean nations, essential open access to our markets that has catalyzed their success. What is more, the vast majority of the products these countries are exporting to us Americans barely produce at all, such as cut flowers. So it provides a huge benefit for our partners, with little competition or displacement for our workers.

Unfortunately, after the long record of bipartisan support for this successful and vital program, the last Congress did something deeply shortsighted and terrible: Rather than extend the trade preferences, as previous Congresses have done, it made their passage and the passage of other vital free-trade measures conditional on the extension of a whole array of new government spending—spending our country cannot afford.

As a result, the Andean Trade Preference Act expired last weekend and with it the privileged market access that is so vital to key Andean partners, such as Colombia. What is even more terrible, we are failing Colombia at the worst of all possible times, as it is struggling to recover and rebuild from massive flooding. I saw with my own eyes the massive flooding, where hundreds of thousands of people have been displaced. They have been devastated, and the estimated cost to rebuild is several billion dollars.

But it is even worse than that. Not only has this Congress denied Colombians vital trade preferences at a time when their country is literally underwater, it has done so amid the continued failure to ratify the Colombia Free Trade Agreement. This agreement mainly benefits us, leveling the playing field for U.S. workers seeking access to Colombian markets.

But the signal of strategic commitment that it sends to Colombia can't be understated. By failing for 5 straight years now to pass a Colombia Free Trade Agreement, we are sending the opposite signal—that the United States is an unreliable and untrustworthy ally and that we seem to be incapable of rising above our own domestic political differences to consolidate our strategic partnership with one of our best friends in the world. It is sad.

No trade agreement during a time of great need due to a natural disaster, and how have the Congress and the administration responded? By failing to extend critical trade preferences for Colombia and our other Andean friends. We have kicked an ally while they are down and right when they need us most. Colombian officials tell me that without these trade preferences, their cut flower industry, which is one of the pillars of the Colombian economy, could contract by 15 to 20 percent in the coming weeks.

Now is the time to right this wrong. Now is the time to come together and extend the Trade Preference Act—by itself, on its own, and on its merits, just as Congresses before us have done. This legislation will do that. It will extend the privileged market access for our Andean friends until November 30 of next year. After we have invested so much in the success of the Andean region—investments that have earned us enormous goodwill and gratitude—why would we do anything to call our friendship into question? Why would we do anything that harms our allies? We cannot afford not to extend the Andean Trade Preference Act.

Let me also explain something to my colleagues. Before we went out of session last year, we made an agreement—and the Senator from Ohio, whom I see on the floor and who was one of the negotiators—that the trade adjustment assistance would be extended along with the Andean Trade Preference Act. The interesting thing about that extension is that it was not only an extension of the trade adjustment assistance as it was prior to the stimulus being passed, but also after. In other words, the trade adjustment assistance had gone up to some $2.6 billion, an additional $620 million for the remainder of this year. So it is in existence today, with $1 billion being spent on various programs. There is a GAO study that severely questions these multiple employment and training programs that are in existence today. They talk about the $18 billion being spent to administer 47 programs, an increase of 3 programs and roughly $5 billion since their last reporting.

What I am asking my colleagues who are supportive of the TAA is to agree to an extension of the Andean Trade Preference Agreement in return for our extension, our agreement to extend the trade adjustment assistance at the level of pre-stimulus. The stimulus was supposedly advertised as a one-shot deal. So why should we increase trade adjustment assistance in keeping with the enactment of the stimulus package? Now that the stimulus is supposedly over, can't we go back to previous levels of adjustment assistance?

I wish to make the record perfectly clear: This proposal of killing off trade adjustment assistance is in being as we speak today. We are saying we don't want the increase that was put in in 2009 as a result of the stimulus package.

Things are not great in our Western Hemisphere. We have a return of Danny Ortega in Nicaragua, we have Hugo Chavez continuing to consolidate power in Venezuela. We are seeing other nations in the region—and I won't enumerate them—that are becoming more and more dictatorial, totalitarian, and anti-American. So when we don't extend the ATPA, the signal to our friends and our adversaries in the region is very clear: You can't count on the United States of America to keep its solemn agreements negotiated and ratified by Republican and Democratic Presidents and Congresses.

I understand and appreciate and respect the Senator from Ohio, the Senator from Pennsylvania, and the Senator from Montana and their dedication to trade adjustment assistance. I am not seeking to end TAA. We are seeking to leave TAA at its previous level prior to the stimulus package being enacted. I don't understand why that shouldn't be sufficient in this era of huge deficits and debts.

I ask my friend from Ohio and those on the other side of the aisle who oppose a long-term extension—who oppose the Andean Trade Preference Act being extended—that we would agree to the extension of the trade adjustment assistance only at the level where it was before. Isn't that reasonable? Isn't that reasonable? It is $1 billion a year. It is $1 billion a year that is going to be allowed under the TAA.

Again, I understand there are a lot of things going on in the world. There are a lot of things going on domestically. There are a lot of things happening, but shouldn't we pay attention to our friends, our little friends who helped us so much in this war on drugs? If they had become, as they nearly did 10 years ago, a failed state, the consequences to the United States national security would have been profound. We are watching the violence in Mexico and we are alarmed by it, including the death of a DEA agent and the wounding of another one in the last couple of days in Mexico. My friends, that was a Sunday school picnic compared to what was going on in Colombia before we helped them with the Andean Trade Preference Agreement. I urge my colleagues to please consider at least a short-term extension of this ATPA, along with the basic TAA, at least to give these people an opportunity to recover from the devastation they have experienced.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 380. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. BROWN of Ohio. Madam President, reserving the right to object, I know the Presiding Officer, the junior Senator from North Carolina, wants to

be part of the TAA extension. I appreciate that, as do Senator CASEY and Senator MCCAIN and Senator BAUCUS.

My problem is this: I want to work with Senator MCCAIN on this. I want to make this work. I want to extend the Andean trade preferences. He and I worked this agreement out with Senator KYL and Senator CASEY and others at the end of last year, in the last 2 hours of the session. I think that was the time line. Right at the end, we were able to extend all of this, but only for 6 weeks. He wanted longer, I wanted longer, but we couldn't get an agreement.

Senator MCCAIN asked, is it not reasonable to extend the old TAA. The old TAA started 50 years ago. It was a great program. It was bipartisan. It has always been that. But it is not reasonable to do only the old TAA. There have been 150,000 workers who are eligible since the Recovery Act passed for the expanded TAA because they happen to have lost their jobs to countries we didn't have a free trade agreement with. They were not eligible under the old one, but they are eligible under the new one. Or they happen to be service workers. They are eligible under the new one but not under the old one.

It is a situation where because of things we do in this body—we pass a trade agreement, people lose their jobs. We have an obligation—I know people are focused on government spending, as we should be, and on the deficit, as we should be, but this is an action of the House and Senate. We pass tax policy here. We give tax breaks to companies that move overseas. Why don't we pay for this TAA with something like that? We could always do that.

The point is there are so many workers in this country who have lost their jobs because of trade agreements, because of tax law and trade law. They should be eligible for getting some assistance so they can get retrained and go back to work. We all know people in our States—Arizona, Nevada, Oregon, Texas, West Virginia, and Ohio—where that has happened.

The other thing we need to extend is the health care tax credit. We know that literally thousands of workers—I can give you some examples quickly: 400 Americans in Arizona, 1,400 Americans in Georgia—mostly Delta workers—6,800 Americans in Michigan, 9,200 Americans in Ohio, 68,000 Americans scattered around every other State in this country—because of the Recovery Act and the expansion of the health care tax credit, they would be able to continue to get their health care.

So with reluctance—I don't want to do this, because I want to see the Andean trade preferences extended—I am going to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Madam President, all I can say to my friend from Ohio is we have deep sympathy for the plight of the citizens of Ohio who have been very hard hit in this economic disaster that this Nation has undergone in the last couple of years. There has been enormous loss of jobs and income on the part of the citizens of Ohio, and particularly that part of the country. I would also argue that my home State of Arizona has suffered rather dramatically as well.

But does it make sense to dramatically increase any program at this particular time? We are already spending $1 billion a year. That seems to be a significant amount of money.

I would also point out that a lot of these training programs have drawn scrutiny and even criticism from the GAO. This criticism has been kind of telling. It says:

> In fiscal year 2009, nine Federal agencies spent $18 billion to administer 47 programs, an increase of three programs and roughly $5 billion since they reported in 2003.

So I don't think we could see tangible benefits from the trade adjustment assistance. But we are willing, I say to my friend from Ohio, to continue to support a $1 billion program per year for trade adjustment assistance when we are slashing vital programs that people know are far—we are all having to make sacrifices. Can't my friend from Ohio be satisfied with $1 billion for trade adjustment assistance?

Again, I wish to say, we do have problems in our hemisphere. We do have Brazilians striking out on a new and independent course. We have Venezuela, Nicaragua, Ecuador, Bolivia, we have these countries that are looking on us as either an adversary or an enemy, depending on which country we are talking about. So the message we are sending by not at least extending this agreement I think is a terrible one, and I ask my friend from Ohio to reconsider.

I also wish to say this: The President of the United States and the White House should be weighing in on this. The President of the United States has said he wants the Korea Free Trade Agreement and we want the ''Colombian and Panamanian Free Trade Agreement'' as well.

Well, if they want that, should they not want to extend the trade preferences that were negotiated by President Bush and extended under President Clinton? Should we not want that—and Republican and Democratic Congresses alike?

I have taken too much time of this body. Again, I ask my friend from Ohio to reconsider, negotiate, do whatever we can before we continue to send this terrible message to our friends in the hemisphere who have literally laid down their lives in the war against drugs, which we have felt is in vital U.S. national security interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent for 2 minutes to make a motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I have great respect for the senior Senator from Arizona. I wish to find a way—and I will give some specific names of people who have benefited from the expansion of TAA. I brought in a stack of literally 500 letters from Georgia, Michigan, and Ohio—the States hit the hardest—some 300 people in Arizona, and others who have benefited from the expansion of the health care tax revenue and TAA.

I offered to Senator MCCAIN—other than the fact that it costs more money, and I don't dispute that—that if we can work on specific problems they have with individual parts of the expansion and if there is a way of working out any kind of language they don't like, I am happy to do that. I am going to offer a unanimous consent request on TAA and tax credits and on Andean. The reason I objected is I cannot walk off this floor having helped the workers in Ecuador and Colombia but not the workers in Toledo and Cleveland and Phoenix and Charleston, WV. That is why I will make this request—which will help in every case—on the Andean trade preference, TAA, and health care tax credit.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 11, H.R. 359, that a Brown of Ohio substitute amendment, also on behalf of Senators HAGAN and CASEY, which provides an 18-month extension for trade adjustment assistance, and the Andean Trade Preferences Act be agreed to, the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I certainly didn't want to get too much into this debate because the fact is that GAO concluded:

> Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improving employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inconclusive or restricted to short-term impacts.

We are talking about an additional $1.6 billion. We can't do that. Why in the world the Senator from Ohio and other Senators from his part of the country were satisfied for years with a TAA of roughly $1 billion and now are not satisfied with that in these times of economic difficulties confounds me. It is a sad day for our friends in Colombia and the Andes who have sacrificed so much on our behalf. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN of Ohio. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 93, AS FURTHER MODIFIED

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the cloture vote with respect to amendment No. 7 be vitiated; further, that amendment No. 93 be further modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified is as follows:

Strike all after the word ''Sec'' and add the following:

**___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.**

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109. The Secretary may not grant more than 2 slot exemptions under paragraph (1) to an air carrier with respect to the same airport, except in the case of an airport serving a metropolitan area with a population of more than 1 million persons.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(C) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(D) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(E) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary—

''(1) shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109; and

''(2) shall afford a scheduling priority to slots currently held by limited incumbent air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service .''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

Mrs. HUTCHISON. Madam President, we are ready for the vote on the amendment. I ask for a vote on amendment No. 93, as further modified.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 93, as further modified.

The amendment (No. 93), as further modified, was agreed to.

AMENDMENT NO. 7, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to Inhofe amendment No. 7, as amended.

The amendment (No. 7), as amended, was agreed to.

Mrs. HUTCHISON. Madam President, I wish to ask the Senator from Arizona to engage in a colloquy with myself and Senator ROCKEFELLER and any others who wish to speak within this colloquy regarding an issue that was not able to be resolved because of the time constraints.

I want to say that every stakeholder representing constituents all over America gave greatly to adopt this amendment that will have, in my opinion, a responsible relaxation of the perimeter rule at Washington National Airport.

We can talk about the details certainly as we move forward, but there was one major issue left unresolved that I think deserves a colloquy so we know what we have to do to finish this process in conference before we adopt an FAA bill that is a very important bill for our country.

I ask the Senator from Arizona to state his concerns about the unfinished part of this bill, and then we will open it for discussion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first, I ask unanimous consent that the cloture vote on the underlying bill occur at 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, very briefly, the Senator from Texas is correct. No one who was directly involved in these negotiations is pleased with the outcome. Some will say that must be a pretty good outcome then. One of the things we did in order to enable us to come to agreement is defer a big issue. That issue will have to be resolved in conference. It is the issue of how the additional flights that are being allowed under this legislation will be allocated among the various air carriers.

Ordinarily, an agency will make a decision based upon criteria the Congress lays out in the underlying legislation; otherwise, their decisions can be challenged as arbitrary and capricious. It is up to us to devise what those standards are. We were not able to agree on them. It is one of the things we will have to try to come to an agreement with each other about and then articulate a position with our House colleagues in conference. This pertains both to the original or first-year tranche as well to the second-year tranche.

I hope my colleagues and I can continue to work together in the spirit of cooperation to devise good criteria so the last piece of this legislation can be put into place.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to make a couple of observations. First of all, I apologize to all of our colleagues having to postpone cloture and precloture votes. What has happened is a number of folks have come in at the very last second and asked for changes. That is not usually the way committee business is done. We have been on this for a number of years. But we have to face the reality of that fact. We want to get cloture, and we want the bill to pass.

I say to my friend from Arizona that I will work with him and with—whether it is GAO, DOT, or whomever we decide to work with or both, which we can obviously do and which is in the legislation; the GAO is automatic for any Member—that I will work to try and resolve this problem as best as I can.

There are many problems wandering around, but the basis of the bill, the structure of the bill, the overall bill is actually not just about slots. That is a relatively small part. It has been virtually all of the conversation and the debate.

As Senator HUTCHISON pointed out, a new air traffic control system, airline safety, all kinds of other things, are so predominantly important that we have had to proceed in this way to try to accommodate our colleagues, and that we will continue to try to do.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, let me thank the chair and the ranking member for their leadership on this issue. Along with my colleagues from Maryland, we have the airports that are most affected by these changes, and we have worked in that spirit of compromise. As the Senator from Arizona noted, I don't think anyone is totally satisfied.

I wish to particularly single out the ranking member and the chair for their willingness to acknowledge our work on the issue of the effects of these additional flights. Going up from where the House position was and the airport authority's original position was to make sure—vis-a-vis Dulles—that the economic effects of this and the question involving the potential shared debt service between the two airports be addressed. This was an issue, again, that we were not able to resolve, but I appreciate the chair, the ranking member and their staffs' willingness to continue to work as this bill goes to conference.

It is very important that we get this bill passed and we move forward on NextGen and all the other important parts of the FAA bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, there have been a lot of negotiations on this amendment, but I do think we now have a breakthrough and a way forward to solve the unresolved issues and pass a very good FAA bill.

In general, the amendment does relax the perimeter rule, with exemptions. There will be five new entrant capabilities—''new entrant'' meaning air carriers that do not serve National Airport now at all—and limited incumbents that have fewer flights from National Airport will get five new slots that will be able to go outside of the 1,250-mile perimeter that has been a standard restriction at National Airport. In addition, there will be seven flights that incumbent carriers can exchange from inside the perimeter to outside the perimeter.

Earlier the Senators from outside the perimeter, which is basically west of St. Louis or Denver, have wanted 75 new flights. They came down to 30, then they came down to 21, and now we are at 16. That would be total because the last four would come later, after a study has shown that there would not be disruptions or congestion at National Airport. So I think we have a very limited number of flights that will be coming in to National Airport—a total of 16 but, of those 16, 11 are already flights that go in and out of National. Thanks to the good work of the Senators from Virginia and Maryland, there will be very little increase or disruption in the National Airport area.

In addition, although the western Senators negotiated down significantly from what they originally wanted, the Senators from the northwest also wanted to have the capability for more competition and more consumer access, and I agree with them. I think they did a great job. Senator WYDEN, Senator CANTWELL, Senator MERKLEY, and Senator MURRAY also had great concerns, along with the Senators from Alaska, Senator MURKOWSKI and Senator BEGICH. They had concerns we had to address. And the California Senators most certainly have wanted more access from California, and that is a huge population base that will now have better access to National Airport as well as Dulles.

I think that is the outline of the amendment we have just adopted, and we are going to continue to work in conference. The House bill has five new entrants only, and we have 16. We have conversions; the House does not. So there will be a lot of talk and a lot of input, but my goal is to have more competition, to have strengthened air carriers for our overall U.S. air competition, and to ensure that the people west of the Mississippi River have access to National Airport.

I think we have made a good start, and I commend all of those who have been involved in a very delicate negotiation. I especially thank my chairman, Senator ROCKEFELLER of the Commerce Committee, for helping us to get to this point where we could pass an FAA bill.

As has been mentioned, we are on our 18th short-term extension of FAA, and if we are going to have the next-generation air traffic control system, a modernization of the air traffic control system and the safety requirements, we have to pass the underlying bill. So we have taken a major first step. It is not the end by any means, but it is the beginning of the end.

I now recognize Senator WYDEN, who was very much a part of resurrecting from the dead, I would say is not too strong a term, the amendment that

would have gone by the wayside but for his persistence in ensuring that we could come to terms that would make no one happy but also no one truly unhappy.

Mr. WYDEN. Madam President, I yield to the distinguished chairman of the Commerce Committee, and I ask unanimous consent that I be allowed to speak briefly after the chairman of the Commerce Committee has spoken.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to echo what Senator HUTCHISON has just said. In the process of legislation, if you look at it logically, you do it over a period of years—1 or 2—or a number of months, and people get their amendments in. That has not been the case here. On the other hand, one has to recognize that people feel very strongly, and when Senators feel very strongly, they have that right, and they have the right to try, therefore, to affect the legislation even though it may be at the very last moment. I think everybody is acting in good faith.

I appreciate very much the Senator from Washington, MARIA CANTWELL, because she has given up a lot and she has also been very cooperative. She is going to be the new chair of the aviation subcommittee, which I look forward to and appreciate. I also appreciate the leadership of Senator HUTCHISON and all other Members—the Senator from Virginia whose time I have taken, Senator WYDEN—who have participated in trying to work this out. It is not a beautiful process, but it is one that throughout the Senate has been solid and strong, and it needs to be voted for when that time comes. As I said, slots are not the only issue. The other issues are huge, and they are resolved without any contentiousness at all. So in that spirit of really thanking all who fought for what they have a right to fight for and saying that we have tried to respond as best we could—and if nobody is entirely happy, that probably means it is a good bill, a good approach—I wish to thank everyone.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I appreciate the chance to speak for just a few minutes.

I particularly wish to thank Senator HUTCHISON and Senator ROCKEFELLER and tell colleagues that last night, at 10 o'clock, after hours and hours worth of negotiation, I thought the prospect of working this out was absolutely gone. I thought that once again the Senate would walk away from the idea of trying to come up with a way to have a more competitive market-oriented system in the aviation sector.

Obviously, this is not all that needs to be done, but this issue of slots, I would say to colleagues and the folks who are listening, is not about adding more gambling machines; this is about the right to land a plane. In much of our country, we have crowded airports, and folks are very concerned about that because it really relates to the business climate and it relates to quality of life. And it is not just in my part of the country but lots of other parts.

So this morning we still had three or four outstanding issues. A group of Senators, on a bipartisan basis, got together. We were just a little ways up here in the building, and in good faith we worked through a variety of issues—issues to make sure everybody was treated fairly in terms of scheduling, issues to ensure fairness with respect to the new flights and to something called conversion, which essentially involves taking short distance of flights and turning them into long distance flights. We still have some matters, obviously, that we are going to have to review with respect to studying this issue and ensuring all airlines have equal access to the markets. It is a sensitive subject, particularly to folks here in Virginia and Maryland. So these are areas that are going to take some additional work, but I think, with the new provisions that have been added, particularly to make sure we would have the five new round-trip flights from Reagan National, ensuring these new slots would be intended for long-distance, for out-of-perimeter, we have moved a long way to ensure that the Senate will go into conference on a bipartisan basis in a unified fashion.

Madam President, I would like to take particular note of the extraordinary work done by Senator CANTWELL, my colleague from the Pacific Northwest. When you reach an agreement such as this, which had three or four provisions, in effect, that were still being thrashed through this morning, it only comes together when colleagues say they have to find a way to get to some common ground and they can't simply go into a negotiation and have everything their way. Nobody, in my view, in these discussions moved more from the position they were most interested in than Senator CANTWELL.

Chairman ROCKEFELLER has been right to note that she will be the chair of the subcommittee. I can assure colleagues that no one will do more to protect the consumer, protect competition, and to protect the marketplace that we would like in the aviation sector than Senator CANTWELL. She was instrumental last night and this morning, where we practically could have been fed intravenously and she just stayed put and kept negotiating to get to the point where we had an agreement on these slots.

I referenced, Chairman ROCKEFELLER, when the Senator was off the floor, that we can continue this kind of cooperation as we have this bill pass the Senate and we go to conference. There is a reason we couldn't resolve the slots issue in the past; that is, despite efforts to come together, we just couldn't get Senators to focus on these three or four outstanding issues that were dealt with this morning. I think we have been fair to the big markets under this agreement as well as the smaller markets.

So as the chairman goes into the conference, I think the good will that came about as a result particularly of last night's efforts and this morning's efforts and all the cooperation he and Senator HUTCHISON have shown—he will be able to take an issue that was seen as absolutely impossible to resolve even as of late last night—because I felt when I walked in this morning that we were just going to hang drapes on this question and possibly the whole bill. I think now this bipartisan effort in good will shown by a lot of Senators on both sides of the aisle, led by the chairman and Senator HUTCHISON, is going to pay off. It is a very good start to an issue that isn't going to be resolved today, but some of the principles that have been laid out today are going to make a huge difference.

I wish to close by saying that my colleague from the Pacific Northwest, Senator CANTWELL, who I believe knows as much about aviation as anybody on the planet at this point, did an awful lot to bring people together.

I look forward to working with the chairman as we go to conference, and I thank him for his cooperation. I also look forward to talking about some additional issues that he knows I care a lot about—the drones that are so important to central Oregon—but I acknowledge that he has made it possible for us to make an enormous amount of headway today, and I look forward to working with him and Senator HUTCHISON in the days ahead.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Georgia.

(The remarks of Mr. ISAKSON are printed in today's RECORD under ''Morning Business.'')

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FCC RESOLUTION OF DISAPPROVAL

Mr. ENSIGN. Mr. President, yesterday, along with Senators HUTCHISON and MCCONNELL, I introduced a Resolution of Disapproval that if adopted, will overturn the FCC's attempt to regulate the Internet through its recent Open Internet Order.

In December, the FCC, defying Congress and the Judiciary, announced an order that will give it sweeping new authority to regulate content on, and access to, the Internet. Particularly in today's economy, the Internet and associated applications should be able to

evolve without unnecessary government interference that could stifle innovation. The last thing the government needs to do is once again burden the private sector with additional burdensome regulatory red tape. While the FCC's action is certainly concerning, it should come as no surprise considering this administration's history of usurping the private sector's role in our economy and replacing it with more heavy-handed federal regulation. As we have learned, such regulation only serves to micro-manage private businesses and limits the ability of companies to grow. On the contrary, this order will serve to smother creative new uses for the Internet and to slow the expansion of advanced broadband networks.

As you know, the Internet has become an indispensable part of our economy and an integral part of our society. It is a source of innovation, information, entertainment, commerce, and communication. Largely unfettered by government laws and regulations, the Internet owes much of its success to innovators and entrepreneurs having the freedom to imagine, explore, and create new uses for the Internet. The innovation and ingenuity associated with the creation and development of the Internet in this country is a prime example of what the private sector is capable of if its hands are not tied by Washington bureaucrats. The problem with the FCC's order is that it puts the FCC in the position of being the final arbiter of what broadband service providers can and cannot do with their networks. As the Internet evolves, new network services and management practices may be necessary or desirable. Yet, I fear that companies will now either be barred from innovating or will have to seek the FCC's permission first.

Under the order, Internet providers ''shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management''. The order also states that these providers ''shall not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service.'' Guess who gets to make the determinations as to what constitutes ''lawful'' or ''reasonable''? Not the consumer. Not Congress. Rather, it is the unelected bureaucrats at the FCC, alone, that will make those determinations. This gives the Federal Government, for the first time, the power to make decisions that will affect what websites consumers can and cannot access and how they may access them.

I continue to believe that the competitive market is the best means to preserve and advance the future of the Internet. That is why I have continued to fight the FCC's attempts at regulating the Internet under the guise of preserving ''openness''. In 2009, I cosponsored an amendment with Senator HUTCHISON that would have prohibited the FCC from using any appropriated funds ''to adopt, implement, or otherwise litigate any network neutrality based rules, protocols, or standards.'' Also, late last year, I authored a letter, signed by 28 of my colleagues, to the FCC urging it not to proceed with this order.

With the sweeping new authority the FCC has given itself, one question that should be asked: Is this order even necessary? How many people in this country have been unable to access the Internet like this order would suggest? Do the American people really want more government oversight when it comes to the Internet? The Internet is that last frontier when it comes to innovation without government interference, do we really want to jeopardize this? Isn't this more like a solution looking for a problem?

Consumers today have more access to more Internet services than ever before. Business has invested tens of billions of dollars in new broadband infrastructure. Internet entrepreneurs continue to offer new services, applications, devices, and content to users of broadband Internet networks. In this type of environment, there is little justification for this type of proposed intrusion into the broadband marketplace It appears, then, that this Order is simply a solution in search of a problem that does not exist. As we have seen time and again in Washington, this is a recipe for producing unintended consequences.

I do believe that government does have a significant role to play in guiding the future of the Internet. There is a role for the government in guiding the future of broadband, but net neutrality misses the mark. The new government restrictions provided for under the FCC's order will only serve to reduce the private sector's investment in our nation's broadband infrastructure. Rather, Congress should work with industry to find ways to encourage broadband investment and to promote competition among Internet providers. Investors are eager. During this economic downturn, tens of billions of dollars have been invested in new broadband infrastructure. In turn, this has enabled Internet entrepreneurs to offer new services, applications, devices, and content to more and more users of broadband Internet networks.

President Obama recently announced his initiative to expand broadband deployment so that 98 percent of Americans have access to wireless Internet service. I support this goal. However, for this goal to be achievable, there needs to substantial private sector investment and participation, which cannot coexist with the FCC's order. In fact, I am confident that if Congress and the courts do not act to reverse this order, it will discourage investment, stifle innovation, and cost this country more jobs.

The FCC's order is anti-free market, anti-competitive, will threaten American innovation and cost American jobs. What possible reason would the private sector agree to invest under this type of heavy-handed regulatory environment provided under this order? I cannot think of one. In fact, this order only creates disincentives for private investment and innovation, which will only put us behind the rest of the world. Consumers today use and have access to more Internet services than ever before. While the FCC order will have little positive impact for consumers, it will certainly reduce the potential for innovation and investment in broadband networks. This will dramatically slow the pace of that innovation and jeopardize billions of dollars of future investment into broadband networks.

The good news is that Congress has the tools to correct this. I encourage my colleagues to support the Hutchison-McConnell-Ensign Resolution of Disapproval. This will allow Congress to repeal the FCC's dangerous order on net neutrality. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SILVER FLEECE AWARD

Mr. KIRK. Mr. President, we are spending money that we do not have. The administration's budget proposes taxing the American people to the tune of $2.6 trillion, spending $3.7 trillion, and borrowing $1.1 trillion. Under the budget, interest payments on the debt are set to quadruple from $200 billion this year to $900 billion in 10 years.

The great Harvard economic historian, Naill Ferguson, has stated that the decline of a country can be measured when it pays its money lenders more than its Army. We will hit that level in the next few fiscal years.

Now, in response today, I am announcing our first Silver Fleece Award. It is not a Golden Fleece Award because in this time of austerity, we can no longer afford that. We pay homage to Senator William Proxmire of Wisconsin that put forward the Golden Fleece Award in the late 1970s and 1980s.

Working with Senator TOM COBURN of Oklahoma, we feature what is in his ''Wastebook'' on a new site called ''Wastebook on Facebook.'' There, the Silver Fleece Award is being proposed in three parts for a vote by people who wish to participate.

This month we had three nominees for the Silver Fleece Award. The second runner up was a pair of National Science Foundation grants worth $456,000. These grants went to studies on why political candidates make vague statements and how Americans use online dating. The first runner up was for $615,000 in a grant to create a library archive about the Grateful Dead, a well-known rock-and-roll band.

However, neither of these two projects were voted on as the worst of

the current waste we see. Instead, the inaugural winner of the Silver Fleece Award is for a nearly $1 million grant going to fund signs to display poetry in zoos. The organization administering the program, Poets House and Public Libraries, states that the goal of the program is to ''deepen public awareness of environmental issues through poetry.'' I would add, using borrowed taxpayer funds.

Thanks to this nearly $1 million program, a visitor to the Little Rock Zoo in Arkansas can now read the words of author Hans Christian Andersen saying:

Just as living is not enough, said the butterfly. One must have sunshine, freedom and a little flower.

I would argue that future generations would be far more interested in a life without debt, and taxpayers should not pick up the bill for such projects.

I ask unanimous consent to have printed in the RECORD the 2008 Readers' Digest article, the Poets House and Public Libraries statement on the Language of Conservation, and the April 15, 2010, article from the Arkansas Democrat Gazette.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POETS HOUSE AND PUBLIC LIBRARIES

PUBLIC LIBRARIES: THE LANGUAGE OF CONSERVATION

The Language of Conservation is a Poets House program designed to deepen public awareness of environmental issues through poetry. The program features poetry installations in zoos, which are complemented by poetry, nature and conservation resources and programs at public libraries. Working with five zoos and four public libraries in New Orleans, Milwaukee, Little Rock, Jacksonville, and Chicago, Poets-in-Residence collaborated with wildlife biologists and exhibit designers to curate exhibitions in zoos that feature poems celebrating the natural world and the connection between species. The installations debuted in 2010 on the following dates: Little Rock on April 17; Jacksonville on May 14; New Orleans on May 15; Brookfield on May 22; and Milwaukee on June 19.

The Poets-in-Residence are Mark Doty in New Orleans, Joseph Bruchac in Little Rock, Alison Hawthorne Deming in Jacksonville, Pattiann Rogers in Milwaukee, and Project Leader Sandra Alcosser in Brookfield, IL (just outside of Chicago). The Chicago-based American Library Association is collaborating with Poets House to share the outcomes of the project—which is designed to be replicated—with libraries throughout the United States and beyond. The Language of Conservation is made possible with funding from the Institute for Museum and Library Services.

This partnership between poetry and science began as a successful program developed by Poets House and the Wildlife Conservation Society that incorporated poetry into wildlife exhibits at the Central Park Zoo in New York City. Through the Central Park Zoo project, Wildlife Conservation Society researchers discovered that the use of poetry installations made zoo visitors dramatically more aware of the impact humans have on ecosystems.

A story about the Language of Conservation, with a focus on Project Leader Sandra Alcosser, appears in 360, San Diego State University's blog.

[From the Arkansas Democrat-Gazette (Little Rock), Apr. 15, 2010]

POETRY DRIVES HOME MESSAGE AT ZOO: 50 PIECES GOING UP TO GET PATRONS TO THINK ABOUT NATURE, THEIR ROLE IN IT

(By L. Lamor Williams)

Conservation was a foreign concept when notable 19th-century author Hans Christian Andersen wrote: ''Just living is not enough, said the butterfly. One must have sunshine, freedom and a little flower.'' The Little Rock Zoo is hoping such poetry posted around the park will inspire patrons to think of their place in the world alongside nature.

The Little Rock Zoo is one of five around the country chosen to participate in a $1 million federal grant program aimed at promoting conservation through poetry.

''The goal of the installation is to make you think a little bit more about the place of humanity in nature,'' said Susan Altrui, a spokesman for the zoo. ''The impact that we have on our environment and the natural world is something we should all consider.'' The zoo's share of the grant was $31,000, which covers the cost of the signs and their installation around the park. The other zoos are in Chicago, New Orleans, Milwaukee and Jacksonville, Fla.

Little Rock Zoo employees have been working to install excerpts of nature-inspired poems around the park and plan to have all 50 pieces up by Saturday morning.

The banner that displays Andersen's quote hangs in a play area near the exhibits that house small North American animals such as geese and prairie dogs. The yellow words seem to float on a blue sky next to a lone monarch butterfly above a field of sunflowers. Many may be familiar with such Andersen works as The Little Mermaid and The Ugly Duckling.

The program is funded by the Institute of Museum and Library Science—created by the federal Museum and Library Services Act of 1996—in conjunction with the Central Arkansas Library System, the Poets House nonprofit group, the Little Rock Zoo and the Institute for Learning Innovation, Altrui said.

The five zoos were chosen by the Institute for Learning Innovation—a nonprofit group that seeks to support museums, libraries and other learning institutions—and the Poet's House—a national poetry library and literary center—to mimic a program started at New York City's Central Park Zoo last year, she said.

''They saw a lot of success with it. It was done with the same organizations. They saw quite a shift in attitude before and after in how people viewed conservation,'' Altrui said. ''The installation was making them think more. It was making them understand the connection between animals, wildlife and humanity's place in the world and in nature.'' The Institute for Learning Innovation has already randomly surveyed zoo visitors and will conduct another survey sometime after the program is in full swing to measure attitudes toward conservation and whether the project had any impact on Little Rock Zoo visitors, Altrui said.

''The [follow-up] survey will gauge whether or not this has had any effect on attitudes and whether or not someone has learned,'' Altrui said. ''If we're not doing something that encourages learning, then why are we spending the money on it. Having that measurement tool is important when you have a federal grant. We want that measurement tool also to make sure that what we're doing is effective. '' A grand-opening ceremony will serve as a highlight of the zoo's Earth Day celebration, which begins Friday at 9 a.m. and runs through closing time Saturday. The grand opening of the Language of Conservation poetry installation begins at 10 a.m. Saturday at the Civitan Pavilion.

Among the speakers will be Little Rock Mayor Mark Stodola and poet Joseph Bruchac, who wrote some of the poetry featured around the park, Altrui said. A full list of the zoo's Earth Day Party for the Planet events, is available at littlerockzoo.com.

J.J. Muehlhausen, project director, said she has been on pins and needles waiting for the final pieces to be installed. Among them, a large print poem that will greet visitors at the arch over the zoo's entryway.

Her favorite poem has already been installed above the entrance to the park's Cafe Africa. It's a simple piece by W.S. Merwin that reads: ''On the last day of the world I would want to plant a tree.'' ''I think that even when we leave this world there will still be trees on this world,'' she said. ''The first job that God gave us as humans after he created us was to take care of the flora and fauna—the plants and animals—of this world. That was our No. 1 job assignment.''

Mr. KIRK. I would also like to now announce the new nominees for the next March Silver Fleece Award. First, we will have the opportunity to vote to give the Silver Fleece Award for a $150,000 transportation grant to create a ''wildlife crossing'' at Monkton, VT. This is a technical term for a tunnel that will allow salamanders and other animals to cross below a road.

Our second nominee is a $46,000 grant from the National Science Foundation to study why people lie in text messages.

Third, we will nominate funding for a videogame called WolfQuest which was funded by a $508,253 grant from the National Science Foundation to a Minnesota zoo. We invite your votes and your feedback on ''Wastebook on Facebook'' to decide what next month's silver fleece award winner will be.

The sad thing is, the only loser currently is the American people.

I yield the floor 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. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, in about 5 minutes, we are going to be, hopefully, voting for cloture on the underlying bill, the basic FAA bill, which has been the product of an awful lot of work. I think, generally speaking, we have tried to bring everybody in. Senators do have rights, and as a bill comes closer to a cloture vote or passage vote, some of those rights are exercised, which then complicates things. On the other hand, it is what the system is, and people ought to have those rights. You cannot ask everybody to sort of sit back and think through a whole bill. Something occurs to them at the last moment, and they need to come down and address that. We have tried to do that.

I think we are pretty close to a slots amendment agreement. Not everybody is happy about it, but everybody has

given up and everybody has gotten from it.

So we will have this vote, and then we will continue work on various aspects of the bill. I hope we can get it done tonight from the Senate side. Then we have to go negotiate with the House, and their bill is quite different.

But what is interesting about the aviation bill, it truly does affect America vastly. I do not know how many times I have said it employs 11 million people. Actually, it employs, directly and indirectly, probably closer to 13 million people, and it affects people's lives in every single way. They are trying to build a high-speed rail system. You cannot build a high-speed interstate system. You can take a chance at it, but it does not work very well.

So travel by aviation is how people get to where they want to go. It is a complicated industry. Costs go up. Sometimes it is because of fuel. Passengers are held on tarmacs. Sometimes it is because there is just congestion or there is a crisis at the airport of some sort. Passengers, when they are on their way from one place to another, do not sort of think about the problems the airline industry or airports are going through. They just think about the fact that they are being inconvenienced, if, in fact, they are being inconvenienced.

But I think it is a very good bill, and it has been worked on a very long time by myself and an extraordinarily wonderful Senator, KAY BAILEY HUTCHISON, whom I call cochair of the Commerce Committee, because she is.

People have operated in good faith. We have had a lot of scrums and huddles about on the Senate floor. But that is the way legislation probably needs to work. It is a very complicated bill, but it is a bill that I think we will get cloture on, and people should actually be very anxious to vote for it when it comes to final passage.

I will give a talk about that. But I just remind people again, we have an air traffic control system which is so antiquated that there are actually very many near misses in the sky because we are using a radar system and planes often come very close to running into each other on the tarmac. It is a very old system. It is a 50-year-old system. This bill will fix that and make it safer for people to travel. More planes can take off and fly.

So I hope we invoke cloture at 2 o'clock, and then we will continue to work on the bill. It is important for America, and it is important to satisfy as many people as we possibly can.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask to move to the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 5, S. 223, FAA Air Transportation Modernization and Safety Improvement Act:

Harry Reid, John D. Rockefeller IV, Kent Conrad, Bernard Sanders, Benjamin L. Cardin, Sheldon Whitehouse, Patrick J. Leahy, John F. Kerry, Amy Klobuchar, Jeff Bingaman, Jack Reed, Tom Harkin, Carl Levin, Kirsten E. Gillibrand, Christopher A. Coons, Claire McCaskill, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 223, the FAA Air Transportation Modernization and Safety Improvement Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 2, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Feinstein | Merkley |
| Alexander | Franken | Mikulski |
| Ayotte | Gillibrand | Moran |
| Barrasso | Graham | Murkowski |
| Baucus | Grassley | Murray |
| Begich | Hagan | Nelson (NE) |
| Bennet | Harkin | Nelson (FL) |
| Bingaman | Hatch | Portman |
| Blumenthal | Hoeven | Pryor |
| Blunt | Hutchison | Reed |
| Boozman | Inhofe | Reid |
| Boxer | Inouye | Risch |
| Brown (MA) | Isakson | Roberts |
| Brown (OH) | Johanns | Rockefeller |
| Burr | Johnson (SD) | Rubio |
| Cantwell | Johnson (WI) | Sanders |
| Cardin | Kirk | Schumer |
| Carper | Klobuchar | Sessions |
| Casey | Kohl | Shaheen |
| Chambliss | Kyl | Shelby |
| Coats | Landrieu | Snowe |
| Coburn | Lautenberg | Stabenow |
| Cochran | Leahy | Tester |
| Collins | Lee | Thune |
| Conrad | Levin | Toomey |
| Coons | Lieberman | Udall (CO) |
| Corker | Lugar | Udall (NM) |
| Cornyn | Manchin | Warner |
| Crapo | McCain | Webb |
| Durbin | McCaskill | Whitehouse |
| Ensign | McConnell | Wicker |
| Enzi | Menendez | Wyden |

NAYS—2

DeMint Paul

NOT VOTING—2

Kerry Vitter

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on S. 223. If I had attended today's session, I would have voted to invoke cloture.●

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I and Senator MERKLEY and many of the Senators spent a great deal of time working on the question of slots, which, in plain English, is about the right to land a plane. I am very pleased we were able to work out our bipartisan agreement. I outlined why it was so important earlier in the morning.

Given all the attention that discussion received, I want to make sure the Senate did not lose sight of another important aviation issue. Chairman ROCKEFELLER has been very supportive of our efforts to try to expand and improve the unmanned aerial systems—what are known as UAS programs—that are so essential for the future of the aviation sector.

In this part of the aviation sector, we have seen enormous growth in the last few years. A lot of folks know these systems are critical to military operations. They have been of enormous importance in Iraq and Afghanistan. But people may not be as aware that these unmanned aerial systems also have enormous potential in the civilian sector. I am talking now about firefighting, law enforcement, border patrol, search and rescue, environmental monitoring. Law enforcement in rural areas, that is much of my State, but I know other parts of the country are also very concerned about this issue.

As yet, the Federal Aviation Administration has not come up with a good plan for how to integrate these unmanned aerial system vehicles into the airspace.

I am pleased that the bill before us includes requirements for the Federal Aviation Administration to work on a plan for these systems and establish test sites for UAS research.

It is my hope as we go forward—and Chairman ROCKEFELLER has been very supportive of our efforts; we have discussed this many times—that it is going to be possible to expand these sites. Senator MERKLEY, Senator TESTER, Senator BAUCUS, Senator SCHUMER and a number of other colleagues are interested in this issue. This is a chance for the Federal Aviation Administration to finally give these unmanned aerial systems the attention and the priority that is warranted.

There is enormous potential in the civilian sector. We talked about it in the military sector.

I yield now to the chairman of the committee who has been exceptionally

helpful to me, not just on this question of the unmanned aerial systems but for his patience as we worked through the slots issues where we finally got a breakthrough this morning. I am glad to yield to him for any comments he may have.

Mr. ROCKEFELLER. Mr. President, I thank the Senator very much. I thank him. I agree with what the Senator from Oregon is saying. I want to be helpful, and we will continue to be helpful. There are some in positions not to be helpful and are not being helpful. I understand that. Such is life. I will continue to be helpful on this issue, not just on the substance because he has been so important in the resolution of what he mentioned at the very end, the slots. He has been a nonstop peacemaker, sort of the Secretary General of the UN. He really has. I respect that, and I appreciate it.

This is complicated. It is emotional. He has been great. I will continue to work with him on this issue to try and get to our mutual goal.

Mr. WYDEN. Mr. President, I thank the chairman of the full committee. He has been exceptionally gracious. I think Senators understand we would not be here other than the fact that the chairman and Senator HUTCHISON have prosecuted this case relentlessly in a bipartisan way. We knew if we stayed at it on the slots issue we would get it resolved.

I thank him, given all the other things he has on his plate, for his help on the unmanned aerial systems. As my colleague knows, Senator SCHUMER and I have strong views on this issue, and we are fairly passionate characters. The chairman has been very patient. We know we have challenges in terms of working out the exact number of additional sites. We thank him for his thoughtfulness.

This is going to be a good bill. We are going to conference in a good position. It could not have happened without his tenacity and Senator HUTCHISON's.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Oregon. I like what he said.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to add my voice of thanks to all involved in the whole slots issue. I know at the last minute Senator WYDEN was actually shuttling back and forth between one side of the Chamber and the other. I think it turned out well. It could not have happened without the support of the chairman and ranking member.

Coming from the largest State in the Union, we have one flight into Washington, DC. It makes no sense. It is not good for the economy. It is inconvenient. It adds a lot of congestion on the highways. We are very pleased that we are on our way to passing a good bill.

Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

(The remarks of Mrs. BOXER pertaining to the introduction of S. 388 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. BOXER. Mr. President, I thank the Chair, I yield the floor, and unless Senators ROCKEFELLER or HUTCHISON want to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET DEBATE

Mr. HATCH. Mr. President, this week the Senate began a debate about nothing less than the future of this country. Next year we face a $1.65 trillion deficit, the third year in a row where the United States will run a deficit of over a trillion dollars. Even more daunting, we are over $14 trillion in total debt.

According to the non-partisan Congressional Budget Office, or CBO, the debt held by the public is projected to reach $18.3 trillion—or 77 percent of GDP—by the end of 2021. This is a problem that truly threatens the well-being of this Nation.

CBO projects that the cost of simply paying the interest on all of this debt will rise to $792 billion—or 3.3 percent of GDP—in 2021. When you are pushing $1 trillion a year in interest payments alone, you are reaching a day when the national government will not have the resources to accomplish even the limited mission delegated to it by the Constitution This is what ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, meant when he testified today that ''our debt is the greatest threat to national security.''

The President could have led on this issue, when he released his budget earlier this week. But he took a pass instead. Apparently he and his Democratic congressional allies have done some polling that tells them two things.

First, the American people are demanding that Washington tackle our annual deficits and skyrocketing debt.

And second, Democrats can benefit politically by standing aside, letting Republicans propose solutions to this problem, and then demagoguing the daylights out of any effort to restrain spending.

The coming debate is going to be a bruising one. But as we go forward, it is critical that we keep one thing in mind. We cannot get out of this hole by taking more of taxpayers' hard-earned money. Our debt and deficit problems exist because Washington spends too much, not because taxes are too low. It is a terrible idea to propose raising taxes by over $1.6 trillion on net over the next 10 years alone. Yet, that is exactly what the Obama administration's budget, released earlier this week, proposes.

I said it earlier this week, and I will say it again. This budget proves once and for all that our deficits and debt are not caused by our taxes being too low.

The President has proposed a net tax increase of over $1.6 trillion. Yet for next year—and every year—of his 10-year budget, he runs a deficit. At their best, the annual deficits dip to roughly $600 billion. Even after these astronomical tax increases, the President is still unable to balance the budget. And there are not many more easy targets for Democrats to tax.

In 2012, in a foolish attempt at class warfare, Democrats are prepared to let the tax rates expire with far reaching consequences for the small business owners who account for half of all small business flow-through income. Those small business owners would see their marginal rates hiked by 17 percent to 24 percent under this budget. In Obamacare they taxed medical devices, insurance plans, prescription drugs, small businesses, and individual Americans. The result—a surprise only to the most hardened ideologues—is the loss of 800,000 jobs according to the Congressional Budget Office. And yet they still can't balance the budget. So who else do they propose to tax?

The bottom line is that there isn't anyone left to tax, unless the President and his Democratic allies are willing to crush the middle class with additional tax burdens. There is only one way out. We need to restrain spending. As the chairman of the House Budget Committee, Congressman PAUL RYAN, explained, we need to get spending in line with revenue, not the other way around. The analyses of the Congressional Budget Office, or CBO, confirm this.

The CBO is the nonpartisan official scorekeeper for Congress. According to its January 2011 Budget and Economic Outlook, from 1971 to 2010, taxes have averaged 18 percent of gross domestic product, or GDP. So in recent history, we have had an average level of taxation of 18 percent of GDP.

Take a look at this chart that was made using CBO's January 2011 document. CBO explains that if no changes in law are made, taxes will go up to 20.8 percent of GDP by 2021, and will average 19.9 percent from 2012 to 2021. Taxes at 20.8 percent of GDP would represent a tax increase of 16 percent from their recent historical average.

CBO also states that if most of the provisions from the December 2010 tax act were made permanent, then ''annual revenues would average about 18 percent of GDP through 2021—which is equal to their 40-year average.'' So, according to CBO, even if all the Bush-era tax rates were permanently extended, taxes would still be high enough when measured against the level of taxation in recent history.

So, if taxes are high enough already, should we raise them anyway? I will go ahead and answer my own rhetorical question. Of course we shouldn't raise taxes any higher.

On August 14, 2008, Jason Furman and Austan Goolsbee wrote a Wall Street Journal editorial. In that editorial, Furman and Goolsbee stated that Candidate Obama's tax plan would reduce ''revenues to less than 18.2% of GDP—the level of taxes that prevailed under President Reagan.'' Today, Austan Goolsbee is the Chairman of the Obama administration's Council of Economic Advisers and Jason Furman is the Deputy Director of the Obama administration's National Economic Council. The President must have missed their editorial, because his recently released budget ignores the campaign promises of these top officials, and raises taxes well above their historical levels. As one writer has put it, all of the President's campaign promises seem to come with an expiration date.

As this debate over the debt and deficits rages on, pay close attention to the words that Republicans and Democrats use. You will hear Republicans say that we need spending restraint. By contrast, you will hear Democrats say that we need to deal with the deficit.

Let's be clear. Dealing with the deficit is code for raising taxes. Liberal pundit after liberal pundit will pronounce confidently that you can't deal with the deficit solely with spending restraint. Yet they won't say why, and they won't explain how you can deal with the deficit and debt through tax increases. That is because they can't. If they came clean with the American people, they would have to admit that their intention is to raise taxes on everyone and everything.

As I have already shown, taxes are high enough already, and we should not be raising them even higher.

Yet the bottom line is that rather than dealing seriously with out-of-control spending, tax-and-spend Democrats want to raise taxes to pay for more out-of-control spending. And guess what: If we raised taxes to eliminate the deficit, the current levels of spending would just cause a new deficit to arise.

I have a chart here that demonstrates just how futile it is to raise the top tax rate if the goal is to raise more money. When the top tax rate has been raised over the years, taxes as a percentage of GDP still hovered around their historical average of 18 percent. This held true even when the top tax rate was raised to a confiscatory level of over 90 percent.

The conventional wisdom on the other side of the aisle is that we can simply raise more tax revenue by increasing tax rates. However, the history is pretty clear. This strategy simply does not work. Just take another look at this chart if you don't believe me. Instead of raising tax rates, what we need to do is implement a pro-growth tax policy. That starts with not raising taxes.

For 2 years, we were able to fight off tax increases on small businesses proposed by President Obama and congressional Democratic leadership. However, I have another chart here that shows the relationship between the annual growth of Federal revenues and GDP. As you can see from this chart, when GDP increases, Federal revenues increase. Similarly, when GDP decreases, Federal revenues decrease. This should not be a shocking revelation.

When the economy is growing, the government collects more money in tax revenues because there is more taxable income being earned. The key is to have commonsense, pro-growth tax and regulatory policies. And as I mentioned before, a pro-growth agenda starts with refusing to raise taxes. Part of the difference between Republicans and Democrats on whether to increase taxes comes from different ways of looking at the world. Conservative Republicans look at the money earned by the American people and understand that it belongs to the people. As free men and women, America's citizens have a right to the fruit of their own labors. Americans work too hard—they sacrifice too much—for Washington to blithely raise their taxes to pay for an ever expanding Federal Government.

Yet liberal Democrats have a different view. Listening to President Obama and many congressional Democrats, it is clear that they view the money earned by the American people as the Federal Government's money first. It is only by the grace of the Federal bureaucracy that citizens are given an allowance to live on. This is a huge difference. You hear it when liberals talk about the cost of tax cuts. The cost of tax cuts? Cost to whom? When Democrats talk like this, they are effectively saying that anything you earn is the government's to spend. And it is a cost to the government when they decide to let you keep your money. For most Americans, this is an odd way of looking at the world.

Government costs money when it spends trillions of dollars on who-knows-what. The taxpayer does not cost the government money when he keeps what he earns. Yet this liberal worldview was on clear display in the recent debate about whether to extend the 2001 and 2003 tax bills.

President Obama and many congressional Democrats said that we shouldn't be giving tax breaks to certain taxpayers. Since when did keeping your own hard-earned money constitute the government giving you anything? That is not how the American people view it. And it is not how I view it.

President Obama and many congressional Democrats viewed a failure to increase taxes as a giveaway to taxpayers that increased the deficit. Republicans view the job-killing tax increase with nearly 10 percent unemployment as a terrible idea. The way to deal with the deficit is not to raise taxes. The way to deal with the deficit is to live within our means, as families and individuals do across America. The Federal Government should only spend what it takes in.

The President and his allies like to say they inherited these deficits. That is only a half truth. They inherited some debt and deficits. But they have helped create much more. For example, nearly $1 trillion was added to our debt by President Obama's partisan stimulus bill. That bill was loaded with pent-up Democratic agenda items and was sold with the promise that it would keep unemployment below 8 percent. We all know that by the President's own standard the stimulus bill has failed miserably. Unemployment has been at or above 9 percent for the last 21 months. That stimulus debt was not inherited by President Obama, it was created by President Obama, and he is bequeathing it to all of our children and grandchildren.

The numbers do not lie. When Democrats took over Washington, it was like setting Homer Simpson loose at an all-you-can-eat buffet. For too long, the desire of unions and government workers and special interest groups to create new programs and grow the size of government had gone unfulfilled, and when they finally seized the reins of power in 2008, liberal Democrats went hog wild. Our Nation's deficit has gone from $161 billion in 2007, when Democrats took over control of Congress—remember, they had 2 years before President Obama even got elected. The Democrats were in control of Congress. It went from $161 billion in 2007 to $1.65 trillion in 2011.

With respect to the debt, when congressional Democrats took over control of Congress in 2007, the debt was $8.68 trillion. It is now over $14 trillion. So when Democrats are talking about what a bad situation they inherited, let's remember that these folks have been in charge of Congress for the last 4 years. They acted as though the bills on their spending would never come due. And like a college student who maxed out his parent's credit card, Democrats are now looking for someone to bail them out.

Unfortunately, they are looking to the American taxpayers to foot the bill. This cannot happen. The American taxpayer is already overburdened. Citizens are not going to stand for tax hikes when spending restraint is called for. The bottom line is simple. We cannot tax our way out of this problem. I personally will resist any effort to do so.

That is one of the reasons why I am for a balanced budget constitutional amendment. I have found Congress is incapable, fiscally incapable, of getting this mess under control. It is hard to believe we are that incapable, but we are. So we need to put some restraints on Congress, and the best way to do that, in my opinion, is a balanced budget amendment. I think that would be the best way.

There are some who are looking at putting caps on spending, and that sounds good, except for one thing. If you break the caps, you have got to increase taxes. I think we would find ourselves increasing taxes all the time around here, and that is a big mistake as far as I am concerned. So I am very strongly for the balanced budget constitutional amendment. I believe with the mess we are in, good people on both sides of the aisle ought to be interested as well.

The last time I brought up the balanced budget amendment, we had 66 votes for it in the Senate. It passed the House overwhelmingly. If we had had one more vote back in 1997 we would have had a different situation today, because the balanced budget constitutional amendment would have passed, and I believe 38 States would have ratified it in a very quick fashion, certainly within a year or so.

Had that happened, we would not be in the mess we are in today. We are in a terrible mess. One of the reasons is Congress cannot get its fiscal house in order, and the reason it cannot is because of what I have been talking about. I think it is going to take restraints that the balanced budget amendment would bring to force Congress to have to live within its means or at least vote to break the budget.

Most people who spend do not want that provision, because they know when they vote to break the budget, their constituents are going to see that and they may not be here the next election. So as much as I would prefer to not have any artificial approach, I have come to the conclusion that Congress plain cannot handle its own problems. It does not have the fiscal restraint to do it.

A balanced budget amendment would be a constitutional amendment, locked into our beloved Constitution. It would, like all of the States in this country, except Vermont, require us to balance the budget or at least show a reason why not and to vote so that we have to vote on why not.

Germany has a balanced budget amendment. They meet those restraints. Switzerland has a balanced budget amendment. They meet those restraints. If they can do it, why can't we? I think we have got to get real around here and start doing some things that will help save the country, rather than push it right into bankruptcy.

We spend too much. Congress and the President pushed Build America Bonds. Why do you think they did that? The government is going to pay—it has been paying 35 percent on those bonds. Guess who pays that 35 percent. All of the States that have lived with fiscal restraint will be paying for the profligacy of States that do not live with fiscal restraint. That is not the way to go. It is not fair to the States that are careful with their money. We know which States they are. In almost every case, they are States that are dominated by my friends on the other side. The fact is, I am totally opposed to this proposal.

In this budget, the President wants to make these bonds permanent, while bringing down the 35 percent government match to 28 percent. But think about that. That is still 28 percent from American taxpayers, most of whom have lived with fiscal restraint in their respective States, to help States that have not and that probably will not behave responsibly. As long as they can get free money from the government, why not, in their eyes?

Some of these states are in such dire straits that even some of these Governors who have been big raging liberals in the past are starting to say, we have got to do something about it. I want to pay particular praise to them. I hope they will get spending under control, because their lack of fiscal restraint and our lack of fiscal restraint here is hurting our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFRASTRUCTURE INVESTMENT

Mr. DURBIN. Madam President, the budget the President released Monday includes more than $1 trillion in deficit reduction and two-thirds of it comes from spending cuts. That puts the Nation on the path toward fiscal sustainability. But it also reflects the urgency to invest now in programs that will pay off for a long time. Investing in transportation and infrastructure is the best way to ensure economic recovery now and economic growth well into the future.

It has been 2 years since the President signed into law the American Recovery and Restoration Act. The investments made in infrastructure over 2 years have either saved or created over a million jobs all across the Nation. In the first year alone, that Recovery Act led to 350,000 direct on-project jobs. Direct job creation from these projects has resulted in payroll expenditures of over $4 billion.

Using this data, the House Transportation Committee calculates that $717 million in unemployment checks have been avoided as a result of this direct job creation.

In his State of the Union Address, President Obama challenged us to start rebuilding our infrastructure for the 21st century. Our aging network of roads and rails was built from a long time past. Our infrastructure used to be the best. But let's be honest, America has lost its lead. Mongolia has a more advanced air traffic control system than America. South Korea has faster and easier access to the Internet than America. Europe and China have high-speed rail systems far more advanced than America. Dozens of commissions, academics, groups, the smartest people in America, have all come to the same conclusion: Our infrastructure is old and we need to invest in fixing it.

We have to reduce the debt and deficit. I was a member of the Deficit Commission. I understand it as well as anyone. But the American people do not want us to do this at the expense of critical infrastructure that will be needed to grow our economy.

Unfortunately, the House Republicans currently are in a debate on the floor of the House proposing that we cut off our investments in transportation—right in the middle of the year, right before the construction season. House Republicans are debating that this week.

Their plan cuts billions in funding for roads, rail, and mass transit. It is going to cost us over 300,000 private-sector jobs. Let me repeat that: 300,000 private-sector jobs; not government jobs, 300,000 jobs in the private sector. Can we afford that?

Let me give you some examples of what the House Republican budget cuts. They cut money from the Clean Water State Revolving Loan Fund—over $1 billion of it. That provides low-interest and no-interest loans to our local communities to help them build and make safe wastewater and drinking water. Most communities cannot afford to do this on their own without raising property taxes through the roof, and EPA's funding is vital if these projects are going to get done. This cut alone by the House Republicans would result in 454 fewer sewer projects and 214 fewer clean water projects across America. And it would cost us over 33,000 jobs.

There is a program called the TIGER grants. Mayors know all about it because what President Obama said is, we are going to cut out the middleman. We are not going through the State capitals and the State departments of transportation. If a mayor comes to us with a good idea of a transportation project right at the local level, we are going to send that money directly in a TIGER grant.

So what did the House Republicans decide to do? They took $1.1 billion from that program. That, unfortunately, would eliminate all funding for this program this year, cutting off this construction season, $500 million worth of investment in our Nation's infrastructure. Worse, it rescinds $600 million for projects that have already been awarded.

The Department of Transportation announced these projects last year. Now the House Republicans want to cut them off. Communities in 40 States across the country have been planning

for these funds for up to 75 projects, which would be absolutely abolished by the House Republican action.

The House proposal will literally take away funding promised for these projects, stopping work. Cutting $1.1 billion from TIGER programs will put more than 30,000 private-sector workers out of work in America.

Then they want to cut $7.1 billion from High Speed and Intercity Passenger Rail Grants. I know all about that because, Madam President, as you know, that route from Saint Louis to Chicago on Amtrak is one of the prime areas for high-speed rail in America. The Republican proposal would completely eliminate it, stop it cold.

Worse, they would rescind more than $6 billion for projects already awarded funding. They take away funding from 54 projects in 23 States across the country. The U.S. Department of Transportation tells us that cutting $7.1 billion from high-speed rail will put more than 200,000 private-sector jobs at risk.

At a time when we should be creating jobs and building the economy and building the infrastructure for even more jobs to follow, the House Republicans have decided to start cutting jobs in America.

As the Speaker said when asked about whether he was concerned about the loss of jobs from the House Republican cuts, he said: So be it.

I am sorry, but the Speaker has missed the obvious message from the American people. They want us to create jobs, preserve jobs, right here in America. Killing jobs in the U.S. House of Representatives was not the mission that anyone was sent on in the last election.

Compare that cutting with the President's budget. The President understands we have to invest in infrastructure. The unemployment rate in the construction industry—a private-sector industry—is over 20 percent. Construction costs at this moment are low, and local governments are moving forward where they can on projects because they are saving money—at the same time the House Republicans want to stop construction in America on these important projects. We need to make these investments in infrastructure.

The President's budget calls for a 6-year, $556 billion reauthorization of national transportation programs, He frontloads this 6-year bill with a $50 billion infusion of investments in fiscal year 2012. This will help us get the biggest bang for the buck. He creates an Infrastructure Bank. Madam President, $5 billion is set aside to provide credit assistance and loans to attract private investment into public infrastructure.

The President is investing $8.3 billion in high-speed rail. He wants to bring that high-speed rail to 80 percent of the American population within 25 years. This is the first step in a long-term infrastructure investment by our country, while the President still freezes spending, reduces the deficit, and brings our domestic discretionary spending to a lower level than it was under President Eisenhower in the 1950s.

We can invest in infrastructure in a way that is fiscally responsible and will lead to stronger economic growth long into the future.

The House is proposing slashing investments in transportation and infrastructure. That will cost us jobs, and it will stop us from the economic recovery we desperately need. We need to enact a balanced plan: cut spending, reduce the deficit, but remember that education, innovation, and infrastructure are critical if America is going to continue to be competitive in the 21st century.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 386 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate resume consideration of the McCain amendment No. 4 and proceed to a vote in relation to that amendment; that upon disposition of the McCain amendment, the Senate resume consideration of the Paul amendment No. 18 and there be 4 minutes equally divided prior to a vote in relation to that amendment; that no amendments be in order to the amendments prior to the votes; and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4

The McCain amendment No. 4 is the pending question.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

Mr. ROCKEFELLER. I move to table.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—61

| | | |
|---|---|---|
| Akaka | Feinstein | Murray |
| Alexander | Franken | Nelson (NE) |
| Baucus | Gillibrand | Pryor |
| Begich | Harkin | Reed |
| Bennet | Hoeven | Reid |
| Bingaman | Hutchison | Roberts |
| Blumenthal | Inouye | Rockefeller |
| Blunt | Johanns | Sanders |
| Boozman | Johnson (SD) | Schumer |
| Boxer | Klobuchar | Snowe |
| Brown (MA) | Landrieu | Stabenow |
| Brown (OH) | Leahy | Tester |
| Cantwell | Levin | Udall (CO) |
| Cardin | Lieberman | Udall (NM) |
| Carper | Manchin | Warner |
| Casey | McCaskill | Webb |
| Cochran | McConnell | Whitehouse |
| Collins | Merkley | Wicker |
| Conrad | Mikulski | Wyden |
| Coons | Moran | |
| Durbin | Murkowski | |

NAYS—38

| | | |
|---|---|---|
| Ayotte | Grassley | Menendez |
| Barrasso | Hagan | Nelson (FL) |
| Burr | Hatch | Paul |
| Chambliss | Inhofe | Portman |
| Coats | Isakson | Risch |
| Coburn | Johnson (WI) | Rubio |
| Corker | Kirk | Sessions |
| Cornyn | Kohl | Shaheen |
| Crapo | Kyl | Shelby |
| DeMint | Lautenberg | Thune |
| Ensign | Lee | Toomey |
| Enzi | Lugar | Vitter |
| Graham | McCain | |

NOT VOTING—1

Kerry

The motion was agree to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

AMENDMENT NO. 18

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 18 offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Madam President, this amendment will keep OSHA out of the cockpit. This amendment is not about safety. OSHA wants to get into the cockpit to add regulatory burden. But already the airlines voluntarily adhere to OSHA regulations.

Before you vote to bring OSHA into the cockpit, you need to know and remember that 20 airlines have gone bankrupt in the last 10 years. Do we want to add more regulatory burden? Do we want to add more regulatory cost? The opposite side, the President included, has said they want less regulatory burden. Here is their chance. They have a small chance here. Keep OSHA out of the cockpit.

OSHA has 2,000 pages of rules. OSHA regulations cost the economy $50 billion. Ronald Reagan was talking about OSHA way back in 1976 when he commented on OSHA's 144 regulations with regard to climbing a ladder. I repeat: 144 regulations about how to climb a ladder. No. 1 among those regulations: Remember to face the ladder when you are going to climb it.

He also mentioned the hazards of being on a farm. From the OSHA manual on hazards on being on a farm: When you walk around, look around carefully and make sure you look down because there could be a slippery substance. You could step in it and fall. That is from the 31-page OSHA manual.

OSHA isn't all about safety. It is about regulatory burden—undue regulatory burden—on businesses, and I hope you will reject this. There is a slippery substance around here that we need to avoid, and that is more government regulations. I recommend that we vote not to allow OSHA into the cockpit.

The PRESIDING OFFICER (Mr. COONS). The Senator from Iowa.

Mr. HARKIN. Mr. President, this has nothing to do with OSHA and the cockpit at all. Frankly, the Bureau of Labor Statistics said the people who work in the airline industry, people who handle the airplanes, flight attendants, have one of the highest rates of accidents and illnesses in any part of the private sector. What happened is Congress urged the FAA to consult with OSHA about workplace safety. They entered into a memorandum of understanding. All this bill says is that FAA should consult with OSHA, work together to increase workplace safety in the airline industry. OSHA will have no regulatory power, they will have no subpoena power, they cannot issue citations, they cannot get in the cockpit. FAA merely consults with them. FAA still retains all of their authority, and it will not change in any way the way airline safety is regulated. FAA will continue to keep all of that authority. It will be the sole purview of the FAA.

In addition, by terms of this memorandum of understanding, the FAA will not adopt any OSHA standard unless there is no impact on airline security. So that is a nonissue. Keeping OSHA out of the cockpit—OSHA is not about to get into the cockpit. What we do want to do is to have the FAA get the best expertise and advice on what they should do for safety around our airplanes and in our airports.

Mr. President, I move to table the Paul amendment No. 18. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusettes (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—52

| | | |
|---|---|---|
| Akaka | Begich | Bingaman |
| Baucus | Bennet | Blumenthal |
| Boxer | Klobuchar | Reed |
| Brown (OH) | Kohl | Reid |
| Cantwell | Landrieu | Rockefeller |
| Cardin | Lautenberg | Sanders |
| Carper | Leahy | Schumer |
| Casey | Levin | Shaheen |
| Conrad | Lieberman | Stabenow |
| Coons | Manchin | Tester |
| Durbin | McCaskill | Udall (CO) |
| Feinstein | Menendez | Udall (NM) |
| Franken | Merkley | Warner |
| Gillibrand | Mikulski | Webb |
| Hagan | Murray | Whitehouse |
| Harkin | Nelson (NE) | Wyden |
| Inouye | Nelson (FL) | |
| Johnson (SD) | Pryor | |

NAYS—47

| | | |
|---|---|---|
| Alexander | Ensign | McConnell |
| Ayotte | Enzi | Moran |
| Barrasso | Graham | Murkowski |
| Blunt | Grassley | Paul |
| Boozman | Hatch | Portman |
| Brown (MA) | Hoeven | Risch |
| Burr | Hutchison | Roberts |
| Chambliss | Inhofe | Rubio |
| Coats | Isakson | Sessions |
| Coburn | Johanns | Shelby |
| Cochran | Johnson (WI) | Snowe |
| Collins | Kirk | Thune |
| Corker | Kyl | Toomey |
| Cornyn | Lee | Vitter |
| Crapo | Lugar | Wicker |
| DeMint | McCain | |

NOT VOTING—1

Kerry

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the votes on the FAA Authorization bill regarding the McCain amendment No. 4 to repeal the Essential Air Service Program and Paul amendment No. 18 to strike the clarifying memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. Had I attended today's session, I would have opposed or supported any motion to table both the McCain and the Paul amendments.●

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I express my appreciation, as I have before, to the manager of this bill, Senator ROCKEFELLER, who has worked so hard for so long on this bill—years. I appreciate the work done by the ranking member of this committee, Senator HUTCHISON, who has worked with him for years on this legislation.

I ask unanimous consent the pending amendments be set aside and Senator COBURN be recognized to offer his amendment No. 64; that after the amendment is reported, the Senate proceed to a vote in relation to the Coburn amendment and that no amendments be in order to the Coburn amendment prior to the vote.

Upon disposition of the Coburn amendment No. 64, the pending amendments be set aside and Senator COBURN be recognized for up to 10 minutes to offer amendment No. 80, with a modification which is at the desk, Nos. 81 and 91; and Senator SCHUMER be recognized up to 2 minutes to offer amendment No. 71; Senator BROWN of Ohio be recognized for up to 2 minutes to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32, and the Reid of Nevada amendment No. 54 and the Udall amendment No. 51 be modified with the changes that are at the desk; the Wyden amendment No. 27 be withdrawn; and the Senate then proceed to votes in relation to the following amendments in the order listed: Brown-Portman amendment No. 105; Ensign No. 32, as amended; Reid No. 54, as modified; Udall No. 49, as modified; Udall No. 51, as further modified; Coburn No. 80, as modified; Coburn No. 81; Coburn No. 91; and Schumer No. 71.

Further, there be 2 minutes, equally divided, prior to each voted listed above; that notwithstanding rule XXII, the Leahy-Inhofe amendment No. 50 remain in order and that upon disposition of the Schumer No. 71, there be 10 minutes of debate, equally divided, prior to a vote in relation to the Leahy-Inhofe amendment No. 50; that the Leahy-Inhofe amendment be subject to a 60-vote threshold for passage; that if it does not achieve 60 affirmative votes, the amendment not be agreed to; and that there be no amendments in order to any of the amendments listed in this agreement prior to the votes.

Further, upon disposition of the Leahy-Inhofe amendment, there be no further amendments or motions in order to the bill, except for a managers' package, to be agreed to if it has the concurrence of the majority and Republican leaders; the bill then be read a third time and the Senate proceed to a vote on passage of the bill, as amended; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and if the bill is passed, it be held at the desk.

Finally, that when the Senate receives the House companion to S. 223, as determined by the two leaders, it be in order for the majority leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 223, as passed by the Senate, in lieu thereof; that the companion bill, as amended, be read a third time, the statutory pay-go statement be read and the bill be passed; the motions to reconsider be considered made and laid upon the table; that upon passage, 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 a ratio of 5 to 4; all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 54), as modified, and the amendment (No. 51), as further modified, are as follows:

AMENDMENT NO. 54, AS MODIFIED

On page 27, strike line 11 and all that follows through ''or transfer'' on line 23, and insert the following:

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''purpose;'' and inserting the following: ''purpose, which includes serving as noise buffer land that may be—

''(I) undeveloped; or

''(II) developed in a way that is compatible with using the land for noise buffering purposes;''; and

(ii) in subparagraph (B)(iii), by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.'';

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

''(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

''(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for capital purposes.

''(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

''(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

''(4) In approving the reinvestment or transfer

AMENDMENT NO. 51, AS FURTHER MODIFIED

On page 311, between lines 11 and 12, insert the following:

**SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.**

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

''(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

''(3) DEFINITIONS.—In this subsection:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by the clothing; and

''(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

''(C) PRIMARY SCREENING.—The term 'primary screening' means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(l) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

Mr. REID. Mr. President, I ask unanimous consent to set aside the pending amendments so I may call up amendment No. 79 regarding a Grand Canyon economic impact study for air tour operators, and that it be in order notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, until the Senator from Oklahoma is ready to start, I want to say I so appreciate the majority leader working with us, as well as Senator ROCKEFELLER, Senator COBURN, all of the people who have had so many interests in this bill. I think we are finally on the glidepath now, if I can use an aviation metaphor. I am pleased to see that Senator COBURN is on the floor because now I believe we will be able to achieve the passage of this bill after a few votes tonight. I am very grateful to everyone for staying here to finish this important document.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 64

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 64.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 64.

The amendment is as follows:

(Purpose: To rescind unused earmarks)

At the appropriate place, insert the following:

**SEC. _____. ORPHAN EARMARKS ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Orphan Earmarks Act''.

(b) UNUSED EARMARKS.—

(1) DEFINITION.—In this subsection, the term ''earmark'' means the following:

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(B) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(2) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(3) IDENTIFICATION AND REPORT.—

(A) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(B) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(i) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(ii) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(iii) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

Mr. COBURN. Amendment No. 64 is an amendment by myself and Senator BEGICH from Alaska. It is an orphan earmark amendment where we instruct the agencies to eliminate moneys that have been sitting for 9 years or longer and have not expended it. That is close to $500 million that we could count so far, probably $1 billion. It helps the agencies. It is money we have already allocated that will never be spent, that is unaccounted for. I believe we are going to have a voice vote on it and I appreciate everybody's support of that amendment.

Mr. INOUYE. Mr. President, the Appropriations Committee will not oppose this amendment not because we think it is a good idea—it is not—but

because this amendment does nothing that is not already covered by title X of the bill.

Sadly, this is the kind of amendment that took up far too much of the Senate's time and effort in the last session, and none of it with any discernable value to the American people.

Specifically, we asked CBO to score this amendment and they said they could not. They pointed out that the definition provided in the amendment did not exist 9 years ago; consequently, there are no earmarks older than 9 years that meet this definition. So any claims that this amendment saves the American taxpayer money is simply not substantiated by CBO.

Mr. President, we took the further step of asking agencies across the Federal Government if they could tell us what is out there that could possibly meet the Coburn standard. There are indeed a few projects at the Department of Transportation, but they are already covered by title X of the underlying bill.

Outside of the Department of Transportation, we discovered that there are a few sewer grants still on the books, but they total less than $5 million.

And outside of those two agencies, there may be anecdotal evidence of an earmark here or an earmark there, but that is it. Meanwhile, I note that this amendment as well as title X may well end up costing the American taxpayer more than the amendment claims to save.

The requirement that OMB must create and administer a database and maintain it on its Web site costs money, not to mention the time and labor necessary to establish the criterion for what defines a Congressional earmark for the purposes of this amendment.

In the spirit of President Obama, I will not take this opportunity to relitigate our past debates over the worthiness of Congressionally directed spending requests.

Since my announcement of a moratorium on earmarks this year, it is no surprise to me to see a number of press reports about the communities across the country that are now finding themselves without resources they urgently need.

However, I must say, in the spirit of our many past debates over earmarks, that I find this amendment to be duplicative, ineffective, and a potential waste of the taxpayers' dollars. And if it had come up for a vote, I would most certainly have voted no.

We have serious financial issues before us, and we need to get to work.

The PRESIDING OFFICER. Under the previous order, the amendment is considered adopted.

The amendment (No. 64) was agreed to.

AMENDMENT NO. 80, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 80, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 80, as modified.

The amendment is as follows:

On page 141, between lines 9 and 10, insert the following:

**SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 90 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.**

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) is located not less than 90 miles from the nearest medium or large hub airport.''.

(6) The secretary may waive the requirements of this subsection as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

Mr. COBURN. Mr. President, this is an amendment regarding Essential Air Service. The amendment of Senator MCCAIN is to eliminate Essential Air Service, which is basically a subsidy for people who have to drive short distances—not long distances—to the airport. But we have selectively said certain people in this country can be advantaged by driving certain distances.

What this amendment as modified says is, provided the Secretary doesn't see extraneous circumstances otherwise, you have to be at 90 miles or greater to qualify for Essential Air Service. We started out with 100 and we saw there were significant difficulties that people actually had with that requirement. What we have done is taken this amendment and moved it to 90 miles. It does not affect a large number of airports but there are several within this that have minimal enplanements.

Remember, the average American drives over an hour to get to the airport now. We are saying we are not going to do it if you are driving an hour and a half, 90 miles, unless there is a circumstance where the Secretary of Transportation says otherwise, such as some particular places in West Virginia where it is tremendously mountainous and the time and distance does not meet with the average. All it does is lessen it.

Remember, in this bill we are increasing the amount of funds at a time we are going bankrupt. We are increasing the amount of funds for Essential Air Service. What we have done is a compromise to extend it to those who actually need it but also not subsidize something we should not. It affects less than 26 airports, and now less than that, now that we have modified it. I appreciate my colleagues' support on that. I think we will have actual votes on that in a minute.

AMENDMENT NO. 81

I call up amendment No. 81.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 81.

The amendment is as follows:

(Purpose: To limit essential air service to locations that average 10 or more enplanements per day)

On page 141, between lines 9 and 10, insert the following:

**SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.**

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.''.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

(c) WAIVERS.—Such section is further amended by adding at the end the following:

''(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.''.

Mr. COBURN. Mr. President, this is another amendment on Essential Air Service. This amendment eliminates Essential Air Service when the average enplanements are less than 10 a day. There is no way we can afford, given our financial situation, to subsidize Essential Air Service for the airports that have less than 10 a day.

I know that is a disagreement amongst us, especially for those who are having the benefit, that have subsidy today. By the way, the subsidy is supposed to be limited to $200, but if you take what happens on many of these, it is over $400; one of them is $482 per person per subsidy on airports that have less than 10 enplanements a day. It is common sense, given the realities of where we are today, realities of a $1.68 trillion deficit projected by the White House for this year. It makes common sense we would do this.

AMENDMENT NO. 91

Mr. President, I ask unanimous consent to call up amendment No. 91.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 91.

The amendment is as follows:

(Purpose: To decrease the Federal share of project costs under the airport improvement program for non-primary airports)

Strike section 207 and insert the following:

**SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS FOR NON-PRIMARY AIRPORTS.**

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project for an airport that is not a primary airport is—

(1) for fiscal year 2012, 85 percent;

(2) for fiscal year 2013, 80 percent; and

(3) for fiscal year 2014, 75 percent.

Mr. COBURN. Mr. President, the Airport Improvement Program is a needed program but what we do regularly in the Airport Improvement Program is we are incentivizing the expenditure of moneys in a way that does not recognize the priorities of this country. The way we do that is we have a cost sharing in which the Federal Government pays for 95 percent of all these programs.

What has happened, and even in my own State, we have spent money in airports that have very few landings every day. There is no commercial service but very few private planes landing. All this amendment does is it says if you are going to qualify for the AIP for airport improvement, that over the next 3 years we would take that from 95 percent down to 75 percent, which is well above the average of every other grant program that we have in the Federal Government.

It is not about trying to eliminate, it is trying to say if we are going to set priorities, what we should do is lower the amount of Federal funds so that the State or the community that wants to utilize these funds will recognize, by their having to pony up a little bit more of the money, in fact it is a legitimate thing. At 95 percent we are having all sorts of money wasted on things that are not a priority for our country given the financial situation we are in.

With that, I think I have responded in less than the time allocated to me, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 71

Mr. SCHUMER. Mr. President, I thank Senator ROCKEFELLER and Senator HUTCHISON for their help here. Pursuant to the previous order, I call up my amendment No. 71.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 71.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To control helicopter noise pollution in residential areas)

At the end of title VII, add the following:

**SEC. 733. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.**

Section 44715 is amended by adding at the end the following:

''(g) CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.—

''(1) IN GENERAL.—Notwithstanding section 47502, not later than the date that is 1 year and 90 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Federal Aviation Administration shall prescribe—

''(A) standards to measure helicopter noise; and

''(B) regulations to control helicopter noise pollution in residential areas.

''(2) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK STATE.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and before finalizing the regulations required by paragraph (1), the Administrator shall prescribe regulations with respect to helicopters operating in the counties of Nassau and Suffolk in the State of New York that include—

''(i) requirements with respect to the flight paths and altitudes of helicopters flying over those counties to reduce helicopter noise pollution; and

''(ii) penalties for failing to comply with the requirements described in clause (i).

''(B) APPLICABILITY OF CERTAIN RULEMAKING PROCEDURES.—The requirements of Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review) (or any successor thereto) shall not apply to regulations prescribed under subparagraph (A).

''(3) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, AND MILITARY HELICOPTERS.—In prescribing standards and regulations under paragraphs (1) and (2), the Administrator may provide for exceptions to any requirements with respect to reducing helicopter noise pollution in residential areas for helicopter activity related to emergency, law enforcement, or military activities.''.

Mr. SCHUMER. I yield the floor.

AMENDMENT NO. 105 TO AMENDMENT NO. 32

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent, on behalf of Senator BROWN of Ohio, to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. BROWN of Ohio, for himself and Mr. PORTMAN, proposes an amendment No. 105 to amendment No. 32.

The amendment is as follows:

(Purpose: To improve the provisions relating to integrating unmanned aerial systems into the National Airspace System)

Beginning on page 1, line 3, of the amendment, strike ''(3) establishes'' and all that follows through page 3, line 10, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

Mr. BROWN of Ohio. Mr. President, I rise today to speak in support of Brown-Portman No. 105.

This is the first of what I imagine will be many bills and amendments my colleague Senator PORTMAN and I will be working on together.

What the Brown-Portman amendment does is twofold: it paves the way for further research and development of unmanned aerial systems into our national airspace and would designate six sites across the country to further test these new technologies.

This is clearly needed and I appreciate the work of Senator ROCKEFELLER, Senator HUTCHISON, and committee staff on the issue.

UASs are a growing and important sector of the aviation industry that is critical to our economy—whether it is protecting our men and women serving in Afghanistan, patrolling our border, or better monitoring our Nation's agricultural sector.

As further research and development is conducted, other scientific, environmental, and law enforcement uses will become more standard.

In Ohio, cutting edge work is already being done on UASs: at Wright-Patterson Air Force Base, the Springfield National Guard Base, and NASA Glenn in Cleveland.

There is great potential in this sector for job creation and I am confident Ohio will continue its role as the nation's leader in aviation and aeronautics manufacturing and R&D as it relates to UASs.

I thank my colleagues for their support.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I yield back my time on our side.

AMENDMENT NO. 105

The PRESIDING OFFICER. The question is on agreeing to the Brown-Portman amendment to the Ensign amendment.

Without objection, the second-degree amendment is agreed to.

The amendment (No. 105) was agreed to.

AMENDMENT NO. 32

The PRESIDING OFFICER. The question is on agreeing to the Ensign amendment, as amended.

Without objection, that amendment, as amended, is agreed to.

The amendment (No. 32), as amended, was agreed to.

AMENDMENT NO. 54, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment, No. 54, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 54), as modified, was agreed to.

AMENDMENT NO. 49, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment, No. 49, as modified.

Without objection, that amendment is agreed to.

The amendment (No. 49), as modified, was agreed to.

AMENDMENT NO. 51, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment No. 51, as further modified.

Without objection, that amendment is agreed to.

The amendment (No. 51), as further modified, was agreed to.

AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 80, as modified.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. ROCKEFELLER. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—34

| | | |
|---|---|---|
| Akaka | Inouye | Rockefeller |
| Alexander | Johnson (SD) | Sanders |
| Bingaman | Landrieu | Schumer |
| Blumenthal | Lautenberg | Snowe |
| Boxer | Leahy | Stabenow |
| Brown (OH) | Levin | Udall (NM) |
| Cardin | Mikulski | Warner |
| Casey | Nelson (NE) | Webb |
| Collins | Nelson (FL) | Whitehouse |
| Durbin | Pryor | Wyden |
| Feinstein | Reed | |
| Gillibrand | Reid | |

NAYS—65

| | | |
|---|---|---|
| Ayotte | Enzi | McCaskill |
| Barrasso | Franken | McConnell |
| Baucus | Graham | Menendez |
| Begich | Grassley | Merkley |
| Bennet | Hagan | Moran |
| Blunt | Harkin | Murkowski |
| Boozman | Hatch | Murray |
| Brown (MA) | Hoeven | Paul |
| Burr | Hutchison | Portman |
| Cantwell | Inhofe | Risch |
| Carper | Isakson | Roberts |
| Chambliss | Johanns | Rubio |
| Coats | Johnson (WI) | Sessions |
| Coburn | Kirk | Shaheen |
| Cochran | Klobuchar | Shelby |
| Conrad | Kohl | Tester |
| Coons | Kyl | Thune |
| Corker | Lee | Toomey |
| Cornyn | Lieberman | Udall (CO) |
| Crapo | Lugar | Vitter |
| DeMint | Manchin | Wicker |
| Ensign | McCain | |

NOT VOTING—1

Kerry

The motion was rejected.

AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 80, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 80), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority reader.

Mr. REID. I ask unanimous consent that the next votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 81

The question is on agreeing to amendment No. 81, offered by Senator COBURN.

The amendment (No. 81) was agreed to.

AMENDMENT NO. 91

The PRESIDING OFFICER. The question is on agreeing to Coburn amendment No. 91.

Mr. ROCKEFELLER. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—59

| | | |
|---|---|---|
| Akaka | Harkin | Nelson (FL) |
| Baucus | Hoeven | Pryor |
| Begich | Hutchison | Reed |
| Bennet | Inouye | Reid |
| Bingaman | Johnson (SD) | Roberts |
| Blumenthal | Klobuchar | Rockefeller |
| Boxer | Kohl | Sanders |
| Brown (OH) | Landrieu | Schumer |
| Cardin | Lautenberg | Shaheen |
| Carper | Leahy | Snowe |
| Casey | Levin | Stabenow |
| Cochran | Lieberman | Tester |
| Collins | Manchin | Udall (CO) |
| Conrad | Menendez | Udall (NM) |
| Coons | Merkley | Warner |
| Durbin | Mikulski | Webb |
| Feinstein | Moran | Whitehouse |
| Franken | Murkowski | Wicker |
| Gillibrand | Murray | Wyden |
| Hagan | Nelson (NE) | |

NAYS—40

| | | |
|---|---|---|
| Alexander | DeMint | McCain |
| Ayotte | Ensign | McCaskill |
| Barrasso | Enzi | McConnell |
| Blunt | Graham | Paul |
| Boozman | Grassley | Portman |
| Brown (MA) | Hatch | Risch |
| Burr | Inhofe | Rubio |
| Cantwell | Isakson | Sessions |
| Chambliss | Johanns | Shelby |
| Coats | Johnson (WI) | Thune |
| Coburn | Kirk | Toomey |
| Corker | Kyl | Vitter |
| Cornyn | Lee | |
| Crapo | Lugar | |

NOT VOTING—1

Kerry

The motion was agreed to.

AMENDMENT NO. 71

The PRESIDING OFFICER. The question is on agreeing to Schumer amendment No. 71.

All time is yielded back.

The amendment (No. 71) was agreed to.

AMENDMENT NO. 50

The PRESIDING OFFICER. There is now 10 minutes of debate, evenly divided, on the Leahy-Inhofe amendment No. 50.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, Senator LEAHY is somewhere around here. But since he is not on the floor, I will go ahead and present this amendment.

This is a Leahy-Inhofe amendment. It is on two almost unrelated things, but the Leahy portion of the amendment extends the public safety officer program benefits from 6 to 10 families whose loved ones died in voluntary services. It is fully offset for 10 years.

The important part of this amendment is mine, and that is—if I could have your attention over here, and I am speaking to the Republicans now, we have been trying to do this for a number of years, and Senator LEAHY and I have agreed to this. Those of us who have been pilots—and I have been for 55 years—I have been involved in a lot of humanitarian missions. What this does is offer liability protection to those of us who volunteer ourselves, our money, and our aircraft to do missions no one else will do. They are humanitarian missions. The longest one I did was all the way down to Dominica, North of Caracas, Venezuela, through two hurricanes, and we saved a lot of lives down there. This would offer liability protection to those individuals who make those sacrifices.

There are 8,000 of us, by the way, around the country, I am sure from every State represented here. So I would encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

Mr. COBURN. Mr. President, I have no problem at all with my senior Senator's modification to the amendment. I am going to ask to have a voice vote on this to accommodate everybody, recognizing the late hour, but I want to make a point. What Senator LEAHY wants to do is great to help people. But the one question we have not asked is—and we are going to be asked to ask it all the time from here forward given where we are—is it a Federal responsibility to supply these benefits? You can't find it in the Constitution. You can't find it anywhere.

When we look at the hard decisions we are going to have to make over the next 2 years in terms of trimming both mandatory programs and discretionary programs, where we set an example that we are going to expand something that is not in our constitutional role, we are making a mistake and we are setting ourselves up for failure.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased we will finally vote on the bipartisan amendment that Senator INHOFE and I have proposed. I thank the Commerce Committee chairman and ranking member.

Before we vote I would like to respond to some remarks made on the floor yesterday. The junior Senator from Oklahoma, Mr. COBURN, expressed some concern with the portion of our amendment that makes an improvement to the Public Safety Officers Benefits Act. As I understand one of Senator COBURN's concerns, it is the belief that the PSOB improvement I propose exceeds Congress's proper role under the Constitution.

Section 8 of article 1 in the Constitution empowers Congress to provide for the ''general welfare'' of the United States. Supporting our first responders, and encouraging more Americans to serve their communities as first responders, who are our first line of national security, falls squarely within this clause.

Congress can and does legislate in many areas that support the general welfare of our Nation, whether providing funds to fight violent crime through joint law enforcement task forces, or providing disaster aid to the states following natural disasters. Congress has traditionally acted to support our Federal system through beneficial legislation for the states. I find it difficult to understand how supporting all of our Nation's first responders, on an equal basis, exceeds Congress's proper and traditional constitutional role.

According to my review, there have been 65 Federal cases concerning the PSOB program, and not one of them challenged its constitutionality. In 1986, the Supreme Court took up a case involving the PSOB program, which did not involve a constitutional challenge, and in fact invoked the Constitution's supremacy clause to hold that the Federal PSOB program's benefit could not be interfered with by any inconsistent state law.

Senators may disagree about the wisdom or necessity of legislating for the general welfare or in support of our first responders, but as a constitutional matter, Congress authority to enact programs like the Public Safety Officers Benefits Act is well established.

For over 30 years, since 1976, the Public Safety Officers Benefits Program has assisted the families of first responders lost in the line of duty, including local police, firefighters, and EMS technicians. This policy was enacted in part to encourage more Americans to serve their communities as police officers, firefighters, and paramedics. The importance of the services they provide is undeniable.

Senator COBURN also expressed concern that our amendment expanded Federal costs. So let me be clear on this point: while the estimated cost of this proposal is modest—less than $13 million over 10 years our—amendment is fully paid for through an included offset. Let me repeat that because I think there may be some confusion on this point—this amendment is completely paid for. It is deficit neutral and will have no budgetary impact given the included offset.

I also heard a concern about the fact that this amendment may not be germane to the underlying bill. If I am not mistaken, one of the very first amendments the Senate voted on, and for which Senator COBURN voted in favor and had no procedural objection that I am aware of, was an amendment to repeal the health care law. I do not think that amendment would be ruled germane. Nonetheless, in the spirit of moving the legislative process forward, the Senate voted on it.

Senator INHOFE and I have worked together to try to advance two proposals that are important to us, and which will both support our Nation's first responders and encourage volunteerism. I thank Senator INHOFE once again, and I urge all Senators to join us in support of this amendment.

I ask unanimous consent that letters of support for my amendment from the American Ambulance Association, the National Association of EMTs, the International Association of Fire Fighters, and the International Association of Fire Chiefs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN AMBULANCE ASSOCIATION,

*McLean, Virginia, February 4, 2011.*

The Hon. PATRICK LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: On behalf of the membership of the American Ambulance Association (AAA), I am proud to convey our strong support for Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). Your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. It would also provide much needed liability protection to volunteer pilots.

We greatly appreciate that the amendment is named after Dale Long who lost his life in the line of duty in June of 2009. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years, most recently with the Bennington Rescue Squad. Just two months prior to his death, Dale was recognized by the American Ambulance Association as a Star of Life for his years of dedicated service to patients. In 2010, Dale was honored by the National EMS Memorial. Dale is deeply missed and we greatly appreciate your efforts on his behalf and those of thousands of paramedics and EMTs around the country.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, put their lives on the line. We therefore applaud your leadership to make EMS personnel employed by nonprofit agencies eligible for public safety officer benefits and encourage you to ensure that eventually all EMS personnel are covered.

The AAA is the primary national trade association for providers of emergency and non-emergency ambulance services. The AAA is comprised of more than 600 ambulance service operations which account for providing services to over 75 percent of the

U.S. population. AAA members include private, public, fire-based, hospital-based and volunteer ambulance service providers serving urban, suburban and rural areas. The AAA was formed in 1979 in response to the need for improvements in medical transportation and emergency medical services.

Again, we strongly support Amendment No. 50 to S. 223 and greatly appreciate all of your efforts on the issue.

Sincerely,

STEVE WILLIAMSON,
*President.*

---

NATIONAL ASSOCIATION
OF EMERGENCY MEDICAL TECHNICIANS,
*Clinton, Mississippi, February 4, 2011.*

Hon. PATRICK LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY, The National Association of Emergency Medical Technicians, NAEMT, strongly supports Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). In addition to providing liability protection to volunteer pilots, your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. Your amendment would provide piece of mind to thousands of emergency medical service, EMS, personnel and their families including those of Dale Long.

The death in June of 2009 of Dale Long was a tragedy. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years and served with the Bennington Rescue Squad for the last four of those years. In 1998, he was recognized as the Vermont Advanced Provider of the Year. Dale will be deeply missed and we greatly appreciate you honoring Dale by naming this vital amendment after him.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, are willing to put their lives on the line. We very much appreciate your leadership to make EMS personnel employed by nonprofit agencies eligible for federal death benefits and encourage you to ensure that eventually all EMS personnel are covered.

Again, we strongly support Amendment No. 50 to S. 223 and thank you for all of your efforts on this issue.

Sincerely,

CONNIE MEYER,
*President, NAEMT.*

---

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
*February 7, 2011.*

Hon. PATRICK LEAHY, Chairman,
*Committee on the Judiciary, U.S. Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I wish to express our support for the Dale Long Emergency Medical Service Providers Protection Act, and urge the Senate to adopt it as an amendment to the FAA reauthorization.

The legislation corrects an inequity in Public Safety Officers Benefit, PSOB, by extending coverage to those employees and volunteers of non-profit ambulance squads that serve public agencies. Throughout the nation, many non-profit entities serve as the principal 911 emergency responder for their communities, and the emergency care providers who work or volunteer for such agencies should be treated as public safety officers. For example, Dale Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue

Squad, which is the designated 911 emergency response agency for the town of Bennington, VT.

We believe your amendment fixes this oversight without undermining the original purpose of the PSOB program to provide assistance to the families of fallen public safety officers. The amendment strikes, the appropriate balance, and we urge the Senate's support.

Thank you for your consideration of the views of America's professional fire fighters and emergency medical responders.

Sincerely,

BARRY KASINITZ,
*Director of Governmental Affairs.*

---

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
*Fairfax, VA, February 8, 2011.*

Hon. PATRICK LEAHY,
*Chairman, Senate Committee on the Judiciary,*
*Senate Office Building, Washington, DC.*

DEAR CHAIRMAN LEAHY: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to express our support for your amendment to S. 223, FAA Air Transportation Modernization and Safety Improvement Act, which would add the ''Dale Long Emergency Medical Service Providers Protection Act.'' This amendment strikes a proper balance between providing for the families and loved ones of fallen nonprofit EMS personnel, and protecting the original intent of the Public Safety Officers' Benefits (PSOB) program.

The amendment would afford previously excluded survivor benefits through the U.S. Department of Justice's PSOB program to the families and loved ones of fallen EMS personnel who work or volunteer for a public or non-profit rescue squad or ambulance crew that is officially authorized or licensed to engage in rescue activity, and is officially designated as a pre-hospital emergency medical response agency.

Across the United States, many non-profits serve as the principal 9–1–1 emergency medical responder for their communities. These EMS personnel who work or volunteer for such agencies should be treated as public safety officers under the PSOB program. EMT specialist Dale R. Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue Squad, which is the designated 9–1–1 emergency response agency for the town of Bennington, Vermont.

Thank you for your continued support for America's public safety community.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,
*President and Chairman of the Board.*

The PRESIDING OFFICER. Is all time yielded back?

Mr. DURBIN. I yield back the time.

Mr. COBURN. Mr. President, I ask unanimous consent to waive the 60-vote threshold on this vote and have a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 50) was agreed to.

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 10, AS MODIFIED; 22; 37, AS MODIFIED, 46, AS MODIFIED; 53, 57, 59, 65, 86, AND 94

Under the previous order, the managers' package is agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 10, AS MODIFIED

(Purpose: To change the effective date for certain noise level amendments)

On page 278, line 2, strike ''5 years after the date of enactment of this Act.'' and insert ''on Dec. 31, 2014.''

AMENDMENT NO. 22

(Purpose: To cap the local cost share under the contract air traffic control tower program at 20 percent)

On page 143, beginning on line 10, strike ''for'' and all that follows through ''enplanements'' on line 13 and insert ''capped at 20 percent''.

AMENDMENT NO. 37, AS MODIFIED

(Purpose: To clarify the allowable costs standards for public-use airport projects)

Strike section 214, and insert the following:

**SEC. 214. ALLOWABLE PROJECT COSTS.**

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to climactic conditions affecting the construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

''(iv) the sponsor has an alternative funding source available to fund the project; and

''(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

AMENDMENT NO. 46, AS MODIFIED

(Purpose: To allow the IRA rollover of amounts received in airline carrier bankruptcy)

At the appropriate place, insert the following:

**SEC. _____. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.**

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then

such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

**SEC. _____. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.**

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

**SEC. _____. MODIFICATION OF CONTROL DEFINITION FOR PURPOSES OF SECTION 249.**

(a) IN GENERAL.—Section 249(a) of the Internal Revenue Code of 1986 is amended by striking '', or a corporation in control of, or controlled by,'' and inserting '', or a corporation in the same parent-subsidiary controlled group (within the meaning of section 1563(a)(1) as''.

(b) CONFORMING AMENDMENT.—Section 249(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''subsection (a)—'' and all that follows through ''The adjusted issue price'' and inserting ''subsection (a), the adjusted issue price'', and

(2) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases after the date of the enactment of this Act.

AMENDMENT NO. 53

(Purpose: To require the Administrator of the Federal Aviation Administration to improve the inspection, mounting, and retention of emergency locator transmitters)

On page 208, between lines 19 and 20, insert the following:

(c) IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.—

(1) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the ''Administrator'') shall require a detailed inspection of each emergency locator transmitter (referred to in this section as ''ELT'') installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer's specifications.

(2) MOUNTING AND RETENTION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) REVISION.—Based on the results of the determination conducted under subparagraph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) REPORT.—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

AMENDMENT NO. 57

(Purpose: To authorize the Administrator of the Federal Aviation Administrator to authorize general aviation airport sponsors to allocate mineral revenues not needed to carry out 5-year projected airport maintenance needs for other transportation infrastructure projects)

On page 54, between lines 3 and 4, insert the following:

**SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) GENERAL AVIATION AIRPORT.—The term ''general aviation airport'' means an airport that does not receive scheduled passenger aircraft service.

(b) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the ''Administrator'') may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(d) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

AMENDMENT NO. 59

(Purpose: To require a report on the use of explosive pest control devices)

At the end of subtitle A of title V, add the following:

**SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

AMENDMENT NO. 65

(Purpose: To accelerate the implementation of required navigation performance procedures)

On page 80, beginning with line 8 strike through line 25 on page 83 and insert the following:

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as ''qualified third parties'') that includes the following:

(A) RNP OPERATIONS.—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Administrator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and to utilize those procedures at each of the airports in subparagraph (A).

(C) IMPLEMENTATION PLAN.—A plan for implementation of those procedures that establishes—

(i) clearly defined budget, schedule, project organization, environmental, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) coordination and communications mechanisms with qualified third parties;

(iv) specific procedures for engaging the appropriate Administration employee groups to ensure that human factors, training and other issues surrounding the adoption of required navigation performance procedures in the en route and terminal environments are addressed;

(v) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System;

(vi) outcome-based performance metrics to measure progress in implementing RNP procedures that reduce fuel burn and emissions;

(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipage to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipage.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 30 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) OTHER AIRPORTS.—

(1) IN GENERAL.—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and qualified third parties, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation, with priority given to those airports where procedures developed, certified, and published under this section will provide the greatest benefits in terms of safety, capacity, fuel burn, and emissions.

(2) SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

(3) IMPLEMENTATION SCHEDULE.—The Administration shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports within 18 months after the date of enactment of this Act;

(B) 50 percent of the procedures at such other airports within 30 months after the date of enactment of this Act;

(C) 75 percent of the procedures at such other airports within 42 months after the date of enactment of this Act; and

(D) 100 percent of the procedures before January 1, 2016.

(c) ESTABLISHMENT OF PRIORITIES.—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and implemented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Administrator shall issue and file a categorical exclusion for such procedures.

AMENDMENT NO. 86

(Purpose: To provide for use of model aircraft for recreational and other purposes)

On page 245, between lines 7 and 8, insert the following:

(g) SPECIAL RULE FOR MODEL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies,, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) MODEL AIRCRAFT DEFINED.—For purposes of this subsection, the term ''model aircraft'' means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

AMENDMENT NO. 94

(Purpose: To require the disclosure of the dimensions of seats on aircraft to enable parents to determine if their child safety seats will fit in those seats)

On page 128, between lines 2 and 3, insert the following:

**SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.**

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring

each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

THROUGH THE FENCE AGREEMENTS

Mr. WYDEN. I want to thank Chairman ROCKEFELLER for the opportunity to have this colloquy with him today on the topic of through the fence agreements. Now, most folks don't know this, but there are a few different developments throughout the country that have houses with plane hangars near airports, and they have what is called a through the fence agreement to use the airway runway. Is the Senator familiar with these agreements?

Mr. ROCKEFELLER. I am aware of these agreements.

Mr. WYDEN. As the Senator might know, one place that has had a residential airpark for many decades is in my home State, in a town called Independence, OR. Since 1974, folks at the Independence Airpark have had an agreement with the Independence airport to taxi their planes up to the runway and use it for recreation and travel purposes.

But recently, the FAA decided to change the rules on all through the fence agreements and the folks at Independence Airpark and elsewhere may not be able to continue an arrangement they have had nearly 40 years with no significant safety issues and no significant noise complaints.

That just doesn't seem fair. So I have introduced an amendment I believe will safely provide a path forward for places like the Independence Airpark to continue to exist. Is the Senator aware of the amendment I filed?

Mr. ROCKEFELLER. I am aware that the Senator has filed an amendment on this issue, and I understand his concerns about this issue and its effect on his constituents.

Mr. WYDEN. While I understand we may not have an opportunity to vote on my amendment, Mr. Chairman, as we moved forward on this FAA reauthorization bill, can the Senator commit to working with me to find a solution so folks who have never gone afoul of the law or regulations are treated fairly?

Mr. ROCKEFELLER. I would be glad to continue working with the Senator on this issue, and I appreciate his work to ensure that there is fairness in this regard.

Mr. WYDEN. I thank the Senator, both for his important work on this larger FAA bill, and for his willingness to work with me in addressing this issue.

Mr. LEVIN. Mr. President, I will vote in support of S. 223, of the FAA Air Transportation Modernization and Safety Improvement Act and I urge its adoption and enactment.

The Senate is already on record in support of the contents of this bill. This is because the bill we are voting on today is almost identical to the FAA authorization bill that passed the Senate 93–0 in March of 2010. The last reauthorization bill expired at the end of fiscal year 2007 and since then we have passed 17 short-term extensions. We are well overdue to enact a long-term reauthorization of FAA's programs in order to provide important funding increases and program improvements that will enhance the safety and efficiency of our Nation's aviation system. In so doing we will make key investments in our nation's aviation infrastructure as well as create good jobs in the process.

Our global economy depends on the smooth and efficient movement of goods, services and people from city to city and across international borders. A safe and efficient aviation system goes hand in hand with a strong economy. We are fortunate to have the best aviation system in the world and we must continue to make the necessary investments and upgrades to retain that high standard. The FAA reauthorization bill helps us to do this by addressing problems of capacity, congestion and delays. This will ensure our aviation system can handle the projected growth in airlines passengers.

The FAA reauthorization bill being considered by the Senate today will create much needed jobs by providing the funding and directives for safety improvements at our airports and in the aviation industry. For instance, in Michigan the FAA is building two new air traffic control towers, at Kalamazoo and Traverse City. The FAA is also repaving numerous runways and taxiways, including at Detroit Metropolitan Wayne County Airport, Alpena County Regional Airport, Bishop International Airport, Sawyer International Airport and at other airports around the state. The FAA is also constructing new terminal buildings at Kalamazoo/Battle Creek International Airport and at MBS International Airport in Freeland, Michigan. Additionally, FAA funds are paying for the design of a new building for aircraft rescue and firefighting and snow removal equipment at Pellston Regional Airport in Emmet County. These are much needed upgrades to Michigan airports and will make flying into and around Michigan safer and easier. These are the kinds of improvements this bill will continue to make possible in the future.

A key component of S. 223 will modernize our air traffic control system by building the Next Generation Air Transportation System—NextGen—of satellite-based navigation. The NextGen system will be more accurate and more efficient than the current radar-based air traffic control system. It will also result in significant fuel efficiencies and time savings by allowing aircraft to fly more direct routes. This is good for the environment, good for air carriers and good for the flying public. The bill also provides flexibility to airports in using Airport Improvement Program funds as well as studying ways to raise revenue for airport projects through a pilot program.

This bill also includes important passenger rights protections. It requires airlines to plan for delays and protect passengers while they are on an aircraft, including how airlines will provide adequate food, water and access to restrooms. It also requires that passengers be allowed to deplane after 3 hours on the tarmac.

And this bill makes important improvements to the Essential Air Service Program, which provides rural communities with access to the national air transportation system. The EAS program is important to Michigan because we have eight communities that rely on EAS subsidies to help provide them with daily commercial air service. This bill increases EAS program funding by $73 million a year to $200 million annually. I joined my colleagues in defeating a McCain amendment that would have eliminated the Essential Air Service Program. I strongly oppose attempts to deprive Michiganians living in the less populated areas of our State of commercial air service. For businesses in the affected communities, this service is an economic lifeline that connects them to the web of both national and international commerce. At a time when we're doing everything we can to compete and to increase the number of jobs, cutting off that access makes no sense.

Again, I am pleased to vote yes on final passage of the FAA Air Transportation Modernization and Safety Improvement Act and I hope the House of Representatives will also act quickly to adopt a bill.

Mr. ROCKEFELLER. Mr. President, I believe this bill is fundamental to our Nation's long-term economic competitiveness. It will create good-paying jobs across the country. It will improve the safety and efficiency of our Nation's air transportation system. And it will help to make sure the United States remains the global leader in aviation.

As we approach a final vote on the FAA reauthorization, I want to close by touching briefly on why this is so important—and why we have spent 3 weeks working on this bill.

This FAA reauthorization is about more than aviation, it is about stimulating the economy and securing jobs and retaining jobs.

The aviation sector supports over $1 trillion in economic activity and over 11 million jobs in the United States. This bill will support hundreds of thousands of aviation jobs annually. Moreover, it is critical to the businesses that rely on aviation and will provide a base for financial success in an increasingly global economy.

This bill is about improving commercial airline service to small and rural communities, making sure all areas of the country have adequate access to the Nation's air transportation network.

It also establishes better consumer rights protections for travelers, giving passengers a more consistent and improved air travel experience.

Ultimately, it is about improving safety and modernizing our system.

In other words, it is about people's lives every day—the safety of our skies for passengers and their families is critical and we must get this right.

Statistically, the United States has the safest air transportation system in the world. But statistics do not always tell the whole story.

It has been just over 2 years since the crash of Flight 3407 in Buffalo, NY, took the lives of 50 people. This tragedy reminds us that we must remain vigilant in making the national airspace system as safe as possible.

Although we were able to take important steps last August to improve pilot training and fatigue, this bill still has several critical provisions that will further improve the safety of our skies.

Modernizing the air traffic control system will not just make our skies more efficient, it represents a quantum leap forward for aviation safety by providing our air traffic controllers and pilots' real-time traffic and weather information.

The bill also takes steps to strengthen inspections of airline operations, require better oversight of foreign repair stations, and improve helicopter emergency service operations.

This bill is also about equality and economic stability. It will provide needed resources to airports large and small, urban and rural.

Although the U.S. airline industry has begun to recover from the recent economic downturn, hundreds of rural communities across our country continue to struggle.

The future of small communities' economic standing depends on access to air service.

I have witnessed firsthand the positive impact that aviation has made on my home State of West Virginia, and I have seen time and time again how important a lifeline it is for local communities.

The Federal Government must continue the commitment it made when the industry deregulated to provide the resources and tools small communities need to attract adequate air service.

Our legislation accomplishes this by building on existing programs and strengthening them with appropriate reforms.

This bill also strengthens passenger protections by incorporating a passenger bill of rights to deal with the most serious flight delays and cancellations.

Passengers have had it with endless delays—especially when they are stuck on the tarmac. They have had it with being overlooked and dismissed by the aviation system.

The Department of Transportation, DOT, has already begun implementing similar measures and seen great success—this legislation makes certain the Federal Government continues to focus on passengers' rights.

Our air traffic control system is outdated and strained beyond its capacity.

America's air traffic control network is still using WWII-era technology. We are behind Mongolia, and that is unacceptable.

The Next Generation Air Transportation System, NextGen, will save our economy billions by creating additional capacity and more direct routes. This will allow aircraft to move more efficiently and effectively.

Drastic reductions in fuel consumption will reduce carbon and noise emissions in the aviation sector.

And as I noted before, NextGen will dramatically improve safety.

A modern air traffic control system will provide pilots and air traffic controllers with better situational awareness—giving them the tools to see other aircraft and detailed weather maps in real time.

But achieving a modernized air transportation system requires sustained focus and substantial resources.

This reauthorization bill takes concrete steps to accelerate implementation of a modern, satellite based air traffic control system so we can begin to reap these benefits now.

We must move boldly or risk losing our leadership in the world. Over the 3 weeks, I have spoken about the primary goals we set out to achieve with this bill: 1, to address critical safety concerns; 2, to establish a clear roadmap for the implementation of NextGen and accelerate the FAA's key modernization programs; 3, to invest in airport infrastructure; and 4, to continue improving small communities' access to the Nation's aviation system.

I am proud of how far we have come. I also want to thank Senator HUTCHISON, the ranking member of the Commerce Committee and my able partner, for her work on this bill. It is truly a bipartisan bill that reflects a shared vision and goal of making sure the United States continues to have the safest, most efficient, and most modern aviation system possible.

This bill passed 93 to 0 last year. I know a few of my colleagues have had substantial differences over the issue of slots at National Airport. But this issue is minor compared to the benefits provided by the larger bill.

Flights at National Airport should not bring down a bill that is critical to so many Americans and supports so many jobs.

I urge my colleagues to move forward and give the FAA the tools, the resources, the direction, and the deadlines to make sure the agency can provide effective oversight of the aviation industry.

I urge my colleagues to support reauthorization and advance our system now. We cannot afford to wait any longer.

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

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

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

Mr. ROCKEFELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—87

| | | |
|---|---|---|
| Akaka | Feinstein | Merkley |
| Alexander | Franken | Mikulski |
| Ayotte | Gillibrand | Moran |
| Barrasso | Graham | Murkowski |
| Baucus | Grassley | Murray |
| Begich | Hagan | Nelson (NE) |
| Bennet | Harkin | Nelson (FL) |
| Bingaman | Hatch | Portman |
| Blumenthal | Hoeven | Pryor |
| Blunt | Hutchison | Reed |
| Boozman | Inhofe | Reid |
| Boxer | Inouye | Roberts |
| Brown (MA) | Isakson | Rockefeller |
| Brown (OH) | Johanns | Rubio |
| Burr | Johnson (SD) | Schumer |
| Cantwell | Kirk | Sessions |
| Cardin | Klobuchar | Shaheen |
| Carper | Kohl | Shelby |
| Casey | Kyl | Snowe |
| Chambliss | Landrieu | Stabenow |
| Coats | Lautenberg | Tester |
| Coburn | Leahy | Thune |
| Cochran | Levin | Udall (CO) |
| Collins | Lieberman | Udall (NM) |
| Conrad | Lugar | Warner |
| Cornyn | Manchin | Webb |
| Durbin | McCaskill | Whitehouse |
| Ensign | McConnell | Wicker |
| Enzi | Menendez | Wyden |

NAYS—8

| | | |
|---|---|---|
| Crapo | Lee | Toomey |
| DeMint | Paul | Vitter |
| Johnson (WI) | Risch | |

NOT VOTING—5

| | | |
|---|---|---|
| Coons | Kerry | Sanders |
| Corker | McCain | |

The bill (S. 223), as amended, was passed.

The bill will be printed in a future edition of the RECORD.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the measure will be held at the desk.

The Senator from Alaska.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on rollcall vote No. 24, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The aforementioned tally has been changed to reflect the above order.)

VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the following votes: (1) vote in relation to Coburn amendment No. 91 to decrease the Federal share of project costs under airport improvement program for nonprimary airports; (2) vote in relation to Coburn amendment No. 80 to limit essential air service to locations that are 100 or more miles away from the nearest medium or large hub airport; (3) vote in relation to Coburn amendment No. 81 to limit essential air service to locations that average 10 or more enplanements per day; (4) vote on Leahy-Inhofe amendment No. 50 to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofits and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefits; and (5) final passage of the FAA reauthorization act, S. 223.

Had I attended today's session, I would have voted (1) to oppose Coburn amendment No. 91 or to support any motion to lay that amendment on the table; (2) to oppose Coburn amendment No. 80 or to support any motion to lay that amendment on the table; (3) to oppose Coburn amendment No. 81 or to support any motion to lay that amendment on the table; (4) to support Leahy-Inhofe amendment No. 50; and (5) to support final passage of the FAA reauthorization act, S. 223.

## MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THANKING STAFF

Mr. ROCKEFELLER. Mr. President, before we wrap this up entirely, there is just a couple of people I want to thank. I particularly want to thank my ranking member, whom I refer to as my cochair, Senator KAY BAILEY HUTCHISON, for her incredibly hard, smart, indefatigable commitment and pure determination to see this bill through. I could not have asked for a better partner on this bill or as a partner on the Commerce Committee. We work in sync. It doesn't mean we have to agree on everything, but it happens we usually do.

I know, and our colleagues should know, this bill simply would not have happened without her hard work, without her negotiating skills everywhere, constantly. She was tenacious in getting a lot of deals done on what was the most contentious issue, slots. She was patient and she was fair. I want my colleagues and the whole world to know how much I admire her as a person and as a professional, and I am grateful she has applied her considerable expertise and legislative savvy to this effort.

I also want to take a moment to tell my colleagues that I am very disappointed that Senator HUTCHISON has chosen not to seek reelection. She has been a model public servant—she is a model public servant—who has made a real difference in the lives of Americans. She has made Texas proud. The Senate will be worse off without her. The Commerce Committee will be worse off without her. The aviation world will be worse off without her. Most importantly, the people of Texas will miss her talent and her clear ability to represent their interests at the Federal level. She is amazing.

I will reluctantly not begrudge her the opportunity to bring her considerable talents to her post-Senate life, which she fully deserves. But I have her as my partner in the Commerce Committee for 2 more years, and for that I am very grateful. We have 2 more years to team up and see what we can accomplish together and as a committee. We have a full agenda, and this bill is just the first of what I hope will be many joint successes in this Congress.

I want to take a few minutes to thank the staff who have worked so incredibly hard on this bill. The issues we deal with are very difficult. Sometimes they are very boring. And sometimes they are just persistent. You have to scratch them all the time. They are always arcane. We would not be able to do our jobs without the assistance of a very dedicated and smart staff on both sides of the aisle.

I am going to start with Senator HUTCHISON's staff first. I would like to thank Jarrod Thompson, Senator HUTCHISON's lead aviation staffer, who worked seamlessly with my staff. Such is not always the case in this body. The importance of his work on this bill cannot be overstated. He managed every issue in this bill with a calm professionalism that made a challenging process a lot easier.

I would also like to thank her staff director, Ann Begeman, who is truly a gem—that is called a jewel. Ann has been nominated to be Commissioner on the Surface Transportation Board, and she is going to be a great asset to that commission. The committee will consider her nomination soon. Not trying to look ahead too far, I hate the thought of losing her, but she is going to make a fantastic Commissioner.

Finally, I would like to recognize the work of Brian Hendricks, whose fierce tenacity was essential to getting this bill done. He was instrumental in quietly working away, constantly getting things done.

For my part, I am fortunate to have a tremendous staff, too—in my State, in my personal office, and on the committee. I am genuinely lucky I have managed to hold on to a very talented group of people who each fundamentally appreciate it is a privilege to be in public service. If you don't have that instinct, you are not going to do a lot around here.

The staff of the aviation subcommittee is truly exceptional because Gael Sullivan never seeks recognition. I want to spend a minute on giving him the enormous credit and recognition he deserves. Gael Sullivan has spent 10 years on the subcommittee and almost 20 years as a staffer on the Commerce Committee. He knows everything there is to know about aviation. He works enormously hard day in and day out, whether we are on the floor or just trying to solve a problem of a rural airport or a small community depending on Essential Air Service. Gael is here because he is absolutely dedicated to making a difference. He has been critical to every aviation bill that we have tried on this committee. His hard work has helped produce a safer and more efficient air traffic control system and a more secure aviation system.

Working with Gael is Rich Swayze. Rich is an aviation expert as well. From his Ph.D. thesis on air service to his work at GAO, Rich has developed his aviation expertise and the committee and my Senate colleagues have benefitted from that. They may not know that, but they have. Rich has put countless hours into this bill over the last 3 years. He has worked tirelessly on helping resolve the thorniest of issues, such as, for example, slots.

Adam Duffy is the third member of my aviation team. Adam keeps the subcommittee running. Besides helping draft briefing materials for the bill and preparing points for the floor, he has done yeomen's work managing the paper—the amendments—and making sure I had what I needed. His is not a glamorous job at times, but sometimes those are the most important jobs of all.

Finally, there is James Reid. James Reid, for many years, has been a senior adviser to me on Commerce Committee issues—both in my office in the Hart Building and at the committee—including aviation. He has been the deputy staff director of the Commerce Committee since I became chair, and I don't know what I would do without him—literally don't know.

I have known James for many years. I know how smart he is. The tragedy of how things get done is that staff is never recognized for who they really are—the group who puts all of it together—and how funny he is. Now, it is an art form to get to the funny part, but he is one of the funniest people I know, and he has a good heart. I still marvel at the sheer skill he has. Whether it is working through the details of a vexing legislative dilemma or thinking through the best strategic maneuver to achieve success, James can do it all. I totally rely on him. I

am so grateful for his willingness to sacrifice more lucrative opportunities, as so many of our staff are willing to do, to make the Commerce Committee work. I know the entire staff feels the same way I do.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague, Senator ROCKEFELLER, for the wonderful words about myself, about both of our staffs, and suffice it to say, I think the leadership that comes from the top—Senator ROCKEFELLER, as chairman of the Commerce Committee—has put together a staff and a mandate for all of us such that we are going to be a productive committee, we are going to work together, and we are going to shoot straight. And that is exactly what our staffs do, and it is what we do.

The reason we get along so well and have done so much is that we may not agree on every issue, but we try to help each other in a way that achieves the overall goal we both want. Then we have the room to differ on specific ways to get there. So it is a pleasure to be the ranking member of the Commerce Committee, and I do feel that I am a full partner. Even though I am not the chairman of the committee, I do feel like the vice chairman. So I thank the chairman.

I think we have accomplished so much tonight. We haven't passed, on final passage, this bill, but the authorization bill that preceded this one was passed in 2007, and we have had 18 short-term extensions. The FAA runs our aviation system in this country. It is responsible for the safety, it is responsible for consumer protection, and it is responsible for managing the air traffic in this country and managing the fund that helps airports with infrastructure. So short-term extensions don't work in infrastructure and in the areas where there has to be long-term planning. We have been trying to start the process of the long-term planning for the next generation of air traffic control systems since 2007. Tonight, we have passed a major hurdle.

The House is going along on the same track to pass an FAA reauthorization, and I believe we will pass the final bill, I hope, before the short-term extension runs out at the end of March. That will be our goal. I think because we have come together on this bill, we have a good chance of doing that.

I think having the first major bill on the floor in this session of Congress was a big test, and I want to commend our leaders, HARRY REID and MITCH MCCONNELL, for the way it was handled. HARRY REID let the process work. We had plenty of time for amendments. Senator MCCONNELL was very helpful in ensuring that amendments were not an overload. There was no attempt to filibuster this bill. I think this is the way we ought to proceed for the next 2 years, and I think we have made a great start with this bill. People have had their say, they have had their debate time, and that, I hope, is the way the Senate will resume.

I do want to say there were tough issues. The perimeter rule around Washington Reagan National Airport was the biggest sticking point, and it took a lot of give on all sides to assure that the relaxation of the perimeter rule, through exemptions, was done in a way that, I believe, will not hurt any of the stakeholders. I believe there is a balance. I believe we will have more western Senators and their constituents who will be able to have direct access to National Airport. I think we have done right by the airlines that are incumbent carriers at Washington National, and we have made room for new entrants into Washington National, but it was very difficult.

I just want to single out a few people who made huge contributions to this success: Senator KYL from Arizona and Senator ENSIGN from Nevada. They represented the western interests so well. They know aviation and they knew what we could do and we have made great progress.

I will also commend Senator WYDEN, from Oregon, and Senator CANTWELL, who is going to be the new chairman of the Aviation Subcommittee in the Commerce Committee. They both represented the Northwest and Alaska very well. Senator BEGICH and Senator MURKOWSKI also did so much to help us thread the needle that would be a balanced bill.

Then there was Senator WARNER, who also had a different interest and that was to protect his constituents from congestion around Washington National. I think we were able to accommodate the needs of the people who live around National Airport as well, through the leadership of Senator WARNER. It took a lot of negotiation to get there. That is why this bill took several weeks to do.

I am very proud and pleased that we have done this. I too want to recognize the staffs, without whom none of us could do the research and the detail work that is necessary. I will start with Senator ROCKEFELLER's Democratic Commerce staff. Ellen Doneski runs the Senate majority on the Commerce Committee. She is a joy. She and Ann Begeman, who runs the Republican side, are truly colleagues who can shoot straight. There are never surprises. We trust each other. We don't always agree. The answer is not always ''yes.'' But the answer is straight. That is what you need when you are working together to achieve results.

James Reid, on this bill—I didn't know he was funny because, frankly, there hasn't been much fun for the last 2 weeks. But I am glad to know that we have a personality trait that I am going to get to learn. But I did know he is smart. I did know he was very helpful in the capability to work things out with the many amendments and needs of all of our colleagues when it is a big bill.

Gael Sullivan, Rich Swayze, Bruce Andrews, and Adam Duffy all helped in this effort.

I thank the floor staffs from both sides. They are the ones who are sitting in front of us right now. They have been sitting in front of us about 9 o'clock every night that we have been on this bill. I thank Tim Mitchell, Gary Myrick, Tricia Engle on the majority staff. On our side, I know we couldn't do without Dave Schiappa, Laura Dove, Jody Hernandez, and all the cloakroom staff. Honestly, I have to say the floor staff makes the trains run on time. They also work things out sometimes so we do not even have to do it. I appreciate so much all that you all do. You are the wind beneath our wings.

I thank, also, on our side Senator MCCONNELL's staff, Scott Raab, who is the aviation Commerce Committee staff person. We appreciate his efforts to help us keep things on track for the leader.

Then my own Senate Commerce Committee staff. This is why I want to say that we have a great Commerce Committee staff, some of whom will be leaving. This may be their final achievement. I am very pleased they are going to leave on such a high.

Ann Begeman is the chief of our Commerce Committee staff. As the chairman pointed out, she has been given a great position, a promotion. She has been appointed to be a Commissioner on the Surface Transportation Board. She is going to do a great job. In fact, I think she is accusing us of holding up her hearing because we like her so much. But she is going to, in fact, have a hearing in the next couple of weeks. I know she will be confirmed because everyone who works with her knows what a great manager and a great leader she has been on our staff.

I want to thank Brian Hendricks. Brian was described by the chairman as quietly effective—and we all started laughing on the back bench because Brian is a tiger. We need his brilliance and his tenacity in all of the major things we do on the Commerce Committee. In fact, Brian is going to be the new incoming Chief of Staff of the Republican Commerce Committee when Ann Begeman takes her new position at the Surface Transportation Board. He has earned this by leading us through some of the toughest times, not only this bill, where he was a help, but also taking the lead on the NASA bill that we also passed through our committee. The NASA authorization bill, that was passed through the Commerce Committee through the leadership of Brian Hendricks of all of us on the Commerce Committee, is saving America's position in space exploration. We could not have done it without Brian Hendricks. I will never forget the contribution he has made to America. He is going to be with us for a long time to come as well.

Jarrod Thompson was the lead on this bill. As the chairman said, we

could not have done it without Jarrod. He knows aviation backward and forward. There is not a question that was ever asked about what the rules were, what the law was, who was at every airport—he knew. He has been the aviation committee clerk through the relaxation of the Wright amendment restrictions around Love Field and DFW Airport. When we started on this bill and we got to the perimeter rule at Washington National, it was as though Jarrod Thompson had been through this before. He knew what restrictions were and how you could ease them in a balanced way. It was in fact Jarrod who came up with the way forward when we were at a complete impasse at 9 o'clock last night. He is essential to our team as well.

Nick Rossi, a very important part of our staff, is also getting a promotion. SUSAN COLLINS has stolen him from our staff to make him Staff Director at Homeland Security. We never argue when people are promoted. We will miss him very much because he has been an invaluable member of the Commerce Committee staff. He will do a great job running the Homeland Security Committee, the Republican side of that committee staff.

Patrick Mullane is going to be moving over to the Budget Committee. He was a great help. He knows transportation backward and forward.

Todd Bertoson is a great member of our team who is staying with us and will continue to contribute so much with his expertise in marine and ocean, which is another part of our Commerce Committee jurisdiction.

I am very pleased we have been able to achieve a great bill that I know is taking us the next step toward the reauthorization bill that is going to put the FAA, our air traffic control system, our consumer protections, and our safety in the place where they ought to be.

I thank the chairman for his leadership and I yield the floor.

## COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE

Mr. LEAHY. Mr. President, the Committee on the Judiciary has adopted rules governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent to have printed in the RECORD a copy of the committee rules.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendars days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

## COMMITTEE ON FINANCE RULES OF PROCEDURE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the rules of the Committee on Finance for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings*.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer*.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums*.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations*.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling*.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions*.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote*.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes*.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas*.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations*.—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings*.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings*.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings*.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences*.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings*.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees*.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. A transcript, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript; and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

**(i) Committee on Finance,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI

COMMITTEE PROCEDURE

* * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Mr. HARKIN. Mr. President, in accordance with Rule XXVI.2 of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of procedure for the Committee on Health, Education, Labor, and Pensions, as unanimously adopted by the committee on February 16, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

*Rule 1.*—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

*Rule 2.*—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

*Rule 3.*—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

*Rule 4.—(a)* Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

*(b)* A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such

a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

*(c)* No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

*Rule 5.*—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

*Rule 6.*—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

*Rule 7.*—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

*Rule 8.*—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing or executive session it intends to hold at least one week prior to the commencement of such hearing or executive session. In the case of an executive session, the text of any bill or joint resolution to be considered must be provided to the chairman for prompt electronic distribution to the members of the committee.

*Rule 9.*—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

*Rule 10.*—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

*Rule 11.*—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

*Rule 12.*—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

*Rule 13.*—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

*Rule 14.*—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

*Rule 15.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall distribute to each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, along with a summary of the proposed changes prepared by the sponsor of the bill or joint resolution.

*Rule 16.*—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

*Rule 17.—(a)* The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

*(b)* For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

*(c)* The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

*(d)* Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

*(e)* No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

*Rule 18.*—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

*Rule 19.*—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

*Rule 20.*—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chairman for

purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

*Rule 21.*—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments electronically to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

*Rule 22.*—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

**(m)**(1) **Committee on Health, Education, Labor, and Pensions,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

*(a)* a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

*(b)* a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an

explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

## COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Rules of Procedure of the Committee on Veterans' Affairs for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS
RULES OF PROCEDURE

I. MEETINGS

(A) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(B) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(C) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside over all meetings.

(D) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(E) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(F) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee Members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to Members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(G) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each Member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the Members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (F).

II. QUORUMS

(A) Subject to the provisions of paragraph (B), eight Members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five Members of the Committee shall constitute a quorum for purposes of transacting any other business.

(B) In order to transact any business at a Committee meeting, at least one Member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a Member, the matter shall lay over for a calendar day. If the presence of a minority Member is not then obtained, business may be transacted by the appropriate quorum.

(C) One Member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(A) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(B) There shall be a complete record kept of all Committee actions. Such record shall contain the vote cast by each Member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(A) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(B) At least one week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(C)(1) Each witness who is scheduled to testify at a hearing of the Committee shall submit 40 copies of such witness' testimony to the Committee not later than 48 hours before the witness' scheduled appearance at the hearing.

(2) Any witness who fails to meet the deadline specified in paragraph (1) shall not be permitted to present testimony but may be seated to take questions from Committee members, unless the Chairman and Ranking Minority Member determine there is good cause for the witness' failure to meet the deadline or it is in the Committee's interest to permit such witness to testify.

(D) The presiding Member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(E) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's non-concurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other Member of the Committee designated by the Chairman.

(F) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding Member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee Members or staff or with the orderly conduct of the meeting or hearing. The presiding Member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(A) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts:

(1) Information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated and which is to be made public; and

(2) Information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

(B) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

(C) Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless:

(A) Such individual is deceased and was:

(1) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(B) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual.

(C) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

## COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mrs. FEINSTEIN. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee shall be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Tuesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—Witnesses may make brief and relevant statements at

the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to oppose such contempt or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. ''Committee sensitive'' means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any

classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee staff, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee, acting jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by the Chairman and Vice Chairman, and staff with the principal responsibility for the conduct of an audit shall be qualified by training or experience in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Chairman and Vice Chairman.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

Appendix A

S. Res. 400, 94th Cong., 2d Sess. (1976)[1]

*Resolved,* That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of not to exceed fifteen Members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the

select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2), (5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4.(a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5.(a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8.(a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member

of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Ethics to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Bureau of Investigation.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and (2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as otherwise provided in subsection (b), the select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(2) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.

## APPENDIX B

## INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH CONG., 2D SESS. (1976)

### TITLE III—COMMITTEE STATUS

* * * *

SEC. 301(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

### TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

## APPENDIX C

## RULE 26.5(b) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.1)

Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

ENDNOTES

[1] As amended by S. Res. 4, 95th Cong., 1st Sess. (1977), S. Res. 445, 108th Cong., 2d Sess. (2004), Pub. L. No. 109–177, 506, 120 Stat. 247 (2005), and S. Res. 50, 110th Cong., 1st Sess. (2007).

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, the Committee on Commerce, Science, and Transportation adopted rules governing its procedures for the 112th Congress earlier today. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules from the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

112TH CONGRESS

RULE I—MEETINGS OF THE COMMITTEE

1. IN GENERAL.—The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. OPEN MEETINGS.—Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. STATEMENTS.—Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. FIELD HEARINGS.—Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

RULE II—QUORUMS

1. BILLS, RESOLUTIONS, AND NOMINATIONS.—A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. OTHER BUSINESS.—Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination or authorizing a subpoena. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. TAKING TESTIMONY.—For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 Senator.

RULE III—PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

RULE IV—CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

RULE V—SUBPOENAS; COUNSEL; RECORD

1. SUBPOENAS.—The Chairman, with the approval of the ranking minority member of the Committee, may subpoena the attendance of witnesses for hearings and the production of memoranda, documents, records, or any other materials. The Chairman may subpoena such attendance of witnesses or production of materials without the approval of the ranking minority member if the Chairman or a member of the Committee staff designated by the Chairman has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph, the subpoena may be authorized by vote of the Members of the Committee, the quorum required by paragraph 1 of rule II being present. When the Committee or Chairman authorizes a subpoena, it shall be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman. At the direction of the Chairman, with notification to the ranking minority member of not less than 72 hours, the staff is authorized to take depositions from witnesses. The ranking minority member, or a member of the Committee staff designated by the ranking minority member, shall be given the opportunity to attend and participate in the taking of any deposition. Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present.

2. COUNSEL.—Witnesses may be accompanied at a public or executive hearing, or the taking of a deposition, by counsel to advise them of their rights. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of the witness at any public or executive hearing, or the taking of a deposition, to advise the witness, while the witness is testifying, of the witness's legal rights. In the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subparagraph shall not be construed to excuse a witness from testifying in the event the witness's counsel is ejected for conducting himself or herself in such manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of a hearing or the taking of a deposition. This subparagraph may not be construed as authorizing counsel to coach the witness or to answer for the witness. The failure of any witness to secure counsel shall not excuse the witness from complying with a subpoena.

3. RECORD.—An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings and depositions. If testimony given by deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee. The record of a witness's testimony, whether in public or executive session or in a deposition, shall be made available for inspection by the witness or the witness's counsel under Committee supervision. A copy of any testimony given in public session, or that part of the testimony given by the witness in executive session or deposition and subsequently quoted or made part of the record in a public session, shall be provided to that witness at the witness's expense if so requested. Upon inspecting the transcript, within a time limit set by the Clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript.

The Chairman or a member of the Committee staff designated by the Chairman shall rule on such requests.

RULE VI—BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

RULE VII—SUBCOMMITTEES

1. HEARINGS.—Any member of the Committee may sit with any subcommittee during its hearings.

2. CHANGE OF CHAIRMANSHIP.—Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

## COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator ALEXANDER, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR–301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

A. will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

B. will relate solely to matters of the committee staff personnel or internal staff management or procedure;

C. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

D. will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

E. will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

F. may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the Members present so demand a roll call vote instead of a voice vote, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—AMENDMENTS

1. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Paragraph 1 of this Title shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

3. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE VI—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

## COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Ms. LANDRIEU. Mr. President, the Committee on Small Business and Entrepreneurship today adopted rules

governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules adopted by the Committee on Small Business and Entrepreneurship.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADOPTED RULES FOR THE U.S. SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

JURISDICTION (ESTABLISHED IN THE SENATE STANDING RULES)

Per Rule XXV(1) of the Standing Rules of the Senate:

(o)(1) Committee on Small Business and Entrepreneurship to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration;

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Chair of the Committee on Small Business and Entrepreneurship, be referred to the Committee on Small Business and Entrepreneurship for its consideration of any portion of the measure dealing with the Small Business Administration and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

GENERAL SECTION

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

MEETINGS

(a) The regular meeting day of the Committee shall be the first Thursday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting or hearing, such member of the Committee as the Chair shall designate shall preside. For any meeting or hearing of the Committee, the Ranking Member may delegate to any Minority Member the authority to serve as Ranking Member, and that Minority Member shall be afforded all the rights and responsibilities of the Ranking Member for the duration of that meeting or hearing. Notice of any designation shall be provided to the Chief Clerk as early as practicable.

(b) it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless an electronic copy of such amendment has been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. Following receipt of all amendments, the Clerk shall disseminate the amendments to all Members of the Committee.

This subsection may be waived by agreement of the Chair and Ranking Member or by a majority vote of the members of the Committee.

QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments, and steps in an investigation including, but not limited to, authorizing the issuance of a subpoena.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permittedin voting upon the business of the Committee. A Member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, or through oral or written personal instructions to a Member of the Committee or staff. Proxies shall in no case be counted for establishing a quorum.

NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

HEARINGS

(a)(1) The Chair of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chair and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chair and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Subject to Senate Standing Rule 26(4)(d), such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chair or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chair and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his or her own choosing, who shall be permitted while the witness is testifying to advise the witness of his or her legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chair shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

(f) Testimony may be submitted to the formal record for a period not less than two weeks following a hearing or roundtable, unless otherwise agreed to by Chair and Ranking Member.

CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chair with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

MEDIA & BROADCASTING

(a) At the discretion of the Chair, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chair by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

SUBCOMMITTEES

The Committee shall not have standing subcommittees.

AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY RULES OF PROCEDURE

Ms. STABENOW. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has adopted rules governing its procedures for the 112th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator ROBERTS, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, today the Committee on Banking, Housing, and Urban Affairs adopted rules of procedure for the 112th Congress. I ask unanimous consent that the rules of procedure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULE 1—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2—COMMITTEE

[a] Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing via electronic mail or paper mail of the date, time, and place of such session and has been furnished a copy of the measure to be considered, in a searchable electronic format, at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

[a] Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one

Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

[a] Filing of statements.—Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

[a] Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

## EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.

2. Control of prices of commodities, rents, and services.

3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

## TRIBUTE TO GERDA WEISSMAN KLEIN

Mr. REID. Mr. President, I rise today to honor Gerda Weissman Klein, Holocaust survivor and recipient of the Presidential Medal of Freedom.

We tell ourselves never to forget, and we implore our children to do the same. But we cannot do it alone.

We need to listen to those who remember not by choice, but because they can never forget what they saw and what they survived.

With each passing year, fewer and fewer of these witnesses remain. Even fewer of them speak English, or live in America, where we can hear their stories first hand. And fewer still are like Gerda Weissman Klein.

About a year and a half ago, Mrs. Klein and her son visited my office. I invited Senators LEVIN and CARDIN to join me. I will always remember one observation she offered.

I remember it because she didn't say it as though she were teaching a profound lesson, though it was profound. She didn't say it as though it was the most important message she came to deliver, but it has stayed with me to this day. She said it, incredibly, as an off-hand comment while we were just chatting.

Mrs. Klein said this: ''Surviving is an incredible privilege, but it is also a very deep responsibility.''

It was beyond humbling—that someone could see what she saw and lose what she lost and endure what she endured, and still maintain such perspective, and feel such responsibility.

Mrs. Klein continues to fulfill what she sees as her responsibility, sharing her story and teaching us about tolerance. That's why we fulfilled our responsibility to her—by recognizing her with highest honor our country can give civilians, the Presidential Medal of Freedom.

But more than that, we fulfill our responsibility by thanking her, by appreciating her and by listening to her—so that we will never forget what she cannot forget.

## TRIBUTE TO BRIA BENJAMIN

Mr. REID. Mr. President, I rise today to honor Bria Benjamin, a fifth-grader at Forbuss Elementary School in Las Vegas.

Recently, Bria studied hard and recited Martin Luther King's ''I Have a Dream'' speech in celebration of Dr. King's 82nd birthday at a meeting of the Clark County Board of Commissioners. Bria perfectly conveyed the speech and even captured the powerful, emotional and cadenced performance of Dr. King.

I am proud of Bria and commend her stunning rendition of a speech that embodies such a significant time in our country's history. As we celebrate Black History month, we recognize the immense contributions African Americans have made to this country—from innovations in science and technology to accomplishments in the arts and culture to improvements in all of our communities.

## HONORING OUR ARMED FORCES

SPECIALIST ETHAN C. HARDIN

Mr. BOOZMAN. Mr. President, I rise to honor the life of one of America's bravest killed in action in Afghanistan—SPC Ethan C. Hardin—a fallen hero who served our Nation in support of Operation Enduring Freedom.

Specialist Hardin, 22, grew up in Fayetteville, AR, where he graduated Fayetteville Christian Schools. His former principal, Kenny Francis, remembered Specialist Hardin's ''pleasant, likeable, gentle personality.''

His pastor remembers Specialist Hardin as an excellent young man who was very dedicated to Christ. He called Specialist Hardin ''gentle'' as well, saying he harbored no particular hostilities toward the enemy, but a strong desire to protect our country.

Specialist Hardin was a member of the 10th Mountain Division. He was killed when insurgents attacked his unit with an improvised explosive device and small arms fire. PFC Ira Laningham of Zapata, TX, also of the 10th Mountain Division, was also killed in the attack.

Mr. President, Specialist Hardin made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring his life and legacy. He is a true American hero.

SERGEANT ZAINAH CAYE CREAMER

Mr. President, I also rise to honor the life of one of America's bravest killed in action in Afghanistan—SGT Zainah Caye Creamer—a fallen hero who served our nation in support of Operation Enduring Freedom.

Sergeant Creamer, 28, was born in Texarkana, TX, and graduated from Arkansas High School in Texarkana, AR, where she was known for her generosity and kindness. Her friends and family say they will remember her lovely singing voice and her love of country, friends, family and fellow soldiers—including her K–9 partner, Jofa.

A soldier for more than 6 years, Sergeant Creamer was assigned to the 212th Military Police Detachment as an Army dog handler. She and her dog, Jofa, were assigned to check vehicles and facilities for explosives and were carrying out a route and clearance mission when the blast occurred.

She died of injuries sustained when an improvised explosive device detonated near her unit in Kandahar.

Mr. President, Sergeant Creamer made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring her life and legacy. She is a true American hero.

## RELIGIOUS FREEDOM

Mr. HATCH. Mr. President, religious freedom is the first subject addressed in the First Amendment to the United States Constitution. In a pair of clauses that too often are divorced from each other, the Constitution prohibits Congress from making laws respecting an establishment of religion or prohibiting the free exercise of religion. Religious freedom has been a passion of mine throughout my service in the Senate and I intend to address this critical subject in a variety of ways during the 112th Congress. Today, I want to offer for my colleagues' consideration an important speech on religious freedom delivered two weeks ago at the Chapman University School of Law by Elder Dallin Oaks.

Elder Oaks serves in the Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter-Day Saints. He received his law degree from the University of Chicago, where he was Editor-in-Chief of the Chicago Law Review and where he would later teach after clerking for Supreme Court Chief Justice Earl Warren. He also served as President of Brigham Young University, Chairman of the Public Broadcasting Service, and as a Justice on the

Utah Supreme Court. Elder Oaks is one of the pre-eminent legal scholars of our time, and a man deeply schooled in the Constitution who dearly loves our country.

As Elder Oaks makes clear at the outset, this speech is not about particular religious doctrine but about religious freedom. In fact, he says that his intent is ''to contend for religious freedom.'' Contending for something is much more than simply talking about it, explaining it, or even advocating it. To contend for religious freedom is to strive earnestly for it, to struggle for it, even in the face of opposition. Religious freedom is that important.

So I ask unanimous consent to have this speech printed in the RECORD and ask my colleagues to read and consider it. The full printed version of this speech contains extensive footnotes which have been deleted here for ease of publication in the RECORD. But I note for my colleagues that the full text and notes may be found at the following Internet address: http://newsroom.lds.org/article/apostle-emphasizes-the-importance-of-religious-freedom-to-society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESERVING RELIGIOUS FREEDOM

(Elder Dallin H. Oaks, of the Quorum of the Twelve Apostles, Chapman University School of Law, Orange, California, Feb. 4, 2011)

I am here to speak of the state of religious freedom in the United States, why it seems to be diminishing, and what can be done about it.

Although I will refer briefly to some implications of the Proposition 8 controversy and its constitutional arguments, I am not here to participate in the debate on the desirability or effects of same-sex marriage. I am here to contend for religious freedom. I am here to describe fundamental principles that I hope will be meaningful for decades to come.

I believe you will find no unique Mormon doctrine in what I say. My sources are law and secular history. I will quote the words of Catholic, Evangelical Christian, and Jewish leaders, among others. I am convinced that on this issue what all believers have in common is far more important than their differences. We must unite to strengthen our freedom to teach and exercise what we have in common, as well as our very real differences in religious doctrine.

I.

I begin with a truth that is increasingly challenged: Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of special legal protection. I will cite a few examples.

Our nation's inimitable private sector of charitable works originated and is still furthered most significantly by religious impulses and religious organizations. I refer to such charities as schools and higher education, hospitals, and care for the poor, where religiously motivated persons contribute personal service and financial support of great value to our citizens. Our nation's incredible generosity in many forms of aid to other nations and their peoples are manifestations of our common religious faith that all peoples are children of God. Religious beliefs instill patterns of altruistic behavior.

Many of the great moral advances in Western society have been motivated by religious principles and moved through the public square by pulpit-preaching. The abolition of the slave trade in England and the Emancipation Proclamation in the United States are notable illustrations. These revolutionary steps were not motivated and moved by secular ethics or coalitions of persons who believed in moral relativism. They were driven primarily by individuals who had a clear vision of what was morally right and what was morally wrong. In our time, the Civil Rights movement was of course inspired and furthered by religious leaders.

Religion also strengthens our nation in the matter of honesty and integrity. Modern science and technology have given us remarkable devices, but we are frequently reminded that their operation in our economic system and the resulting prosperity of our nation rest on the honesty of the men and women who use them. Americans' honesty is also reflected in our public servants' remarkable resistance to official corruption. These standards and practices of honesty and integrity rest, ultimately, on our ideas of right and wrong, which, for most of us, are grounded in principles of religion and the teachings of religious leaders.

Our society is not held together just by law and its enforcement, but most importantly by voluntary obedience to the unenforceable and by widespread adherence to unwritten norms of right or righteous behavior. Religious belief in right and wrong is a vital influence to advocate and persuade such voluntary compliance by a large proportion of our citizens. Others, of course, have a moral compass not expressly grounded in religion. John Adams relied on all of these when he wisely observed that ''we have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.''

Even the agnostic Oxford-educated British journalist, Melanie Phillips, admitted that ''one does not have to be a religious believer to grasp that the core values of Western Civilization are grounded in religion, and to be concerned that the erosion of religious observance therefore undermines those values and the 'secular ideas' they reflect.''

My final example of the importance of religion in our country concerns the origin of the Constitution. Its formation over 200 years ago was made possible by religious principles of human worth and dignity, and only those principles in the hearts of a majority of our diverse population can sustain that Constitution today. I submit that religious values and political realities are so inter-linked in the origin and perpetuation of this nation that we cannot lose the influence of religion in our public life without seriously jeopardizing our freedoms.

Unfortunately, the extent and nature of religious devotion in this nation is changing. Belief in a personal God who defines right and wrong is challenged by many. ''By some counts,'' an article in The Economist declares, ''there are at least 500 [million] declared non-believers in the world—enough to make atheism the fourth-biggest religion.'' Others who do not consider themselves atheists also reject the idea of a supernatural power, but affirm the existence of some impersonal force and the value of compassion and love and justice.

Organized religion is surely on the decline. Last year's Pew Forum Study on Religion and Public Life found that the percentage of young adults affiliated with a particular religious faith is declining significantly. Scholars Robert Putnam and David Campbell have concluded that ''the prospects for religious observance in the coming decades are substantially diminished.''

Whatever the extent of formal religious affiliation, I believe that the tide of public opinion in favor of religion is receding. A writer for the Christian Science Monitor predicts that the coming century will be ''very secular and religiously antagonistic,'' with intolerance of Christianity ''ris[ing] to levels many of us have not believed possible in our lifetimes.''

A visible measure of the decline of religion in our public life is the diminished mention of religious faith and references to God in our public discourse. One has only to compare the current rhetoric with the major addresses of our political leaders in the 18th, 19th, and the first part of the 20th centuries. Similarly, compare what Lincoln said about God and religious practices like prayer on key occasions with the edited versions of his remarks quoted in current history books. It is easy to believe that there is an informal conspiracy of correctness to scrub out references to God and the influence of religion in the founding and preservation of our nation.

The impact of this on the rising generation is detailed in an Oxford University Press book, Souls in Transition. There we read: ''Most of the dynamics of emerging adult culture and life in the United States today seem to have a tendency to reduce the appeal and importance of religious faith and practice. . . . Religion for the most part is just something in the background.''

Granted that reduced religious affiliation puts religion ''in the background,'' the effect of that on the religious beliefs of young adults is still in controversy. The negative view appears in the Oxford book, whose author concludes that this age group of 18 to 23 ''had difficulty seeing the possible distinction between, in this case, objective moral truth and relative human invention. . . . [T]hey simply cannot, for whatever reason, believe in—or sometimes even conceive of—a given, objective truth, fact, reality, or nature of the world that is independent of their subjective self-experience.''

On the positive side, the Pew Forum study reported that over three-quarters of young adults believe that there are absolute standards of right and wrong. For reasons explained later, I believe this finding is very positive for the future of religious freedom.

II.

Before reviewing the effects of the decline of religion in our public life, I will speak briefly of the free exercise of religion. The first provision in the Bill of Rights of the United States Constitution is what many believe to be its most important guarantee. It reads: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.''

The prohibition against ''an establishment of religion'' was intended to separate churches and government, to forbid a national church of the kind found in Europe. In the interest of time I will say no more about the establishment of religion, but only concentrate on the First Amendment's direction that the United States shall have ''no law [prohibiting] the free exercise [of religion].'' For almost a century this guarantee of religious freedom has been understood as a limitation on state as well as federal power.

The guarantee of religious freedom is one of the supremely important founding principles in the United States Constitution, and it is reflected in the constitutions of all 50 of

our states. As noted by many, the guarantee's ''pre-eminent place'' as the first expression in the First Amendment to the United States Constitution identifies freedom of religion as ''a cornerstone of American democracy.'' The American colonies were originally settled by people who, for the most part, came to this continent for the freedom to practice their religious faith without persecution, and their successors deliberately placed religious freedom first in the nation's Bill of Rights.

So it is that our federal law formally declares: ''The right to freedom of religion undergirds the very origin and existence of the United States.'' So it is, I maintain, that in our nation's founding and in our constitutional order religious freedom and its associated First Amendment freedoms of speech and press are the motivating and dominating civil liberties and civil rights.

III.

Notwithstanding its special place in our Constitution, a number of trends are eroding both the protections the free exercise clause was intended to provide and the public esteem this fundamental value has had during most of our history. For some time we have been experiencing laws and official actions that impinge on religious freedom. In a few moments I will give illustrations, but first I offer some generalizations.

The free ''exercise'' of religion obviously involves both (1) the right to choose religious beliefs and affiliations and (2) the right to ''exercise'' or practice those beliefs without government restraint. However, in a nation with citizens of many different religious beliefs the right of some to act upon their religious beliefs must be qualified by the government's responsibility to further compelling government interests, such as the health and safety of all. Otherwise, for example, the government could not protect its citizens' persons or properties from neighbors whose religious principles compelled practices that threatened others' health or personal security. Government authorities have wrestled with this tension for many years, so we have considerable experience in working out the necessary accommodations.

The inherent conflict between the precious religious freedom of the people and the legitimate regulatory responsibilities of the government is the central issue of religious freedom. The problems are not simple, and over the years the United States Supreme Court, which has the ultimate responsibility of interpreting the meaning of the lofty and general provisions of the Constitution, has struggled to identify principles that can guide its decisions when a law or regulation is claimed to violate someone's free exercise of religion. As would be expected, many of these battles have involved government efforts to restrict the religious practices of small groups like Jehovah's Witnesses and Mormons. Recent experience suggests adding the example of Muslims.

Much of the controversy in recent years has focused on the extent to which state laws that are neutral and generally applicable can override the strong protections contained in the free exercise clause of the United States Constitution. As noted hereafter, in the 1990s the Supreme Court ruled that such state laws could prevail. Fortunately, in a stunning demonstration of the resilience of the guarantee of free exercise of religion, over half of the states have passed legislation or interpreted their state constitutions to preserve a higher standard for protecting religious freedom. Only a handful have followed the Supreme Court's approach that the federal free exercise protection must bow to state laws that are neutral as to religion.

Another important current debate over religious freedom concerns whether the guarantee of free exercise of religion gives one who acts on religious grounds greater protection against government prohibitions than are already guaranteed to everyone by other provisions of the constitution, like freedom of speech. I, of course, maintain that unless religious freedom has a unique position we erase the significance of this separate provision in the First Amendment. Treating actions based on religious belief the same as actions based on other systems of belief is not enough to satisfy the special guarantee of religious freedom in the United States Constitution. Religion must preserve its preferred status in our pluralistic society in order to make its unique contribution—its recognition and commitment to values that transcend the secular world.

Over a quarter century ago I reviewed the history and predicted the future of church/state law in a lecture at DePaul University in Chicago. I took sad notice of the fact that the United States Supreme Court had diminished the significance of free exercise by expanding the definition of religion to include what the Court called ''religions'' not based on belief in God. I wrote: ''The problem with a definition of religion that includes almost everything is that the practical effect of inclusion comes to mean almost nothing. Free exercise protections become diluted as their scope becomes more diffuse. When religion has no more right to free exercise than irreligion or any other secular philosophy, the whole newly expanded category of 'religion' is likely to diminish in significance.''

Unfortunately, the tide of thought and precedent seems contrary to this position. While I have no concern with expanding comparable protections to non-religious belief systems, as is done in international norms that protect freedom of religion or belief, I object to doing so by re-interpreting the First Amendment guarantee of free exercise of religion.

It was apparent twenty-five years ago, and it is undeniable today, that the significance of religious freedom is diminishing. Five years after I gave my DePaul lecture, the United States Supreme Court issued its most important free exercise decision in many years. In Employment Division v. Smith, the Court significantly narrowed the traditional protection of religion by holding that the guarantee of free exercise did not prevent government from interfering with religious activities when it did so by neutral, generally applicable laws. This ruling removed religious activities from their sanctuary—the preferred position the First Amendment had given them.

Now, over twenty years later, some are contending that a religious message is just another message in a world full of messages, not something to be given unique or special protection. One author takes the extreme position that religious speech should have even less protection. In Freedom from Religion, published by the Oxford University Press, a law professor makes this three-step argument:

1. In many nations ''society is at risk from religious extremism.''

2. ''A follower is far more likely to act on the words of a religious authority figure than other speakers.''

3. Therefore, ''in some cases, society and government should view religious speech as inherently less protected than secular political speech because of its extraordinary ability to influence the listener.''

The professor then offers this shocking conclusion:

''[W]e must begin to consider the possibility that religious speech can no longer hide behind the shield of freedom of expression. . . .

''Contemporary religious extremism leaves decision-makers and the public alike with no choice but to re-contour constitutionally granted rights as they pertain to religion and speech.''

I believe most thoughtful people would reject that extreme conclusion. All should realize how easy it would be to gradually manipulate the definition of ''religious extremism'' to suppress any unpopular religion or any unpopular preaching based on religious doctrine. In addition, I hope most would see that it is manifestly unfair and short-sighted to threaten religious freedom by focusing on some undoubted abuses without crediting religion's many benefits. I am grateful that there are responsible voices and evidence affirming the vital importance of religious freedom, worldwide.

When Cardinal Francis George, then President of the U.S. Conference of Catholic Bishops, spoke at Brigham Young University last year, he referred to ''threats to religious freedom in America that are new to our history and to our tradition.'' He gave two examples, one concerning threats to current religious-based exemptions from participating in abortions and the other ''the development of gay rights and the call for same-sex 'marriage.''' He spoke of possible government punishments for churches or religious leaders whose doctrines lead them to refuse to participate in government sponsored programs.

Along with many others, I see a serious threat to the freedom of religion in the current assertion of a ''civil right'' of homosexuals to be free from religious preaching against their relationships. Religious leaders of various denominations affirm and preach that sexual relations should only occur between a man and a woman joined together in marriage. One would think that the preaching of such a doctrinal belief would be protected by the constitutional guarantee of the free exercise of religion, to say nothing of the guarantee of free speech. However, we are beginning to see worldwide indications that this may not be so.

Religious preaching of the wrongfulness of homosexual relations is beginning to be threatened with criminal prosecution or actually prosecuted or made the subject of civil penalties. Canada has been especially aggressive, charging numerous religious authorities and persons of faith with violating its human rights law by ''impacting an individual's sense of self-worth and acceptance.'' Other countries where this has occurred include Sweden, the United Kingdom, and Singapore.

I do not know enough to comment on whether these suppressions of religious speech violate the laws of other countries, but I do know something of religious freedom in the United States, and I am alarmed at what is reported to be happening here.

In New Mexico, the state's Human Rights Commission held that a photographer who had declined on religious grounds to photograph a same-sex commitment ceremony had engaged in impermissible conduct and must pay over $6,000 attorney's fees to the same-sex couple. A state judge upheld the order to pay. In New Jersey, the United Methodist Church was investigated and penalized under state anti-discrimination law for denying same-sex couples access to a church-owned pavilion for their civil-union ceremonies. A federal court refused to give relief from the state penalties. Professors at state universities in Illinois and Wisconsin were fired or disciplined for expressing personal convictions that homosexual behavior is sinful. Candidates for masters' degrees in counseling in Georgia and Michigan universities were penalized or dismissed from programs

for their religious views about the wrongfulness of homosexual relations. A Los Angeles policeman claimed he was demoted after he spoke against the wrongfulness of homosexual conduct in the church where he is a lay pastor. The Catholic Church's difficulties with adoption services and the Boy Scouts' challenges in various locations are too well known to require further comment.

We must also be concerned at recent official expressions that would narrow the field of activities protected by the free exercise of religion. Thus, when President Obama used the words freedom of worship instead of free exercise of religion, a writer for the Becket Fund for Religious Liberty sounded this warning:

''To anyone who closely follows prominent discussion of religious freedom in the diplomatic and political arena, this linguistic shift is troubling.

''The reason is simple. Any person of faith knows that religious exercise is about a lot more than freedom of worship. It's about the right to dress according to one's religious dictates, to preach openly, to evangelize, to engage in the public square.''

Fortunately, more recent expressions by President Obama and his state department have used the traditional references to the right to practice religious faith.

Even more alarming are recent evidences of a narrowing definition of religious expression and an expanding definition of the so-called civil rights of ''dignity,'' ''autonomy,'' and'' self-fulfillment'' of persons offended by religious preaching. Thus, President Obama's head of the Equal Employment Opportunity Commission, Chai Feldblum, recently framed the issue in terms of a ''sexual-orientation liberty'' that is such a fundamental right that it should prevail over a competing ''religious-belief liberty.'' Such a radical assertion should not escape analysis. It has three elements. First, the freedom of religion—an express provision of the Bill of Rights that has been recognized as a fundamental right for over 200 years—is recast as a simple ''liberty'' that ranks among many other liberties. Second, Feldblum asserts that sexual orientation is now to be defined as a ''sexual liberty'' that has the status of a fundamental right. Finally, it is claimed that ''the best framework for dealing with this conflict is to analyze religious people's claims as 'belief liberty interest' not as free exercise claims under the First Amendment.'' The conclusion: Religious expressions are to be overridden by the fundamental right to ''sexual liberty.''

It is well to remember James Madison's warning: ''There are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.''

We are beginning to experience the expansion of rhetoric and remedies that seem likely to be used to chill or even to penalize religious expression. Like the professors in Illinois and Wisconsin and the lay clergyman in California, individuals of faith are experiencing real retribution merely because they seek to express their sincerely held religious beliefs.

All of this shows an alarming trajectory of events pointing toward constraining the freedom of religious speech by forcing it to give way to the ''rights'' of those offended by such speech. If that happens, we will have criminal prosecution of those whose religious doctrines or speech offend those whose public influence and political power establish them as an officially protected class.

Closely related to the danger of criminal prosecutions are the current arguments seeking to brand religious beliefs as an unacceptable basis for citizen action or even for argument in the public square. For an example of this we need go no further than the district court's opinion in the Proposition 8 case, Perry v. Schwarzenegger.

A few generations ago the idea that religious organizations and religious persons would be unwelcome in the public square would have been unthinkable. Now, such arguments are prominent enough to cause serious concern. It is not difficult to see a conscious strategy to neutralize the influence of religion and churches and religious motivations on any issues that could be characterized as public policy. As noted by John A. Howard of the Howard Center for Family, Religion and Society, the proponents of banishment ''have developed great skills in demonizing those who disagree with them, turning their opponents into objects of fear, hatred and scorn.'' Legal commentator Hugh Hewitt described the current circumstance this way:

''There is a growing anti-religious bigotry in the United States. . . .

''For three decades people of faith have watched a systematic and very effective effort waged in the courts and the media to drive them from the public square and to delegitimize their participation in politics as somehow threatening.''

The forces that would intimidate persons with religious-based points of view from influencing or making the laws of their state or nation should answer this question: How would the great movements toward social justice cited earlier have been advocated and pressed toward adoption if their religious proponents had been banned from the public square by insistence that private religious or moral positions were not a rational basis for public discourse?

We have already seen a significant deterioration in the legal position of the family, a key institution defined by religious doctrine. In his essay ''The Judicial Assault on the Family,'' Allan W. Carlson examines the ''formal influence of Christianity'' on American family law, citing many state and United States Supreme Court decisions through the 1950s affirming the fundamental nature of the family. He then reviews a series of decisions beginning in the mid-1960s that gave what he calls ''an alternate vision of family life and family law.'' For example, he quotes a 1972 decision in which the Court characterized marriage as ''an association of two individuals each with a separate intellectual and emotional makeup.'' ''Through these words,'' Carlson concludes, ''the U.S. Supreme Court essentially enlisted in the Sexual Revolution.'' Over these same years, ''the federal courts also radically altered the meaning of parenthood.''

I quote Carlson again:

''The broad trend has been from a view of marriage as a social institution with binding claims of its own and with prescribed rules for men and women into a free association, easily entered and easily broken, with a focus on the needs of individuals. However, the ironical result of so expanding the 'freedom to marry' has been to enhance the authority and sway of government.''

''As the American founders understood, marriage and the autonomous family were the true bulwarks of liberty, for they were the principal rivals to the state. . . . And surely, as the American judiciary has deconstructed marriage and the family over the last 40 years, the result has been the growth of government.''

All of this has culminated in attempts to redefine marriage or to urge its complete abolition. The debate continues in the press and elsewhere.

IV.

What has caused the current public and legal climate of mounting threats to religious freedom? I believe the cause is not legal but cultural and religious. I believe the diminished value being attached to religious freedom stems from the ascendency of moral relativism.

More and more of our citizens support the idea that all authority and all rules of behavior are man-made and can be accepted or rejected as one chooses. Each person is free to decide for himself or herself what is right and wrong. Our children face the challenge of living in an increasingly godless and amoral society.

I have neither the time nor the expertise to define the various aspects of moral relativism or the extent to which they have entered the culture or consciousness of our nation and its people. I can only rely on respected observers whose descriptions feel right to me.

In his book, Modern Times, the British author, Paul Johnson, writes: ''At the beginning of the 1920s the belief began to circulate, for the first time at a popular level, that there were no longer any absolutes: of time and space, of good and evil, of knowledge, above all of value.''

On this side of the Atlantic, Gertrude Himmelfarb describes how the virtues associated with good and evil have been degraded into relative values.

A variety of observers have described the consequences of moral relativism. All of them affirm the existence of God as the Ultimate Law-giver and the source of the absolute truth that distinguishes good from evil.

Rabbi Harold Kushner speaks of God-given ''absolute standards of good and evil built into the human soul.'' He writes: ''As I see it, there are two possibilities. Either you affirm the existence of a God who stands for morality and makes moral demands of us, who built a law of truthfulness into His world even as He built in a law of gravity. . . . Or else you give everyone the right to decide what is good and what is evil by his or her own lights, balancing the voice of one's conscience against the voice of temptation and need. . . .''

Rabbi Kushner also observes that a philosophy that rejects the idea of absolute right and wrong inevitably leads to a deadening of conscience. ''Without God, it would be a world where no one was outraged by crime or cruelty, and no one was inspired to put an end to them. . . . [T]here would be no more inspiring goal for our lives than self-interest. . . . Neither room nor reason for tenderness, generosity, helpfulness.''

Dr. Timothy Keller, a much-published pastor in New York, asks:

''What happens if you eliminate anything from the Bible that offends your sensibility and crosses your will? If you pick and choose what you want to believe and reject the rest, how will you ever have a God who can contradict you? You won't!. . . .

''Though we have been taught that all moral values are relative to individuals and cultures, we can't live like that. In actual practice we inevitably treat some principles as absolute standards by which we judge the behavior of those who don't share our values. . . . People who laugh at the claim that there is a transcendent moral order do not think that racial genocide is just impractical or self-defeating, but that it is wrong. . . .''

My esteemed fellow Apostle, Elder Neal A. Maxwell, asked: ''[H]ow can a society set priorities if there are no basic standards? Are we to make our calculations using only the arithmetic of appetite?''

He made this practical observation: ''Decrease the belief in God, and you increase the

numbers of those who wish to play at being God by being 'society's supervisors.' Such 'supervisors' deny the existence of divine standards, but are very serious about imposing their own standards on society.''

Elder Maxwell also observed that we increase the power of governments when people do not believe in absolute truths and in a God who will hold them and their government leaders accountable.

Moral relativism leads to a loss of respect for religion and even to anger against religion and the guilt that is seen to flow from it. As it diminishes religion, it encourages the proliferation of rights that claim ascendency over the free exercise of religion.

The founders who established this nation believed in God and in the existence of moral absolutes—right and wrong—established by this Ultimate Law-giver. The Constitution they established assumed and relied on morality in the actions of its citizens. Where did that morality come from and how was it to be retained? Belief in God and the consequent reality of right and wrong was taught by religious leaders in churches and synagogues, and the founders gave us the First Amendment to preserve that foundation for the Constitution.

The preservation of religious freedom in our nation depends on the value we attach to the teachings of right and wrong in our churches, synagogues and mosques. It is faith in God—however defined—that translates these religious teachings into the moral behavior that benefits the nation. As fewer and fewer citizens believe in God and in the existence of the moral absolutes taught by religious leaders, the importance of religious freedom to the totality of our citizens is diminished. We stand to lose that freedom if many believe that religious leaders, who preach right and wrong, make no unique contribution to society and therefore should have no special legal protection.

V. CONCLUSION

I have made four major points:

1. Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of their special legal protection.

2. Religious freedom undergirds the origin and existence of this country and is the dominating civil liberty.

3. The guarantee of free exercise of religion is weakening in its effects and in public esteem.

4. This weakening is attributable to the ascendancy of moral relativism.

We must never see the day when the public square is not open to religious ideas and religious persons. The religious community must unite to be sure we are not coerced or deterred into silence by the kinds of intimidation or threatening rhetoric that are being experienced. Whether or not such actions are anti-religious, they are surely anti-democratic and should be condemned by all who are interested in democratic government. There should be room for all good-faith views in the public square, be they secular, religious, or a mixture of the two. When expressed sincerely and without sanctimoniousness, the religious voice adds much to the text and tenor of public debate. As Elder Quentin L. Cook has said: ''In our increasingly unrighteous world, it is essential that values based on religious belief be part of the public discourse. Moral positions informed by a religious conscience must be accorded equal access to the public square.''

Religious persons should insist on their constitutional right and duty to exercise their religion, to vote their consciences on public issues, and to participate in elections and in debates in the public square and the halls of justice. These are the rights of all citizens and they are also the rights of religious leaders and religious organizations. In this circumstance, it is imperative that those of us who believe in God and in the reality of right and wrong unite more effectively to protect our religious freedom to preach and practice our faith in God and the principles of right and wrong He has established.

This proposal that we unite more effectively does not require any examination of the doctrinal differences among Christians, Jews, and Muslims, or even an identification of the many common elements of our beliefs. All that is necessary for unity and a broad coalition along the lines I am suggesting is a common belief that there is a right and wrong in human behavior that has been established by a Supreme Being. All who believe in that fundamental should unite more effectively to preserve and strengthen the freedom to advocate and practice our religious beliefs, whatever they are. We must walk together for a ways on the same path in order to secure our freedom to pursue our separate ways when that is necessary according to our own beliefs.

I am not proposing a resurrection of the so-called ''moral majority,'' which was identified with a particular religious group and a particular political party. Nor am I proposing an alliance or identification with any current political movement, tea party or other. I speak for a broader principle, nonpartisan and, in its own focused objective, ecumenical. I speak for what Cardinal Francis George described in his address at Brigham Young University, just a year ago. His title was ''Catholics and Latter-day Saints: Partners in the Defense of Religious Freedom.'' He proposed ''that Catholics and Mormons stand with one another and with other defenders of conscience, and that we can and should stand as one in the defense of religious liberty. In the coming years, interreligious coalitions formed to defend the rights of conscience for individuals and for religious institutions should become a vital bulwark against the tide of forces at work in our government and society to reduce religion to a purely private reality. At stake is whether or not the religious voice will maintain its right to be heard in the public square.''

We join in that call for religious coalitions to protect religious freedom. In doing so we recall the wisdom of Benjamin Franklin. At another critical time in our nation's history, he declared: ''We must all hang together, or assuredly we shall all hang separately.''

In conclusion, as an Apostle of the Lord Jesus Christ I affirm His love for all people on this earth, and I affirm the importance His followers must attach to religious freedom for all people—whatever their beliefs. I pray for the blessings of God upon our cooperative efforts to preserve that freedom.

## TRIBUTE TO JERRY SLOAN

Mr. HATCH. Mr. President, on February 11, 2011, the people of Utah received of some very bad news. On that day, Jerry Sloan announced that he was resigning his position as head coach of the Utah Jazz. Jerry is one of the most respected figures in all of sports, a Hall of Famer, and, for the people of Utah, an irreplaceable icon. He will most certainly be missed.

Coach Sloan was born and raised in rural Illinois. He played college ball at the University of Evansville. And, although he began his career in the NBA with the Baltimore Bullets, he will always be remembered for his years with the Chicago Bulls. Few probably remember that Jerry was, in fact, the first member of the Bulls' team, having been selected in the expansion draft prior to the team's first season in the NBA. Throughout his playing career, he was known as ''The Original Bull.''

As a player, Sloan was known for his tenacity on defense, his unmatched toughness, and his no-nonsense nature. Over the course of his career with the Bulls, he played in two All-Star Games, was named to the NBA All-Defensive First Team four times and the All-Defensive Second Team twice. After his retirement, the Bulls retired Sloan's jersey, the first jersey retirement in the history of the franchise.

After his playing days were over, Jerry joined the Bull's coaching staff, starting out as a scout, eventually working his way up to head coach, a position he held for three seasons. He joined the Jazz coaching staff a few years later as an assistant coach. In 1988, Jerry was named head coach of the Jazz, and he stayed in that position up until last week.

Jerry Sloan was the coach of the Jazz for 23 years. That is simply remarkable, not only in the modern NBA era but in the history of professional basketball. The NBA has seen a number of great coaches in its history, but none have coached the same team as long as Jerry Sloan coached the Jazz.

Coach Sloan's success is even more remarkable than his longevity. In the 23 seasons Jerry coached, the Jazz finished with a losing record only one time. The team was in the playoffs in all but three of those seasons, and they reached the NBA Finals twice, in 1997 and 1998. Jerry finished his career third on alltime wins list. He holds the record for most wins with a single team. No other NBA coach in history has even approached 1,000 wins with one team. Jerry won 1,127 as coach of the Jazz.

However, while Jerry has amassed an impressive pile of statistics, that is not what he will be remembered for. For fans of the Jazz and, indeed, for basketball fans everywhere, Jerry Sloan was the personification of old-fashioned values. As a longtime fan of the Jazz, I have always reveled in the fact that my favorite team has continuously been praised for its efficiency, discipline, and fundamentals. These have been the hallmarks of Utah Jazz basketball, and that is a direct reflection of Jerry Sloan. In an industry filled with agents, bright lights, and endless promotion, Jerry Sloan's Jazz were living proof that hard work and professionalism could trump market size and national popularity. In many ways, I think Utahns see the Jazz as a reflection of their own values and aspirations, and that is due, in large part, to the character of Coach Sloan.

Jerry was never one to seek after accolades or personal attention during his career. For him, basketball was a job, and he was a consummate professional. He was brutally honest when

necessary and took responsibility when things didn't go the team's way. No one ever heard an excuse from Jerry Sloan.

Mr. President, I have known Jerry Sloan for a number of years. Quite simply, he is a class act. I think you have to spend some time in Utah to know just what Jerry Sloan has meant to our community. I want thank Jerry for all he has done for the State of Utah, and I wish him and his family the best of luck in all their future endeavors.

## REMEMBERING GUISEPPE GARIBALDI

Mr. ENZI. Mr. President, I rise today to talk about the American dream and honoring those who have not only embodied a pioneering spirit, but more specifically, one individual who inspired two nations through his passionate leadership, and through his dedication to family and pride in tradition.

Italian-American Guiseppe Garibaldi lived and fought for the dream of creating his own destiny. All too often today we give little thought to the freedom of deciding who we are, to deciding what we want to be even how and where we raise a family and practice our faith. However, 150 years ago, these decisions meant the world to Mr. Garibaldi.

Giuseppe Garibaldi was born in Nice, Italy, on July 4, 1807. In his early twenties, Mr. Garibaldi continued his family's coastal trade business and answered a call of duty to enlist in the military. At the age of 25, Garibaldi's budding leadership was recognized and he was commissioned as a merchant marine captain.

Throughout Central and South America, he fought in independence struggles leading the Italian Legion. His success earned him the title ''Hero of Two Worlds'' from the people of Italy and Uruguay. Garibaldi continued to foster his passionate beliefs and soon after leaving South America began learning English and applied for citizenship in America. His request was granted and Garibaldi settled in New York among other notable Italian minds of the time. Not only did he become a community leader for Italian Americans living in Staten Island, he encouraged fellow immigrants to work hard for their dreams and to create true communities with their neighbors, while still embracing family and traditions from Italy.

After his time living in the United States, Garibaldi was called upon again to be a military leader. He led the troops at Risorgimento that fought to unite a divided Italy and succeeded in their mission in 1861. This man's great works and leadership helped shift Italy from a dynastic tyranny to a time of political self-determination.

Because of this extraordinary accomplishment, President Abraham Lincoln offered Garibaldi a position as Major General of the Union Army. Although Garibaldi declined the impressive commission, the 39th New York Infantry was still known afterward as ''The Garibaldi Guard''—where Italian-Americans fought alongside fellow soldiers to protect the America they loved.

Giuseppe Garibaldi was not just a soldier though. He was a husband, father and an active free mason who believed that people should unite as brothers within a nation and as a global community. He encouraged fellow immigrants to persevere through hope and hard work and to be proud of their Italian roots.

As an Italian American, I am proud of my heritage and this is why yesterday I introduced a bill today to posthumously award the Congressional Gold Medal to Giuseppe Garibaldi for his life's passions and accomplishments. My bill also commemorates the 150th anniversary of the Republic of Italy, which will be celebrated across Italy and the United States on March 17, 2011. Thank you to Congressman MICHAEL GRIMM of New York who is introducing the bill in the U.S. House of Representatives. It is my hope that this legislation will challenge us all to pause and reflect on the pioneering spirit, family and traditions that have made this great country what it is today.

## TAA AND ATPA

Mrs. HAGAN. Mr. President, I rise today to urge the Senate to quickly pass a long-term extension of the Trade Adjustment Assistance, TAA, program for workers, as well as the Andean Trade Preference program. These programs make our workforce more competitive in the global marketplace and support jobs in North Carolina.

Both are critical Federal programs to North Carolina, and both expired this past Saturday.

North Carolina's workforce has been particularly hard hit as manufacturing has suffered, factories have closed, and companies have moved operations overseas.

The TAA program for workers offers benefits, including job retraining, to workers displaced by imports or a shift of production to other countries. Once a laid-off worker has exhausted State unemployment benefits, he or she can qualify to receive supplemental benefits under TAA.

These include weekly cash payments equal to unemployment benefits. To qualify, the worker must be involved in job retraining.

TAA payments can last for 52 weeks if a worker is in job training and 26 weeks more if a worker needs remedial education.

Many North Carolinians who have lost their jobs through no fault of their own have turned to our network of affordable community colleges to retool their skills.

Yesterday, I met with trustees for the North Carolina Community College System, which is among the best in the Nation.

These leaders told me how valuable it is for these laid-off workers to get a community college education and gain the necessary skills to be competitive in today's job market.

I agree wholeheartedly. Since coming to the Senate I have advocated to expand and enhance the TAA program for workers. In the American Recovery and Reinvestment Act, we significantly enhanced TAA programs by expanding eligibility and increasing the training funds available to States by 160 percent, or $575 million per fiscal year.

Earlier this month, I was among a group of Senators who sent a letter to leaders in the House of Representatives asking that they quickly introduce and pass a long-term extension of TAA, which is something they did in a bipartisan way last December.

Since Congress expanded this crucial program, over 17,000 North Carolinians have been certified for assistance under TAA.

Last year, displaced workers in North Carolina received over $56 million through TAA—the second largest amount given to a single State to help workers develop new skills and find new jobs.

Though we are making progress in turning around our economy, that doesn't mean much if you are one of the 430,000 North Carolinians still out of work.

One North Carolinian, Wayne Kizewski, is 42 years old and 2 years ago lost his job at a Cary company that molded plastic parts for Chrysler. Wayne used the TAA program to go back to school at Wake Technical Community College to study information systems.

Wayne was also able to receive help from the TAA program to pay for 80 percent of his health insurance premiums, including coverage for his 5-year-old son.

I hear from business owners all the time who tell me that workers in North Carolina have a work ethic that is second to none. When these men and women lose their jobs through no fault of their own they are determined to continue providing for their families, and this program allows them to go back to school and retool their skills for the 21st-century economy.

With our State's excellent community colleges, we can get our workforce prepared to lead the way in emerging industries.

The TAA program for workers is essential to maintaining our Nation's global competitiveness and supporting workers in North Carolina and across the country.

I would also like to address the Andean Trade Preference program.

I know my colleagues from Arizona and Ohio were on the floor earlier discussing both TAA and the Andean Trade Preference program.

I know that extending this program is important to my friends on the other side of the aisle. It is important to me too as this program has an impact on jobs in North Carolina.

For example, one of the products eligible for preferential treatment under this agreement is apparel made of U.S. combed-cotton yarn, much of which is made by workers in North Carolina.

In fact, one North Carolina company, Parkdale Mills, exports 1 million pounds of cotton yarn annually that is valued at $2 million.

These exports support more than 100 jobs in North Carolina.

Earlier this week I received a letter from the CEO of Parkdale Mills. He wrote, ''a lapse of duty free benefits, even if a short period of time, is catastrophic to our business.''

Over the last 4 years, the Andean program has been extended or renewed three different times, often at the last minute.

American firms doing business in the Andean region do not know from year to year whether they will pay duties or not. That is no way to run a business.

So I agree with my colleague, the senior Senator for Arizona, that a long-term extension of this program is important.

I believe we should be able to extend both of these programs, TAA and ATPA, together. I know that my colleague from Pennsylvania, Senator CASEY, made a number of unanimous consent requests last week to do just that. The bill that Senator BROWN asked consent to pass earlier would provide an 18 month extension of both programs.

Mr. President, these programs have bipartisan support. Workers and businesses need the certainty and support they provide. We should extend them as soon as possible.

## 150TH ANNIVERSARY OF THE DAKOTA TERRITORY

Mr. THUNE. Mr. President, today I wish to recognize the formation of the Dakota Territory. It was on February 26, 1861, that the Senate passed the legislation creating the territory. In the year of the 150th anniversary, I would like to honor the dedication of those who made this status a reality.

Dr. J.M. Staples of Dubuque, IA, paved the way to develop the Dakota region, leading the new settlers to desire territorial status.

When Minnesota became a State on May 23, 1857, the Dakota area was left without a form of government. Therefore, the settlers unprecedentedly created a provisional government in October of 1858, including electing Henry Masters as Governor and in the autumn of 1859 nominating the Honorable J.P. Kidder as delegate to Congress.

Congress continued to thwart desired territorial status as U.S. Senator Fitch in December 1858, Senator James I. Green on January 29, 1859, and House Representative Alexander II Stevens on February 4, 1859, assertively introduced bills, all of which failed.

Senator Green would not be deterred and continued to push for the creation of the territory, introducing another bill on February 14, 1861. His persistence resulted in the passage of the act. This bill successfully passed in the Senate on February 26, the House on March 1, and President James Buchanan signed it into law less than 48 hours before his term ended on March 2.

After taking office, President Abraham Lincoln had the honor of appointing the first Governor to the territory, Dr. William Jayne of Springfield, IL, a personal friend of his. General J.B.S. Todd, a relative of Mrs. Lincoln, became the first officially recognized territorial delegate to Congress.

I would like to posthumously recognize the efforts of those who worked to secure the designation of the Dakota Territory. For it is through their labor that eventually on November 2, 1889, the Dakota Territory became, in part, the State of South Dakota of which I am proud to be a citizen.

## SPECIAL AGENT JAIME J. ZAPATA AND SPECIAL AGENT VICTOR AVILA

Mr. LIEBERMAN. Mr. President, as chairman of the Senate Committee on Homeland Security and Governmental Affairs, I rise to express my deepest sorrow about a tragic attack on American law enforcement that happened earlier this week in Mexico.

On Tuesday afternoon, two agents from U.S. Immigration and Customs Enforcement were attacked by unknown individuals while driving between Mexico City and Monterrey, Mexico. Today, I honor the incredible sacrifice of Special Agent Jaime J. Zapata, who lost his life in service of our country, and Special Agent Victor Avila, who is recovering from injuries from the shooting.

Special Agent Zapata joined ICE in 2006. He joined one of ICE's offices in Laredo, TX, where he served on the Human Smuggling and Trafficking Unit, as well as the Border Enforcement Security Task Force. He was most recently detailed to ICE's Attache office in Mexico City. He began his Federal law enforcement career with the Department of Homeland Security as a member of the U.S. Border Patrol in Yuma, AZ. A native of Brownsville, TX, Special Agent Zapata graduated from the University of Texas at Brownsville in 2005 with a bachelor of science in criminal justice.

My thoughts and prayers are with Special Agent Avila as he recovers.

These two brave agents gave their all to shield others from harm. They worked tirelessly against dangerous criminal elements. They bravely took dangerous assignments, ultimately making a profound sacrifice.

They were two of the hundreds of ICE personnel around the globe. Honorable agents like these two individuals collaborate with their counterparts in joint efforts to dismantle transnational criminal organizations. Agents like them give their all day in and day out on fighting money laundering, contraband smuggling, weapons proliferation, forced child labor, human rights violations, intellectual property violations, child exploitation, and human smuggling and trafficking.

An incident like this serves to remind us all as a nation how grateful we are for the sacrifices made by these brave men and women every day. The work they do serves to make the public safe and protect the Nation's security.

I have been in contact with law enforcement, and I know that they are working closely with the authorities in Mexico to ensure that the perpetrators of this horrible attack on American law enforcement are brought to justice as quickly as possible.

In the meantime, I offer my deepest condolences to the family of Special Agent Zapata. He died for a just cause and will forever be remembered as a man of courage and honor.

And a message for Special Agent Avila. I think I speak for a nation when I say that I hope, and pray, for your recovery. Words cannot express our thanks for your service.

## HONORING THE USS ''MOUNT HOOD'' (AE–11)

Mr. NELSON of Florida. Mr. President, on August 21, 1944, laden with precious cargo for the Pacific theatre, the USS *Mount Hood*, the lead ship of her class for the U.S. Navy, departed Norfolk on her first mission. On board were 296 sailors and 22 officers.

The USS *Mount Hood* reached Manus Island, a province of Papua, New Guinea, on September 22 and commenced with dispensing ammunition and explosives to ships preparing for the Philippine offensive. On the morning of November 10, 1944, a young Naval Reserve lieutenant and 17 enlisted men climbed over the side of the USS *Mount Hood* and boarded boats to go ashore. After reaching the beach, they saw an enormous flash followed by two explosions, and the men were knocked to the ground. They scrambled back to the boats and headed to where the *Mount Hood* had been anchored, but found only debris where the ship had once been. The entire ship, and all aboard, were gone.

Over 400,000 Americans lost their lives in World War II. In the deserts of North Africa, the jungles of the Pacific islands, on the beaches in Normandy, and everywhere in between, these brave men and women sacrificed their lives to preserve the freedom and individual liberties we all enjoy. We owe them all an immense debt of gratitude for the sacrifices they made to defend our Nation. They should never be forgotten.

The only surviving officer of the USS *Mount Hood*, LT Lester Wallace, is now 95 years old and resides in Pensacola, FL. While we mourn those who gave their lives to the cause of freedom, we must also remember to celebrate the service and sacrifice of those who survived. I am extremely proud of the

service Lieutenant Wallace rendered to our country as a Navy officer, and later as a civilian. On behalf of the people of Florida and our Nation, I thank Lieutenant Wallace—and all those who have served and continue to serve—for their sacrifice and service.

## TRIBUTE TO MAJOR GENERAL GREGORY L. WAYT

Mr. BROWN of Ohio. Mr. President, today I recognize the distinguished military service of MG General Gregory L. Wayt who recently retired from military service after nearly four decades of preserving our Nation's safety and security.

A strong leader with an unyielding call to service and duty to State and Nation, Major General Wayt embodies the character, discipline, and humility that rank him among Ohio's great adjutant generals.

For more than 6 years as the Adjutant General of Ohio, he commanded five brigade-size Army units with more than 11,000 troops and four flying wings and seven nonflying units from Ohio's Air Guard with more than 5,000 additional troops.

During some of the Guard's most challenging times, Major General Wayt's leadership ensured the preparedness of the more than 18,000 Ohio National Guardmembers who served in Iraq and Afghanistan during his tenure, as well as those preparing for overseas contingency operations.

His command also meant Ohio Guardmembers were first on the ground for State emergencies and disasters including flood and winter storm relief from Toledo to Belmont, and in the relief efforts on the gulf coast following hurricanes Katrina and Rita in 2005 and Gustav and Ike in 2008. The Ohio National Guard also had the first C–130 cargo plane on the ground providing critical relief after the Haitian earthquake in 2010.

Under his day-to-day management of the Ohio National Guard—from ensuring the readiness of Guardmembers and weapon systems to the securing fiscal and property resources—Major General Wayt ensured Ohio remained at the top of readiness ranks for our country's National Guards.

Maintaining one of the Nation's premier National Guards also required Major General Wayt's professionalism to maintain the relationship between our military command and civilian leaders. Throughout his service as the Adjutant General of Ohio, he was a trusted national security advisor for two Governors from both parties. He was a valuable resource for all members of the Ohio congressional delegation—always just a phone call away to provide his counsel and recommendations.

As a result of his tireless leadership, Major General Wayt helped save two Air National Guard bases in Ohio and the communities that rely upon them. The Springfield and Mansfield Air National Guard Bases remain critical to our national security and to their local economies because of Major General Wayt's fierce loyalty to those he represents and leads under his command.

He also prioritized the retention of talented officers to ensure the organization developed qualified servicemembers for senior leadership positions. One of the ways Major General Wayt accomplished this was by improving the retirement benefits available to Guardmembers.

Because of his input and that of other Guard leaders, the National Guard and Reserve Retirement Parity Act was signed into law by President Obama to restore parity in retirement benefits. This bill is law because Major General Wayt understood that talented Guardmembers should have the resources and benefits deserving of their sacrifice.

He also understood the importance of international collaboration and coordination. He continued the success of the State Partnership Program with Hungary and Serbia, which was created to link National Guard States and territories with partner countries to foster long-term relationships across all levels of society and to establish the importance of the rule of law in nations seeking the highest democratic values and ideals.

As a leader of Ohio's citizen-soldiers and citizen-Airmen—war fighters, peacekeepers, and guardians of America's ideals of democracy and freedom—Major General Wayt received the admiration of his peers as President of the Adjutants General Association of the United States.

Yet regardless of medals earned and awards received, this great son of Ohio remained grounded in a classic Midwestern work ethic. From his early education in Columbus public schools and Columbus Northland High School to formative years at the Ohio State University as an ROTC student to the University of Dayton, Army Command and General Staff College, and Army War College as a graduate student and senior commander—Greg Wayt symbolizes a dedication to service and sacrifice, and to State and country that deserves a heartfelt thanks from all Ohioans.

But he would be the first to tell you that any professional accomplishment was made possible only by the personal sacrifice of his wife Deborah and daughter Lindsey. The sacrifices of military families deserve our Nation's highest praise—my deepest thank you to Deborah and Lindsey and the Wayt family for sharing their husband, father, and patriarch with a grateful State and Nation.

For all the achievements throughout his career, Major General Wayt will always be first and foremost a field commander and remembered by his troops as one of their own. Congratulations, MG Gregory L. Wayt for 35 years of service to your Nation.

On behalf of a grateful State, I thank you and wish you well upon your retirement.

## TRIBUTE TO AMBASSADOR RAYMOND L. FLYNN

Mr. BROWN of Massachusetts. Mr. President, today I rise to honor Ambassador Raymond L. Flynn in recognition of the retirement of his basketball jersey at his alma mater, Providence College. On Saturday night, the Friars will pay tribute to Ambassador Flynn, a 1963 graduate of the college. Ambassador Flynn is one of the greatest backcourt players in the storied history of the Providence College basketball program. Over his 82-game career, the Ambassador scored 1,025 points. Prior to the Friars' game against the Cincinnati Bearcats at the Dunkin' Donuts Center on Saturday, the college will unveil a banner bearing Ambassador Flynn's No. 14 jersey hanging from the rafters.

A longtime South Boston resident, Ambassador Flynn compiled an impressive list of achievements during his time as a Providence Friar, including two National Invitation Tournament championships in 1961 and 1963. He earned the Most Valuable Player award for his performance in the 1963 tournament. During his junior season, Ambassador Flynn averaged 12.8 points per game and received All-East honors. A skilled outside shooter, the Ambassador increased his average to 18.9 points per game during his senior year, meriting his second All-East distinction, an All-New England award, and Academic All-America honors. Following his graduation, the Ambassador very nearly joined his hometown team, the Boston Celtics.

Following his noteworthy accomplishments as a collegiate student-athlete, Ambassador Flynn embarked upon a distinguished political career. In 1971, the Ambassador won a seat to represent his South Boston community as a member of the Massachusetts House of Representatives and served at the State house until 1979. Ambassador Flynn subsequently served South Boston as a member of the Boston City Council. After 4 years as a city councilor, Ambassador Flynn ran successfully to become mayor of Boston in 1983. He won reelection in 1987 and 1991. In a 2001 interview, Ambassador Flynn lightheartedly remarked, ''As a young kid growing up on the streets of South Boston, everybody wanted to be President of the United States or Mayor of Boston.''

Part way through the Ambassador's third term as mayor of Boston, President Bill Clinton called on him to serve as Ambassador to the Holy See. Ambassador Flynn embraced the opportunity to represent the United States at the Vatican. By the time he left this post in 1997, Ambassador Flynn had cultivated a close working relationship with Pope John Paul II, whom he had

first met in 1969 during his State representative campaign. The Ambassador's friendship with Pope John Paul II led him to author two books: ''The Accidental Pope,'' a novel cowritten with Robin Moore, and a memoir titled ''Pope John Paul II: A Personal Portrait of the Pope and the Man.''

Today, I am proud to salute Ambassador Raymond L. Flynn's accomplishments as a collegiate student-athlete in addition to his achievements as a public servant, diplomat, and devoted husband and father. I am also proud to call him my friend. When Ambassador Flynn sees his jersey hanging high above the court for the first time on Saturday night, I am sure the crowd will give this accomplished son of Massachusetts a standing ovation.

## TRIBUTE TO RACHEL BAILEY

● Mr. KERRY. Mr. President, every day in the Senate we owe an enormous amount of gratitude to our staff and to the staff here on the floor which work long hours—often behind the scenes and away from the headlines—to make possible the smooth functioning of this institution.

Today I would like to offer particular gratitude for one of the Senate pages who was among the youngest members of that extraordinary and unheralded team—a page I was privileged to sponsor here, 16-year-old Rachel Bailey from Glendale, MD.

Rachel found herself serving as a page during last year's lameduck session—one of a pair of the only Senate pages, in fact, on hand during that historically busy period.

As we know, typically, the Senate has 30 pages working at any given time. And with 100 Senators, the pace can get pretty hectic.

So imagine how hectic it became for Rachel when the rest of her page class went home for the holidays, leaving her and one fellow page to handle all the page duties in what proved to be an extremely productive and busy session.

Together they handled it all with a smile, carrying the workload of 30 pages and never missing a beat, even though it meant no days off and working up to 14 hours each day. And Rachel did so in a manner that was calm, professional and bipartisan, working with both the Democratic and Republican cloakrooms.

Pages play an important role in the daily operation of the Senate. They deliver correspondence and legislative material throughout the Capitol. They take messages for Senators or call them to the phone. They prepare the Chamber for Senate sessions, and they carry bills and amendments to the desk. All of this is in addition to their regular school work.

But as demanding as it is, being a page also gives a student a rare opportunity to learn about—and contribute—to the legislative branch of our government and to witness firsthand the debates in the U.S. Senate, often described as the ''greatest deliberative body in the world.'' And in the lameduck session, Rachel had an up close look at a flurry of major legislation, including the Senate's bipartisan ratification of the New START Treaty, a long-sought arms reduction agreement with Russia.

Serving as a page has inspired numerous young Americans to pursue careers in public service, even in politics and in the Senate. My friend Chris Dodd, who just retired after more than three decades in Congress, once served as a Senate page. So did one of my current colleagues, MARK PRYOR of Arkansas. So perhaps someday we will see Rachel in the Senate again, in some role other than page.

But in the meantime, let me thank Rachel's parents, Susan and Karl, for sharing her with the Senate during the Christmas holiday, and sustaining her in her first foray in public service—and please also allow me to thank Rachel for her extra special efforts and to express my admiration for the way she conducted herself throughout our lameduck session. She has set the bar high for herself—and for all the Senate pages who will follow.●

## ADDITIONAL STATEMENTS

### TRIBUTE TO DAVID M. PITTENGER

● Mr. CARDIN. Mr. President, today, I honor the career and contributions of David M. Pittenger, who is retiring after 30 years with the National Aquarium, 15 years as executive director. Dave joined the National Aquarium as director of education in 1979 and implemented award-winning conservation education programs in Baltimore City public schools 2 years before the aquarium officially opened its doors in 1981. Now, each year, 70,000 Maryland schoolchildren, on average, visit the National Aquarium for free as part of their curriculum and Aquarium educators give curriculum training to more than 1,000 teachers.

Through programs that are onsite, in schools and hands-on in the field, the National Aquarium engages children of all ages in raising young terrapins and releasing them into the Bay, taking water and soil samples, growing plants, and going on nature hikes. Children paddle canoes and kayaks, wade in creeks, count birds in wetlands, snorkel in Florida coral reefs, and patrol sea turtle nesting areas in Georgia. For some children, these programs offer their first encounter with an environment outside their neighborhood.

During Dave Pittenger's tenure as director, the National Aquarium has expanded its footprint in Baltimore's Inner Harbor to three buildings, adding an engaging dolphin amphitheater and the award-winning Australia exhibit. The aquarium has also moved beyond its Inner Harbor location, acquiring 12.5 acres of once-contaminated waterfront land in South Baltimore and remediating this ''brownfield'' to make way for a publicly accessible waterfront park.

Dave has fostered Baltimore's alliance with the National Aquarium in Washington, DC, creating a venue that now showcases 70 exhibits featuring America's Aquatic Treasures, highlighting the animals and habitats of freshwater ecosystems in the United States and other conservation hot spots through the National Marine Sanctuaries Program. Under Dave's leadership, however, the National Aquarium has taken on a role greater than its exhibits. He is committed to using the National Aquarium as a stage to educate parents and their children about the importance of aquatic conservation. Dave's priorities of conservation and education are firmly rooted in the conviction that zoos and aquariums have both the capacity and the responsibility to increase public awareness of environmental issues and to implement conservation action programs.

Dave has provided the leadership to make the National Aquarium a true conservation organization with programs around the Chesapeake Bay and the world that restore habitats, rebuild tidal wetlands, strengthen eroding shorelines, reestablish islands, rehabilitate endangered sea turtles, and research lionfish and coral reefs. When the BP oilspill occurred, for instance, scientists from the National Aquarium were available to provide expertise to government and conservation officials trying to ameliorate the damage to the ecosystem in the Gulf of Mexico, work they continue today.

In 2010, building on the aquarium's strong legacy of service to the environment, the National Aquarium Conservation Center was established to research aquatic species and environments and provide advocacy and programs that tackle pressing conservation issues that affect the aquatic environment.

Under Dave's leadership, the National Aquarium has been an economic engine for the city of Baltimore and the State of Maryland, welcoming some 1.5 million visitors annually. The National Aquarium is a world-class entertainment attraction and Maryland's No. 1 tourist attraction. The aquarium generates millions in tax dollars and tourism revenue while employing more than 450 staff and engaging local businesses to support its operations.

I ask my colleagues to join me in thanking Dave Pittenger for his steadfast contributions to our aquatic environment in Maryland and throughout the Nation and the world. The foundation he has laid will produce benefits for all of us as we continue to work to educate and advocate for clean water and a clean environment for all the inhabitants of this Earth.●

LAUNCH OF FIRST RADIOLOGIC-PATHOLOGY CORRELATION COURSE

● Mr. CARDIN. Mr. President, today I wish to recognize the launch of the first Radiologic-Pathology Correlation Course presented by the American Institute for Radiologic Pathology, AIRP, at its new Silver Spring, MD, venue. The American College of Radiology created the AIRP to allow radiology resident training to move forward uninterrupted by the Defense Department's closure of the Armed Forces Institute of Pathology, AFIP, as part of the Base Realignment and Closure Commission plan. The launch of the AIRP provides an excellent example of the private sector stepping up to help ameliorate the impact that BRAC changes can have on a community.

I am especially pleased that AIRP chose to locate in the newly revitalized historic American Film Institute Silver Theatre and Cultural Center, approximately 2 miles from the former AFIP site. The AFI Silver Theatre is a state-of-the-art education and cultural center anchored by the restoration of noted architect John Eberson's historic 1938 Silver Theatre. Once slated for the wrecker's ball, AFI was saved through the efforts of the local community and reopened in 2003. Its revitalization represents a unique public-private partnership between Montgomery County, MD, and the American Film Institute.

The launch of the AIRP at the AFI Silver Theatre and Cultural Center demonstrates the role the theatre is playing as a major anchor of a redevelopment effort in Montgomery County. Approximately 2,000 physicians annually from around the world are expected to convene in Silver Spring for 4 weeks at a time to participate in AIRP. With courses developed and presented by world-renowned faculty from the most prestigious radiology programs in the country, AIRP will further contribute to Montgomery County's reputation as a leader in medical research and education. I applaud the launch of the AIRP, and I look forward to a long and mutually beneficial relationship between AIRP and the Montgomery County community.●

TRIBUTE TO ROBERT A. DENNIS

● Mr. CONRAD. Mr. President, I want to take a moment to recognize the retirement this week of Robert A. Dennis, CBO's Assistant Director for Macroeconomic Analysis. Mr. Dennis is retiring after more than 30 years of service at CBO.

He began his career at CBO in 1979, working as a Principal Analyst in CBO's Macroeconomic Division. He was promoted to the position of Deputy Assistant Director of the Division in 1988 and then to the position of Assistant Director of the Division in 1992, where he has served since.

As the head of CBO's Macroeconomic Analysis Division, Mr. Dennis has been one of the leading economists at CBO and has helped drive the agency's outstanding work. His skills as an economist have been highlighted in the diverse issues he has worked on while at CBO, ranging from macroeconomic effects of tax policy, to the impact of flu epidemics and terrorist disruptions at U.S. ports.

Mr. Dennis has also played a critical role at CBO by developing many of the procedures the Macroeconomic Analysis Division has used to prepare its economic forecasts. He even wrote the computer software that the division used for many years to analyze current economic developments and prepare charts for CBO publications.

Mr. Dennis's excellent work has been recognized throughout his career. In the 1980s, as a principal analyst, he received a CBO Director's Award for outstanding performance. And he has since received a number of awards recognizing his outstanding management at CBO.

Mr. Dennis has exemplified CBO's high standard of professionalism, objectivity, and nonpartisanship. He has worked tirelessly to ensure Congress was given accurate and timely information on the key policy issues of the day.

I thank Robert Dennis and commend him for his many years of dedicated, faithful, and outstanding service to CBO, to Congress, and to the American people. I wish him all the best in his well-deserved retirement.●

REMEMBERING CLIFFORD R. PHILLIPS

● Ms. MURKOWSKI. Mr. President, I would like to take a few minutes to offer a tribute to Clifford R. Phillips. He passed away on December 3, 2010, at his home in Surprise, AZ. He was an Alaskan fishing legend and a true hero who fought bravely in the European Theater during World War II.

Cliff was born on December 7, 1919, on the west coast of Vancouver Island. His parents, who had originally been involved in the fishing industry in England, had immigrated to British Columbia where they managed a herring saltery. They later moved to Ketchikan where he would, as a very young man, begin his career in Alaskan fisheries. This was the age of ''mild cure'' salmon, and starting at the age of seven Cliff began learning the family business and the importance of producing a high quality product. He continued to work with his father in the family business through the 1930s.

After seeing the devastation and heartache of the beginning of World War II, Cliff joined the Alaska National Guard. He trained at Chilkoot Barracks in Haines, AK, and was assigned to duties in the Aleutian Islands. He was one of the first to fly into the new military airfield built in the Pribilof Islands, which is located nearly 500 miles off the Siberian coast. The rugged winter saw the Islands iced in. The base did not receive supplies by ship for some 9 months, but Cliff and his comrades held their ground.

In September 1944, he transferred to the European Theater and joined the Third Army. He participated in the landing at Normandy, and his unit later helped to repel the German offensive in ''The Battle of the Bulge.'' Cliff managed to make it through combat unscathed, and his distinguished service led to his being awarded the Silver Star.

Upon discharge after World War II, Cliff felt the urge to return to Alaska and to his family heritage in the fishing industry. He naturally gravitated back to Ketchikan in southeast Alaska so that he could work in the waters he knew best.

In 1950, the Phillips father-son duo built the E.C. Phillips cold storage plant on Tongass Narrows in Ketchikan. Cliff and his father excelled at increasing capacity, efficiency, and quality. As time went by, the E.C. Phillips product became known for its high quality around the world, and today it is still known as a premier quality product.

After the death of his father, Cliff took charge, but he was no desk bound executive, and standard working hours did not apply to him. During the fishing season he could always be found in the processing area of his plant inspecting the fish and supervising operations. Cliff sold his product by phone and fax from his Alaskan office to the entire United States and around the world. But nothing left the plant until he was satisfied that the fish met the E.C. Phillips quality standard.

Before there was an Alaska Seafood Marketing Institute, Cliff was Alaska's ambassador for seafood, and he traveled far and wide promoting Alaskan seafood products. Cliff remained active in the business well into his eighties, but even after he retired from daily operations and moved to Arizona he maintained frequent contact with the plant and his many friends and customers.

Everyone found Cliff to be a charming man, eloquent and persuasive, but first and foremost he saw it as his mission to insist on high quality for all products which carried the E.C. Phillips brand name. I extend my sincerest condolences to his wife Dixie and his family members. We have all lost a friend, and Alaska's seafood industry has lost a great champion. May he rest in peace.●

REMEMBERING NEVA EGAN

● Ms. MURKOWSKI. Mr. President, today I honor the passing of the initial first lady of Alaska, Neva Egan. Desdia Neva McKittrick Egan was born in Wilson, KS, on October 3, 1914. The articulate, effervescent Alaskan served on hospital boards, school boards, worked diligently on community commitments, and continued to attend morning meetings of the Commonwealth

Club in Anchorage for years. Although she was quick to downplay her role in Alaskan history, she had a key position as first lady. Neva also accompanied her husband to Washington, DC, for 19 months during the period when Alaska was being considered for statehood.

In DC it was a time of adjustment, traffic, ''hot weather'' and big-city living for the girl from small-town Kansas. After her husband, William A. Egan, was elected as Alaska's first Governor, she took great pride in supporting him, as well as all the Alaskan legislators and their families. She was known to invite legislator's children to the Governor's Mansion while living in Juneau during session. Although, Neva rarely spoke publicly about politics, she was the firm shoulder on which many legislators leaned. She was a strong woman that worked hard to care for others behind the scenes when it mattered most.

Neva was the third in a family of four girls and one boy. She graduated from high school in the midst of the Great Depression in 1932 and then worked for a year in her father's grocery store. After a year, she decided to continue her education and attended Kansas State College, but soon transferred to be closer to her sister and aunt at the University of Wyoming. Quickly, she was recruited to teach in Glenrock, WY, for the ''fabulous'' salary of $1,000 a year, while her friends were making $25 a month. Her musical background and teaching career led her to Valdez, where she expected to only stay a year and was told the town was ''a little rough.'' Shortly after she arrived, one of the few local guys with a car, a quiet man, who read the CONGRESSIONAL RECORD for fun in junior high school, expressed interest in Neva. Apparently, the first date was disastrous, but friends recall ''love at first sight.''

William and Neva Egan were married on November 16, 1940, in Valdez. It was the same month that William was elected to the Alaska Territorial House of Representatives from the Third Judicial Division that started his drive into Alaskan political history. As a Representative, an advocate pushing for statehood in DC, a Governor, and as a family man, there was never any question as to whom William could look to for support. Neva was the rock that held up her family. While overseeing issues, her son, Dennis Egan who was born in 1947, once asked if since Neva is the first lady is he ''the first kid?'' Well, that ''first kid'' grew up to be a Juneau radio personality, the former mayor of Juneau, and now a State senator.

Neva was known to start the legislative session with buffet receptions for all the Senators and Representatives and their spouses. She was consistently the rock that others leaned upon; ironing shirts, making beds, and taking the initiative to perform any needed repairs on the Governor's Mansion.

Neva Egan worked hard every day and that resulted in a lifetime of contributions to Alaska. Neva is survived by her son Dennis and daughter-in-law Linda; her granddaughters and their husbands, Jill Egan and Sandy Vergano and Leslie Egan and Tyler Malstrom; and brother Richard McKittrick. Neva was preceded in death by her husband William Egan, daughter Elin Carol Egan, and sisters Helen Spiegelberg, Margaret McKittrick and Josephine Trowbridge. I extend my sympathies to the Egan family and feel blessed to come from the same state where she made such a difference. May she rest in peace.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 514) extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The message also announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. SHIMKUS of Illinois.

## MEASURE HELD AT THE DESK

The following measure was ordered held at the desk, by unanimous consent:

S. 223. An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–594. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis'' (Docket No. APHIS–2008–0052) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–595. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Limitations on Procurements with Non-Defense Agencies'' ((RIN0750–AG67)(DFARS Case 2009–D027)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–596. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Repeal of the Small Business Competitiveness Demonstration Program'' ((RIN0750–AG44)(DFARS Case 2011–D001)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–597. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Publication of Notification of Bundling of Contracts of the Department of Defense'' (DFARS Case 2009–D033) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–598. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Award-Fee Contracts'' ((RIN0750–AF51)(DFARS Case 2006–D021)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–599. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Report Regarding Effect on Military Readiness Caused by Undocumented Immigrant Trespassing on Operational Ranges—Implementation Update''; to the Committee on Armed Services.

EC–600. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC–601. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–7917)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–602. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy announcement in the position of Deputy Under Secretary, received

on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–603. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance'' ((Docket No. FEMA–7784)(44 CFR Part 64)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–604. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Lactation Expenses as Medical Expenses'' (Rev. Rul. 2011–14) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Finance.

EC–605. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–606. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (128); Amdt. 491'' ((RIN2120–AA63)(Docket No. 30760)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–607. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (118); Amdt. 3408'' (RIN2120–AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–608. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (46); Amdt. 3409'' (RIN2120–AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–609. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (71); Amdt. 3411'' (RIN2120–AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–610. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Show Low, AZ'' ((RIN2120–AA66)(Docket No. FAA–2010–0903)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–611. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Panguitch, UT'' ((RIN2120–AA66)(Docket No. FAA–2010–0529)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–612. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Port Clarence, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0354)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–613. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lucin, UT'' ((RIN2120–AA66)(Docket No. FAA–2010–1208)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–614. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Fort Worth NAS JRB (Carswell Field), TX'' ((RIN2120–AA66)(Docket No. FAA–2010–0183)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–615. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Savannah, TN'' ((RIN2120–AA66)(Docket No. FAA–2010–1047)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–616. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Horseshoe Bay, TX'' ((RIN2120–AA66)(Docket No. FAA–2010–0843)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–617. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kwajalein Island, Marshall Islands, RMI'' ((RIN2120–AA66)(Docket No. FAA–2010–0808)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–618. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Richmond, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1033)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–619. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; New Hampton, IA'' ((RIN2120–AA66)(Docket No. FAA–2010–1035)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–620. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Greensburg, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1028)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–621. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; La Porte, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1030)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lafayette, Purdue University Airport, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1029)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Compulsory Reporting Points; Alaska'' ((RIN2120–AA66)(Docket No. FAA–2010–1191)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safe, Efficient Use and Preservation of the Navigable Airspace; Correction'' ((RIN2120–AH31)(Docket No. FAA–2006–25002)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Crew Resource Management Training for Crewmembers in Part 135 Operations'' ((RIN2120–AJ32)(Docket No. FAA–2009–0023)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–626. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Routes (T–281, T–283, T–285, T–286, and T–288); Nebraska and South Dakota'' ((RIN2120–AA66)(Docket No. FAA–2010–0688)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–627. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Jet Route J–93, CA'' ((RIN2120–AA66)(Docket No. FAA–2010–1022)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–628. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–2 and V–21; Hawaii'' ((RIN2120–AA66)(Docket No. FAA–2010–1263)) received in the Office of the President of the Senate

on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–629. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Kaman Aerospace Corporation (Kaman) Model K–1200 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–1253)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–630. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 757–200, –200CB, and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1280)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–631. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0646)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–632. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1080)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–633. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0596)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–634. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0228)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–635. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 727 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0677)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–636. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Sailplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0053)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–637. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0948)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–638. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers PLC Model SD3 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0225)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–639. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 676–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0796)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–640. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 757 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0295)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–641. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; B/E Aerospace Protective Breathing Equipment (PBE) Part Number 119003–11 Installed on Various Transport Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0797)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–642. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes)'' ((RIN2120–AA64)(Docket No. FAA–2010–1278)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–643. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada Corp. (PandWC) PW305A and PW305B Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0829)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–644. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228–100, Dornier 228–101, Dornier 228–200, Dornier 228–201, Dornier 228–202, and Dornier 228–212 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1152)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–645. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 Series Airplanes; Model A330–300 Series Airplanes; Model A340–200 Series Airplanes; and Model A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0029)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–646. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0611)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–647. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB-WERKE GMBH and CO KG Models G102 ASTIR CS, G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders'' ((RIN2120–AA64)(Docket No. FAA–2007–28435)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–648. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D–7, –7A, –7B, –9, –9A, –11, –15, –15A , –17, –17A, –17R, –17AR Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0593)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–649. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; M7 Aerospace LP (Type Certificate Previously Held by Fairchild Aircraft Incorporated) Models SA26–AT, SA26–T, SA226–AT, SA226–T, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, SA227–DC (C–26B), and SA227–TT Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0014)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–650. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/AH–1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0622)) received in the Office of the President of the Senate

on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–651. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft, Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1011)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–652. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0549)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–653. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0100, 1000, 2000, 3000, and 4000 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1114)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–654. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300, A300–600, A310, A318, A319, A320, A321, A330–300, A340–200, A340–300, A340–500, A340–600, and A380–800 Series Airplanes; and Model A330–201, A330–202, A330–203, A330–223, A330–243 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1279)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–655. A communication from the Secretary of Transportation, transmitting, the Department's Fiscal Year 2010 Annual Report as required by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Commerce, Science, and Transportation.

EC–656. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the GAO report entitled ''Information Security: Federal Agencies Have Taken Steps to Secure Wireless Networks, but Further Actions Can Mitigate Risk''; to the Committee on Commerce, Science, and Transportation.

EC–657. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC–658. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Publically Available Consumer Product Safety Information Database'' (16 CFR Parts 1102) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–659. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations'' (Docket No. USCG–2010–0399) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–660. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Agency's proposed fiscal year 2012 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC–661. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program, Policy Wording Correction'' ((RIN1660–AA70) (Docket No. FEMA–2010–0021)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–662. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alabama Regulatory Program'' (Docket No. AL–075–FOR) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Energy and Natural Resources.

EC–663. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–664. A communication from the Deputy Director, Division of Financial Assistance Policy and Oversight, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Department of Homeland Security Implementation of OMB Guidance on Drug-Free Workplace Requirements'' (RIN1601–AA62) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–665. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2012; to the Committee on Rules and Administration.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 61. An original resolution authorizing expenditures by the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 66. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 67. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. Res. 68. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 69. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mrs. MURRAY, from the Committee on Veterans' Affairs, without amendment:

S. Res. 71. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Eric E. Fiel, to be Lieutenant General.

Air Force nomination of Col. Howard D. Stendahl, to be Brigadier General.

Air Force nomination of Maj. Gen. Ellen M. Pawlikowski, to be Lieutenant General.

Air Force nomination of Maj. Gen. Michael J. Basla, to be Lieutenant General.

Army nomination of Lt. Gen. Dennis L. Via, to be Lieutenant General .

Army nomination of Lt. Gen. Mark P. Hertling, to be Lieutenant General.

Army nomination of Maj. Gen. Susan S. Lawrence, to be Lieutenant General.

Army nomination of Maj. Gen. John M. Bednarek, to be Lieutenant General.

Army nomination of Maj. Gen. Francis J. Wiercinski, to be Lieutenant General.

Army nomination of Brig. Gen. Renaldo Rivera, to be Major General.

Army nomination of Brig. Gen. William M. Buckler, Jr., to be Major General.

Army nomination of Brig. Gen. Mark J. MacCarley, to be Major General.

Army nomination of Col. Arlen R. Royalty, to be Brigadier General.

Army nomination of Maj. Gen. Rhett A. Hernandez, to be Lieutenant General.

Army nomination of Col. Johnny M. Sellers, to be Brigadier General.

Army nomination of Col. Janson D. Boyles, to be Brigadier General.

Army nomination of Maj. Gen. Vincent K. Brooks, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Juan G. Ayala and ending with Brigadier General Glenn M. Walters, which nominations were received by the Senate and appeared in the congressional record on February 2, 2011.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive

Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Erwin Rader Bender, Jr. and ending with Catherine A. Hallett, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with David M. Crawford and ending with James H. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with Richard T. Aldridge and ending with Vicky J. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with Stephen L. Buse and ending with Angela P. Pettis, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Thomas J. Collins and ending with Linda A. Stokescrowe, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Phillip M. Armstrong and ending with Richard E. Spearman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Lloyd H. Anseth and ending with Karl B. Ross, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Kathleen M. Flarity and ending with Jennette L. Zmaeff, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Melina T. Doan and ending with Felipe D. Villena, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Villa L. Guillory and ending with Danny K. Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Alfred P. Bowles II and ending with Herminigildo V. Valle, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Brian F. Agee and ending with Anita Jo Anne Winkler, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Earl R. Alameida, Jr. and ending with Daniel S. Yenchesky, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Steven L. Argiriou and ending with Adam E. Torem, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Richard C. Ales and ending with Derek C. Underhill, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Marc T. Arellano and ending with Howard E. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Army nominations beginning with Gregrey C. Bacon and ending with Donnie J. Quintana, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Army nomination of Sebastian A. Edwards, to be Lieutenant Colonel.

Army nomination of Gregory R. Ebner, to be Colonel.

Army nominations beginning with Curtis O. Bohlman, Jr. and ending with Robert C. Smothers, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Army nomination of Edward J. Benz III, to be Lieutenant Colonel.

Army nomination of Charles E. Lynde, to be Colonel.

Army nominations beginning with Ozren T. Buntak and ending with Ruth Nelson, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Marcia A. Brimm and ending with Heather V. Southby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Dustin C. Frazier and ending with Jan I. Maby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Robert L. Bierenga and ending with Johnnie M. Toby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Don A. Campbell and ending with Kevin T. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nomination of Timothy E. Lemaster, to be Major.

Marine Corps nominations beginning with Dax Hammers and ending with David Stevens, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Richard Martinez and ending with James P. Stockwell, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with William Frazier, Jr. and ending with Michael A. Nolan, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Douglas R. Cunningham and ending with Darren R. Jester, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with James E. Hardy, Jr. and ending with James C. Rose, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Conrad G. Alston and ending with Lewis E. Shemery III, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with David M. Adams and ending with Michael C. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Stefan R. Browning and ending with Steve R. Trask, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Joel T. Carpenter and ending with Randal J. Parkan, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of Roger N. Rudd, to be Lieutenant Colonel.

Marine Corps nomination of Lowell W. Schweickart, Jr., to be Lieutenant Colonel.

Marine Corps nomination of Katrina Gaskill, to be Lieutenant Colonel.

Marine Corps nominations beginning with Sean J. Collins and ending with John L. Myrka, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with William H. Barlow and ending with Danny R. Morales, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of James H. Glass, to be Major.

Marine Corps nominations beginning with Timothy M. Callahan and ending with James N. Shelstad, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Ernest L. Ackiss III and ending with Theodore Silvester III, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nominations beginning with Philip Q. Applegate and ending with James D. Wilmott, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Navy nominations beginning with John G. Brown and ending with William A. Mix, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Navy nomination of Richelle L. Kay, to be Captain.

Navy nominations beginning with Chris W. Czaplak and ending with Angela J. Tang, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nomination of Scott D. Scherer, to be Lieutenant Commander.

Navy nominations beginning with Carlos E. Moreyra and ending with William N. Brasswell, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nominations beginning with David Q. Baughier and ending with John C. Wiedmann III, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nomination of Jeffrey K. Hayhurst, to be Captain.

Navy nomination of Steven D. Elias, to be Lieutenant Commander.

Navy nominations beginning with Amy R. Gavril and ending with Grant A. Kidd, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois.

James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Ms. SNOWE, and Ms. COLLINS):

S. 374. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. JOHNSON of South Dakota, Mr. ENZI, Mr. THUNE, and Mr. LEE):

S. 375. 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; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COBURN (for himself and Mrs. MCCASKILL):

S. 376. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 377. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 378. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching standards; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 379. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Mr. MCCAIN:

S. 380. A bill to extend the Andean Trade Preference Act, and for other purposes; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. CRAPO, Mr. WICKER, Mr. INHOFE, Mr. ENZI, Mr. BEGICH, Ms. MURKOWSKI, and Mr. BAUCUS):

S. 381. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado (for himself and Mr. BARRASSO):

S. 382. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 383. A bill to promote the domestic production of critical minerals and materials, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. PORTMAN, Mr. DURBIN, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. COONS, Mr. BARRASSO, Ms. MIKULSKI, Mr. BURR, Mr. LAUTENBERG, Mr. KERRY, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. MERKLEY, Mr. LIEBERMAN, Mr. MORAN, Mr. COCHRAN, Mrs. MURRAY, Mr. ENSIGN, Mr. NELSON of Nebraska, and Mr. HATCH):

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. SCHUMER, Mr. CONRAD, and Mr. FRANKEN):

S. 385. A bill to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 386. A bill to provide assistance to certain employers and States in 2011 and 2012, to improve the long-term solvency of the Unemployment Compensation program, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. BURR, and Mrs. GILLIBRAND):

S. 387. A bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Mr. CASEY, Mr. TESTER, Mr. MANCHIN, Mr. WARNER, Mr. WYDEN, Mr. BENNET, and Mr. NELSON of Nebraska):

S. 388. A bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KIRK:

S. 389. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself and Mrs. MCCASKILL):

S. 390. A bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MORAN:

S. 391. A bill to rescind unobligated stimulus funds and require that such funds be used for Federal budget deficit reduction; to the Committee on Appropriations.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 392. A bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUMENTHAL, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 393. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. DURBIN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DEMINT, Mr. WICKER, Mr. TOOMEY, Mr. SESSIONS, Mr. COBURN, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. PAUL, Mr. LEE, Mr. ENSIGN, Mr. RISCH, Mr. BARRASSO, Mr. VITTER, Mr. KYL, Mr. BLUNT, Mr. INHOFE, Mrs. HUTCHISON, Mr. COATS, Mr. THUNE, Mr. HATCH, Mr. GRASSLEY, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, Mr. MCCAIN, and Mr. JOHANNS):

S. 395. A bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 396. A bill to require the Secretary of Veterans Affairs to ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility; to the Committee on Veterans' Affairs.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. WICKER, and Mr. RISCH):

S. 397. A bill to provide that no Federal or State requirement to increase energy efficient lighting in public buildings shall require a hospital, school, day care center, mental health facility, or nursing home to install or use energy efficient lighting if that lighting contains mercury; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 398. A bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 399. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORKER (for himself, Mr. WYDEN, Ms. MURKOWSKI, Mr. BURR, Mr. GRAHAM, Mr. CHAMBLISS, and Mr. LEE):

S. 400. A bill to amend the Federal Power Act to ensure that rates and charges for electric energy are assessed in proportion to measurable reliability or economic benefit, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 401. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. WEBB, Ms. COLLINS, and Mr. KERRY):

S. 402. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 403. A bill to amend the Wild and Scenic Rivers Act to designate segments of the

Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN:

S. 404. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 405. A bill to amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 406. A bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. ENSIGN, Mr. LEE, Mr. ENZI, Mr. RISCH, Mr. BARRASSO, Mr. HATCH, Mr. ROBERTS, and Ms. MURKOWSKI):

S. 407. A bill to amend the Act of June 8, 1906, to require certain procedures for designating national monuments, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 408. A bill to provide for the temporary retention of sole community hospital status for a hospital under the Medicare program; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. KYL, Mr. KOHL, Mr. SESSIONS, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 409. A bill to ban the sale of certain synthetic drugs; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. GRAHAM, Mr. CORNYN, Mr. DURBIN, and Ms. KLOBUCHAR):

S. 410. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BROWN of Massachusetts, Mr. CORNYN, Mr. BEGICH, Mr. INHOFE, Mr. CASEY, and Mr. NELSON of Florida):

S. 411. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into agreements with States and nonprofit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. LANDRIEU, Mr. SHELBY, Ms. STABENOW, Mrs. BOXER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. FRANKEN, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, and Mr. CORNYN):

S. 412. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 413. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Ms. SNOWE, Mrs. BOXER, Mr. CARDIN, and Mr. BROWN of Massachusetts):

S. 414. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 415. A bill to provide the FCC with authority to conduct incentive auctions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself, Ms. MIKULSKI, Mr. LUGAR, Ms. COLLINS, Mr. BURR, Mr. BENNET, Mr. BLUNT, Mr. CHAMBLISS, Mr. CORKER, Mr. PRYOR, and Mr. UDALL of Colorado):

S. Res. 60. A resolution recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States; considered and agreed to.

By Mr. LEAHY:

S. Res. 61. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. JOHNSON of South Dakota:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself, Mr. ISAKSON, Mr. TESTER, Mr. DURBIN, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. REID):

S. Res. 63. A resolution designating the first week of April 2011 as ''National Asbestos Awareness Week''; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. WICKER (for himself, Mr. CARDIN, and Mr. MCCAIN):

S. Res. 65. A resolution expressing the sense of the Senate that the conviction by the Government of Russia of businessman Mikhail Khodorkovsky and Platon Lebedev constitutes a politically motivated case of selective arrest and prosecution that flagrantly undermines the rule of law and independence of the judicial system of Russia; to the Committee on Foreign Relations.

By Ms. LANDRIEU:

S. Res. 66. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Ms. STABENOW:

S. Res. 67. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. Res. 68. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. Res. 69. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; to the Committee on Rules and Administration.

By Mrs. MURRAY:

S. Res. 71. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. MENENDEZ):

S. Res. 72. A resolution recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey's masterwork, ''Revelations''; considered and agreed to.

By Mr. KIRK (for himself, Mr. LEVIN, Mr. KYL, Mr. CASEY, Mr. NELSON of Florida, Mr. GRAHAM, and Mrs. GILLIBRAND):

S. Res. 73. A resolution supporting democracy, universal rights, and the Iranian people in their peaceful call for a representative and responsive democratic government; considered and agreed to.

By Mr. BROWN of Ohio (for himself and Mr. BARRASSO):

S. Res. 74. A resolution designating February 28, 2011, as ''Rare Disease Day''; considered and agreed to.

By Mr. ISAKSON (for himself and Mr. CASEY):

S. Res. 75. A resolution designating March 25, 2011, as ''National Cerebral Palsy Awareness Day''; considered and agreed to.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 76. A resolution recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 23

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 50

At the request of Mr. INOUYE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 210

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 217

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 222

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 222, a bill to limit investor and homeowner losses in foreclosures, and for other purposes.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 282

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 282, a bill to rescind unused earmarks.

S. 299

At the request of Mr. PAUL, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 311

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 344

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Arizona (Mr. KYL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 51

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

AMENDMENT NO. 22

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 22 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 64

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. KIRK) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 64 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 71

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of amendment No. 71 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 86

At the request of Mr. INHOFE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 86 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 97

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 97 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Ms. SNOWE, and Ms. COLLINS):

S. 374. A bill to amend title XVIII of the Social Security Act to eliminate

the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

Mr. KERRY. Mr. President, our country has recently taken great steps forward to support the principles of mental health parity. In 2008, Congress has enacted two important pieces of legislation to end discrimination against people suffering from mental illnesses.

Congress passed the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, MHPAEA, to prohibit the establishment of discriminatory benefit caps or cost-sharing requirements for mental health and substance use disorders. That same year Congress also passed the Medicare Improvements for Patients and Protections Act, MIPPA, which included legislation introduced by Senator SNOWE and myself, the Medicare Mental Health Copayment Equity Act. This legislation prevented Medicare beneficiaries from being charged higher copayments for outpatient mental health services than for all other outpatient physician services.

Unfortunately, even with the passage of MIPPA, a serious mental health inequity remains in Medicare. Medicare beneficiaries are currently limited to only 190 days of inpatient psychiatric hospital care in their lifetime. This lifetime limit directly impacts Medicare beneficiaries' access to psychiatric hospitals, although it does not apply to psychiatric units in general hospitals. This arbitrary cap on benefits is discriminatory to the mentally ill as there is no such lifetime limit for any other Medicare specialty inpatient hospital service. The 190-day lifetime limit is problematic for patients being treated in psychiatric hospitals as they may easily exceed the 190 days if they have a chronic mental illness.

That is why Senator SNOWE and I are working together once again to address the last remaining mental health parity issue in Medicare. Today, we are introducing the Medicare Mental Health Inpatient Equity Act. Our legislation would eliminate the Medicare 190-day lifetime limit for inpatient psychiatric hospital care. It would equalize Medicare mental health coverage with private health insurance coverage, expand beneficiary choice of inpatient psychiatric care providers, increase access for the seriously ill, and improve continuity of care.

This legislation is supported by eighty national organizations that represent hospital associations, seniors' organizations, disability organizations, and the mental health community. I would like to thank a number of organizations who have been integral to the development of the Medicare Mental Health Inpatient Equity Act and who have endorsed our legislation today, including the AARP, the American Hospital Association, the National Association of Psychiatric Health Systems, and the American Psychological Association.

Congress has now acted to address mental health parity issues for group health plans and for outpatient Medicare services. It's time to end this outmoded law and ensure that beneficiaries with mental illnesses have access to a range of appropriate settings for their care. I look forward to working with my colleagues in the Senate to achieve mental health parity in Medicare.

---

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 377. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce the President Street Station Study Act. President Street Station, located in my hometown of Baltimore, played a crucial role in the Civil War, the Underground Railroad, the growth of Baltimore's railroad industry, and is a historically significant landmark to the Lincoln presidency.

The station was constructed for the Philadelphia, Wilmington, and Baltimore, PW&B, Railroad in 1849 and remains the oldest surviving big city railroad terminal in the United States. This historical structure is a unique architectural gem, arguably the first example and last survivor of the early barrel-vault train shed arches, also known as the Howe Truss. The arch-rib design became the blueprint for railroad bridges and roofs well into the 20th century and was replicated for every similarly designed train shed and roof for the next 20 years.

The growth of President Street Station and the PW&B railroad mirror the expansion of the railroad industry throughout the country in the latter half of the 19th century. This station played an essential role in making Baltimore the first railroad and sea-rail link in the nation and helped the city become the international port hub it remains to this day.

In its heyday, President Street Station was the key link connecting Washington DC and with the northeast states. Hundreds of passengers traveling north passed through this station and, by the start of the Civil War, Baltimore had become our nation's major southern railroad hub. Not surprisingly, the station played a critical role in both the Civil War and the Underground Railroad.

Perhaps its most famous passenger was Abraham Lincoln, who traveled through the station at least four times, including secretly on his way to his first inauguration. In 1861, President-elect Lincoln was warned by a PW&B private detective of a possible assassination plot in Baltimore as he transferred trains. While it is unclear if this plot existed and posed a serious threat, Lincoln nevertheless was secretly smuggled aboard a train in the dead of night to complete his trip to Washington.

Just a few months later, President Street Station served as a backdrop for what many historians claim was the first bloodshed of the Civil War. The Baltimore Riot of 1861 occurred when Lincoln called for Union volunteers to quell the rebellion at Fort Sumter in Charleston. On April 19, Massachusetts and Pennsylvania volunteers were met and attacked by a mob of secessionist and Confederate sympathizers. The bloody confrontation left four dead and thirty-six wounded. As the war continued, the Station remained a critical link for the Union. Troops and supplies from the north were regularly shuttled through the station to support Union soldiers.

It is well known that Maryland was a common starting point along the Underground Railroad and that many escaped slaves from Maryland's Eastern Shore plantations were destined for Baltimore and the President Street Station to travel North to freedom. A few weeks ago, I introduced a bill, The Harriet Tubman National Historical Parks Act, S. 247, to honor Maryland's own Harriet Tubman, the Underground Railroad's most famous ''conductor.'' While she personally led dozens of people to freedom, her courage and fortitude also inspired others to find their own strength to seek freedom. President Street Station was indeed a station on this secret network. Prior to emancipation in 1863, several renowned escapees, including Frederick Douglass, William and Ellen Craft, and Henry Box Brown, traveled through the station, risking their lives for a better and freer life.

Others' journeys for a better life also passed through President Street Station. From its beginning and into the 20th century, Baltimore was both a destination and departure point for immigrants. New arrivals from Ireland, Russia, and Europe arriving on the eastern seaboard traveled by way of the PW&B railroads to the west.

For decades, President Street Station has long been recognized as having an important place in history: In 1992, it was listed on the National Register of Historic places and the city of Baltimore has dedicated it a local historical landmark. For many years it served as the Baltimore Civil War Museum, educating generations of people about the role Maryland and Baltimore played in the Civil War and the early history of the city. In recent years, the museum, run by dedicated volunteers from the Maryland Historical Society and Friends of President Street Station, have struggled to keep the station's doors open and keeping the station's character true to its historical roots. The area around President Street Station has changed dramatically over the decades, but the Station has worked to preserve its history. It has been many years since trains passed through the President Street Station and it is clear that the best use for this building

today is to preserve the building and use it tell Station's American story.

President Street Station is one of America's historical treasures. As we celebrate President's Day this weekend, we honor some of our country's greatest leaders and remember our own rich and innovative history. This bill authorizes the Secretary of the Interior to conduct a special resource study of President Street Station to evaluate the suitability and feasibility of establishing the Station as a unit of the National Park Service. President Street Station, a contributor to the growth of the railroad, and a vital player in the Underground Railroad, Lincoln's Presidency and Civil War, is part of this history. I urge my colleagues to join me in giving this station the recognition it deserves and support this bill.

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. 377

*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 ''President Street Station Study Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

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

(2) STUDY AREA.—The term ''study area'' means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

**SEC. 3. SPECIAL RESOURCE STUDY.**

(a) STUDY.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals;

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives; and

(6) identify any authorities that would compel or permit the Secretary to influence local land use decisions under the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), 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 report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

---

By Mr. ROCKEFELLER:

S. 378. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching standards; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Incentives to Educate American Children Act of 2011—I TEACH. This bill provides important tax incentives to promote the quality of all public school teachers by encouraging them to achieve certification from the National Board for Professional Teaching Standards. It provides further incentives to teachers in rural and high-poverty schools.

We all know that teachers are the front line for the education of our nation's children. Still, teachers continue to earn less than other college graduates. A recent study found that teachers only earn 77 percent as much as other college graduates. It is even worse for teachers in rural schools. Rural schools struggle with many unique challenges, and one of them is how to pay competitive salaries when transportation costs are necessarily higher than for urban schools. The Department of Education has reported that rural school districts have the lowest base salaries for starting teachers. This bill helps combat this inequity by providing a tax incentive to public school teachers in rural and high-poverty schools.

All schools today are struggling with the recruitment and retention of qualified teachers. Due to retirements and decreasing retention of beginning teachers, the experience level of our teachers is decreasing. In the 1987–1988 academic year, the most common number of years of experience for our teachers was 15 years. The most recent data from the 2007–2008 shows the most common years of experience is now just 1 year. The distribution of teaching experience in the data shows the strong need for incentives to encourage teachers to stay in the profession. We know that more experienced teachers help our students learn.

States are responsible for certifying teachers in their own states, but teachers have had the additional opportunity since 1987 to earn a certification from the National Board for Professional Teaching Standards. This independent, nonprofit, and nonpartisan organization provides teachers with a national board certification similar to those in other professions. Since 1987, more than 91,000 teachers have completed the rigorous process of National Board Certification. The National Research Council of the National Academies recently affirmed that students taught by National Board certified teachers make higher gains on achievement tests than students taught by teachers who have not applied or have not achieved this certification. This bill provides an incentive to public school teachers to achieve this certification and stay in the classroom.

The I TEACH Act of 2011 provides important incentives for teachers to serve in rural and high-poverty schools as well as for all public school teachers to demonstrate the accomplishment of National Board Certification. I urge my colleagues to support this bill.

---

By Mr. WEBB (for himself and Mr. WARNER):

S. 379. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

Mr. WEBB. Mr. President, I rise to reintroduce the Indian Tribes of Virginia Federal Recognition Act of 2011. This legislation passed the Senate Committee on Indian Affairs and the U.S. House of Representatives in 2009. It would grant Federal recognition to 6 Native American tribes from the Commonwealth of Virginia. I am pleased to be joined by Senator MARK WARNER and in the U.S. House of Representatives Congressman MORAN, Congressman SCOTT and Congressman CONNOLLY, all of whom have been strong advocates for Virginia's Native American Tribes in past Congresses.

The 6 Virginia tribes covered under this bill began seeking Federal recognition more than 15 years ago. They are the Chickahominy, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond Indian Tribe.

The 6 Virginia Tribes covered in this legislation are the direct descendants of the tribes that helped ensure the survival of the first permanent English colony in the New World.

These 6 tribes have received State recognition as early as 1983, and have received strong bipartisan support from the Virginia General Assembly for Federal recognition. It is appropriate for them to finally receive the Federal recognition that has been denied for far too long.

I understand the reluctance from some in Congress to grant any Native American tribe Federal recognition through legislation rather than through the Bureau of Indian Affairs administrative process. I have not embraced this issue lightly, and agree in principle that Congress generally should not have to determine whether or not Native American tribes deserve Federal recognition.

Within the last 2 years the BIA's Office of Federal Acknowledgment came

out with new guidelines on implementing the criteria to determine Federal recognition. While I applaud improvements to the process, new guidelines still do not change the impact that racially hostile laws formerly in effect in Virginia had on these tribes' ability to meet the BIA's seven established recognition criteria.

Virginia's unique history and its harsh policies of the past have created a barrier for Virginia's Native American Tribes to meet the BIA criteria, even with the new guidelines. Many Western tribes experienced government neglect during the 20th century, but Virginia's story was different.

First, Virginia passed ''race laws'' in 1705, which regulated the activity of Virginia Indians. In 1924, Virginia passed the Racial Integrity Law, and the Virginia Bureau of Vital Statistics went so far as to eliminate an individual's identity as a Native American on many birth, death and marriage certificates. The shameful elimination of racial identity records had a devastating impact on Virginia's tribes when they began seeking Federal recognition.

Second, Virginia tribes signed a treaty with England, predating the practices of most tribes that signed a treaty with the Federal Government and therefore were not granted Federal recognition upon signing treaties with the Federal Government like tribes in other States did.

For these reasons, recognition of these 6 Virginia tribes is justified based on principles of dignity and fairness. As I mentioned, I have spent several years examining this issue in great detail, including the rich history and culture of Virginia's tribes. My staff and I asked a number of tough questions before we first introduced this bill in 2009, and great care and deliberation were put into arriving at this conclusion. After meeting with leaders of Virginia's Indian tribes and months of thorough investigation of the facts, I concluded that legislative action is needed for recognition of Virginia's tribes. Congressional hearings and reports over the last several Congresses demonstrate the ancestry and status of these tribes.

This bill has advanced in the past several Congresses with the strong support and tireless efforts of Congressman JIM MORAN. Every living Virginia Governor, Republican and Democrat including our current Governor, Robert McDonnell supports Federal recognition for these tribes. I look forward to working with my colleagues in the Senate, especially those on the Indian Affairs Committee, to push for passage of this important bill. Congress has exercised its power to recognize tribes in the past and I ask you to use this power to grant Federal recognition to these 6 Virginia tribes.

In 2007, we celebrated the 400th Anniversary of Jamestown—America's first colony. After 400 years since the founding of Jamestown, these 6 tribes deserve to join our Nation's other 562 federally-recognized tribes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 379

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Indian Tribes of Virginia Federal Recognition Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:



## TITLE I—CHICKAHOMINY INDIAN TRIBE

**SEC. 101. FINDINGS.**

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.O. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as white or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman,

editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, ''as a matter largely of historical accident'', but was ''interested in them as descendants of the original inhabitants of the region'';

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) In 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians ''in your area'';

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

**SEC. 102. DEFINITIONS.**

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe.

**SEC. 103. FEDERAL RECOGNITION.**

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

**SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.**

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

**SEC. 105. GOVERNING BODY.**

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

**SEC. 106. RESERVATION OF THE TRIBE.**

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

**SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

**SEC. 108. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

## TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

**SEC. 201. FINDINGS.**

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a 1-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the 1-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with 5 other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the ''United Indians of Virginia'' was formed; and

(27) Chief Marvin ''Strongoak'' Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

**SEC. 202. DEFINITIONS.**

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe—Eastern Division.

**SEC. 203. FEDERAL RECOGNITION.**

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

**SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.**

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

**SEC. 205. GOVERNING BODY.**

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

**SEC. 206. RESERVATION OF THE TRIBE.**

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

**SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

**SEC. 208. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

## TITLE III—UPPER MATTAPONI TRIBE

**SEC. 301. FINDINGS.**

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as ''the cliffs'' on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony's census of Indian bowmen; and

(B) lived in ''New Kent'' County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as ''the cliffs'' (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the ''Upper Mattaponi Indian Tribe'' and ''Chickahominy Indian Tribe'', elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have ''Adams'' as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chickahominy Indians were ''blended'' with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as ''Indians'' in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as ''Indians'';

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a ''colored'' designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into ''colored'' units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

**SEC. 302. DEFINITIONS.**

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Upper Mattaponi Tribe.

**SEC. 303. FEDERAL RECOGNITION.**

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

**SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.**

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

**SEC. 305. GOVERNING BODY.**

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

**SEC. 306. RESERVATION OF THE TRIBE.**

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

**SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

**SEC. 308. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

**TITLE IV—RAPPAHANNOCK TRIBE, INC.**

**SEC. 401. FINDINGS.**

Congress finds that—

(1)(A) the first encounter with the English colonists was chronicled by George Percy on May 5, 1607, when the Rappahannock werowance, Pipiscumah or Pipisco, sent a messenger to Captain Christopher Newport bidding the English to come to him.

(B) Percy wrote, ''When we came to Rappahanna's town, he entertained us in good humanity.'';

(C) the meeting took place approximately 10 miles from Jamestown, at the principal town of the Rappahannocks on the James River, Quioughcohanock (also called ''Tapahanauk'');

(D) Quioughcohanock was a part of the Powhatan chiefdom as well as a later town named after the werowance, Pipisco;

(E) those towns were located in (Old) James City County, which later became Surry County, Virginia; and

(F) there are numerous interactions between those Rappahannock towns and the English recorded in the Jamestown Narratives during the period of 1607 through 1617;

(2) during the initial months after Virginia was settled, the Rappahannock Indians had 2 encounters with Captain John Smith;

(3)(A) a meeting occurred during the time when Powhatan held Smith captive (December 1607 through January 8, 1608);

(B) Smith was taken to the Rappahannock principal town on the Rappahannock River to see if he was the ''great man'' that had previously sailed into the Rappahannock River, killed their king and kidnaped their people; and

(C) it was determined that Smith was too short to be that ''great man'';

(4) a second meeting took place during Smith's exploration of the Chesapeake Bay (July 1608 to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed on to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;

(7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, because the Rappahannock towns on the Rappahannock River had not participated in the Pamunkey-led uprising in 1644, and the English wanted to ''treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the County against the Pamunkey's'';

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, ''the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock'';

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that ''there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman'';

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, ''who were supposed to be her tributaries'', but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council ''that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers'';

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres ''about

the town where they dwelt'', the land being located in (Old) New Kent County, which was later divided to include the modern counties of Caroline and King & Queen in Virginia;

(22) the Rappahannock ''town'' was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian Land Act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River approximately 30 miles in King George County;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26)(A) in 1706, by order of Essex County, Lieutenant Richard Covington ''escorted'' the Portobaccos, Nanzaticos, and Rappahannocks out of Portabacco Indian Town, out of Essex County, and into King and Queen County, where those Indians settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation; and

(B) that land encompassed the Newtown area on the King & Queen County side of the Mattaponi River and extended into Mangohick, on the King William County side of the Mattaponi River;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson's Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29)(A) land was gifted by the Nelson family to the Saunders and Johnson families as wedding gifts to the Rappahannock girls in King William County; and

(B) in the 19th century, those Saunders, Johnson, and Nelson families were among the core Rappahannock families from which the modern Rappahannock Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as ''Indians, having a great need for moral and Christian guidance'';

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900s, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that ''special instructions'' were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were ''flatly denying'' his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as ''Indian'' only if Indian ''blood'' predominated and ''Indian'' identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as ''Negro'', and it failed to see why ''an exception should be made'' for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks who were convicted of violating the Federal draft laws because they refused to be inducted unless they could be classified as Indian, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, ''Surviving Indian Groups of the Eastern United States'', which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the Commonwealth agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a white public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

**SEC. 402. DEFINITIONS.**

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term ''Tribe'' means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term ''Tribe'' does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

**SEC. 403. FEDERAL RECOGNITION.**

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, and King William County, Virginia.

**SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.**

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

**SEC. 405. GOVERNING BODY.**

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

**SEC. 406. RESERVATION OF THE TRIBE.**

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of King and Queen County, Richmond County, Lancaster County, King George County, Essex County, Caroline County, New Kent County, King William County, and James City County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

**SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

**SEC. 408. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

## TITLE V—MONACAN INDIAN NATION

**SEC. 501. FINDINGS.**

Congress finds that—

(1) In 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian ''Kings and Chief Men'';

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as ''white'' with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the Commonwealth of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he ''would be willing to accept these children in the Cherokee school'';

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as ''Monacan Co-operative Pottery'' at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the Commonwealth of Virginia, which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

**SEC. 502. DEFINITIONS.**

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Monacan Indian Nation.

**SEC. 503. FEDERAL RECOGNITION.**

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

**SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.**

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

**SEC. 505. GOVERNING BODY.**

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

**SEC. 506. RESERVATION OF THE TRIBE.**

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if the land is located within the boundaries of Amherst County, Virginia; and

(2) may take into trust for the benefit of the Tribe—

(A) any land held in fee by the Tribe, if the land is located within the boundaries of Amherst County, Virginia; and

(B) the parcels of land located in Rockbridge County, Virginia (subject to the consent of the local unit of government), owned by Mr. J. Poole, described as East 731 Sandbridge (encompassing approximately 4.74 acres) and East 731 (encompassing approximately 5.12 acres).

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a)(2), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

**SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

**SEC. 508. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

## TITLE VI—NANSEMOND INDIAN TRIBE

**SEC. 601. FINDINGS.**

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were 2 sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief's family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the ''Indian privileges'' of clearing swamp land and bearing arms (which privileges were forbidden to other nonwhites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the Commonwealth of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

**SEC. 602. DEFINITIONS.**

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Nansemond Indian Tribe.

**SEC. 603. FEDERAL RECOGNITION.**

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

**SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.**

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

**SEC. 605. GOVERNING BODY.**

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

**SEC. 606. RESERVATION OF THE TRIBE.**

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

**SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

**SEC. 608. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after

consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

---

By Mr. UDALL of Colorado (for himself and Mr. BARRASSO):

S. 382. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, while our economy is beginning to show signs of recovery, there is still a long way to go. This is especially true in our rural communities. That is why I am reintroducing a bipartisan bill that would help provide new economic opportunities in mountain communities across this country—the Ski Area Recreational Opportunity Enhancement Act.

The outdoors and recreation industries have been a bright spot in the economic downturn. More Americans are spending time outside, enjoying the natural world and getting exercise. I have long felt it is in the national interest to encourage Americans to engage in outdoor activities that can contribute to their health and well being. Our public lands already play a key role by providing opportunities for hiking, skiing, mountain biking and a range of other activities.

In Colorado and across the country, for example, many ski areas are located on National Forest lands. However, under existing law, the National Forest Service bases ski area permits primarily on ''Nordic and alpine skiing'', a classification that does not reflect the full spectrum of snowsports, nor the use of ski permit areas for non-winter activities. This has resulted in uncertainty for both the Forest Service and ski areas as to whether and how other activities, such as summer-time activities, can occur on permitted areas.

In effect, this means that ski areas on National Forest lands are primarily restricted to use for winter recreation, as opposed to year-round recreation.

The legislation I am introducing with Senator BARRASSO of Wyoming would clarify this ambiguity. It would ensure that ski area permits could be used for additional snowsports, such as snowboarding, as well as specifically authorizing the Forest Service to allow additional recreational opportunities—like summer-time activities—in permit areas.

I should note that this authority is limited. The primary activity in the permit area must remain skiing or other snowsports. And there are specific types of development, such as water parks and amusement parks, that are specifically prohibited.

This is a narrowly targeted bill that will lead to additional opportunities for seasonal and year-round recreational activities at ski areas on public lands—and most importantly help create more sustainable, year round jobs.

I would like to thank Senator BARRASSO for his continued support of this legislation and his efforts to work with me in the last Congress to pass this bill. I know we were both disappointed that the objections of just two Senators prevented this commonsense legislation from becoming law. Hopefully we will have more success this year—because our mountain communities should be given every opportunity to thrive, as this legislation would help do.

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. 382

*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 ''Ski Area Recreational Opportunity Enhancement Act of 2011''.

**SEC. 2. PURPOSE.**

The purpose of this Act is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

(1) to enable snow-sports (other than nordic and alpine skiing) to be permitted on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) to clarify the authority of the Secretary of Agriculture to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

**SEC. 3. SKI AREA PERMITS.**

Section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) is amended—

(1) in subsection (a), by striking ''nordic and alpine ski areas and facilities'' and inserting ''ski areas and associated facilities'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''nordic and alpine skiing operations and purposes'' and inserting ''skiing and other snow sports and recreational uses authorized by this Act'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

''(c) OTHER RECREATIONAL USES.—

''(1) AUTHORITY OF SECRETARY.—Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

''(2) REQUIREMENTS.—Each activity and facility authorized by the Secretary under paragraph (1) shall—

''(A) encourage outdoor recreation and enjoyment of nature;

''(B) to the extent practicable—

''(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

''(ii) be located within the developed portions of the ski area;

''(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

''(D) be authorized in accordance with—

''(i) the applicable land and resource management plan; and

''(ii) applicable laws (including regulations).

''(3) INCLUSIONS.—Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

''(A) zip lines;

''(B) mountain bike terrain parks and trails;

''(C) frisbee golf courses; and

''(D) ropes courses.

''(4) EXCLUSIONS.—Activities and facilities that are prohibited under paragraph (1) include—

''(A) tennis courts;

''(B) water slides and water parks;

''(C) swimming pools;

''(D) golf courses; and

''(E) amusement parks.

''(5) LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow-sports.

''(6) BOUNDARY DETERMINATION.—In determining the acreage encompassed by a ski area permit under subsection (b)(3), the Secretary shall not consider the acreage necessary for activities and facilities authorized under paragraph (1).

''(7) EFFECT ON EXISTING AUTHORIZED ACTIVITIES AND FACILITIES.—Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on the date of enactment of this subsection during the term of the permit.'';

(5) by striking subsection (d) (as redesignated by paragraph (3)), and inserting the following:

''(d) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to implement this section.''; and

(6) in subsection (e) (as redesignated by paragraph (3)), by striking ''the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act'' and inserting ''the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)''.

**SEC. 4. EFFECT.**

Nothing in the amendments made by this Act establishes a legal preference for the holder of a ski area permit to provide activities and associated facilities authorized by section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c)) (as amended by section 3).

---

By Mr. UDALL of Colorado:

S. 383. A bill to promote the domestic production of critical minerals and materials, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to address an issue that affects both our economic and national security—critical minerals and materials. These materials are used in everything from wind turbines to cell phones to weapons guidance systems. However, these materials are primarily imported—many from China—and not always readily available. For example, several clean energy technologies—including wind turbines, batteries and solar panels—require materials that are at risk of supply disruptions. According to the Department of Energy, clean energy technologies currently constitute 20 percent of global consumption of critical materials. As clean energy technologies are deployed more widely in the decades ahead, demand for critical materials will likely grow.

Furthermore, these materials are needed for a number of products essential to protecting our Nation's security, including precision-guided munitions systems, lasers, communication systems, radar systems, avionics, night vision equipment, and satellites. Many of these materials are produced primarily in other countries, and some are not produced in the United States at all.

One group of critical minerals with very high importance today is rare earth elements. The United States was once the primary producer of rare earth materials according to the U.S. Geological Survey, but over the past 15 years we have become 100 percent reliant on imports, with 97 percent coming from China.

When the rare earth industry left the United States, our rare earth materials workforce dwindled as well, leaving very few experts with experience in processing these materials. Currently, there are no curricula in U.S. universities that are geared toward training a new expert workforce; rather, most of the expertise resides in China and Japan. In addition, the U.S.-developed intellectual property for making many of these materials is owned by Japan.

Rare earth materials are not the only critical materials in demand today. Similar supply problems are imminent for other types of minerals and materials that will be essential for the increased deployment of technologies like batteries, solar panels and electric vehicles. Both the Department of Energy and the National Academy of Sciences have identified minerals and materials—such as lithium, manganese and rhodium—that are now or could become critical in the near future.

Today, I am introducing the Critical Minerals and Materials Act of 2011, a bill intended to help build up the supply chain of minerals and materials that are vital for the development of a clean energy economy and for our national defense.

The National Academy of Sciences recommended improved data-gathering by the Federal Government along with research and development to encourage domestic innovation in the area of critical minerals and materials. My bill specifically would direct the Department of Energy to begin research and development on critical minerals and materials in order to strengthen our domestic supply chain. It would also direct the Department of the Interior to lead in gathering information on the current supply chain and to forecast what materials we might need in the future as our clean energy economy develops.

Finally, my bill would build up the workforce necessary for the United States to regain its leadership in the critical minerals and materials industry. Fellow Coloradans in this industry have told me that it is difficult to find qualified workers to hire in the minerals and materials sector. There are good-paying jobs out there waiting to be filled, and more will become available as these industries grow. But we need to make sure our workforce is properly trained to be able to take advantage of these opportunities and retain U.S. expertise in this industry. My bill will provide for such training in the Nation's colleges and universities, as well as in our technical and community colleges.

While there are a great many minerals and materials that are important for our economic and national security, my bill will focus on only the small portion of minerals and materials that have become critical due to their highly vulnerable supply chain. These critical minerals and materials are in danger of becoming simply unavailable or extremely expensive and I believe these deserve extra attention.

We must also recognize that the raw minerals for these critical materials are often on Federal land and are a valuable resource owned by U.S. citizens. Mining for them must be done in a safe and environmentally responsible way—and that is why I continue to support mining law reform. However, we simply cannot be so dependent upon China or any other nation to provide these critical materials. My bill would ensure that the U.S. is armed with a robust domestic supply chain and a skilled workforce needed to produce these materials. I urge my colleagues of both parties to join me in supporting this legislation.

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. 383

*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 ''Critical Minerals and Materials Promotion Act of 2011''.

**SEC. 2. DEFINITION OF CRITICAL MINERALS AND MATERIALS.**

In this Act:

(1) IN GENERAL.—The term ''critical minerals and materials'' means naturally occurring, nonliving, nonfuel substances with a definite chemical composition—

(A) that perform an essential function for which no satisfactory substitutes exist; and

(B) the supply of which has a high probability of becoming restricted, leading to physical unavailability or excessive costs for the applicable minerals and materials in key applications.

(2) EXCLUSIONS.—The term ''critical minerals and materials'' does not include ice, water, or snow.

**SEC. 3. PROGRAM TO DETERMINE PRESENCE OF AND FUTURE NEEDS FOR CRITICAL MINERALS AND MATERIALS.**

(a) IN GENERAL.—The Secretary of the Interior, acting through the United States Geological Survey, shall establish a research and development program—

(1) to provide data and scientific analyses for research on, and assessments of the potential for, undiscovered and discovered resources of critical minerals and materials in the United States and other countries; and

(2) to analyze and assess current and future critical minerals and materials supply chains—

(A) with advice from the Energy Information Administration on future energy technology market penetration; and

(B) using the Mineral Commodity Summaries produced by the United States Geological Survey.

(b) GLOBAL SUPPLY CHAIN.—The Secretary shall, if appropriate, cooperate with international partners to ensure that the program established under subsection (a) provides analyses of the global supply chain of critical minerals and materials.

**SEC. 4. PROGRAM TO STRENGTHEN THE DOMESTIC CRITICAL MINERALS AND MATERIALS SUPPLY CHAIN FOR CLEAN ENERGY TECHNOLOGIES.**

The Secretary of Energy shall conduct a program of research, development, and demonstration to strengthen the domestic critical minerals and materials supply chain for clean energy technologies and to ensure the long-term, secure, and sustainable supply of critical minerals and materials sufficient to strengthen the national security of the United States and meet the clean energy production needs of the United States, including—

(1) critical minerals and materials production, processing, and refining;

(2) minimization of critical minerals and materials in energy technologies;

(3) recycling of critical minerals and materials; and

(4) substitutes for critical minerals and materials in energy technologies.

**SEC. 5. STRENGTHENING EDUCATION AND TRAINING IN MINERAL AND MATERIAL SCIENCE AND ENGINEERING FOR CRITICAL MINERALS AND MATERIALS PRODUCTION.**

(a) IN GENERAL.—The Secretary of Energy shall promote the development of the critical minerals and materials industry workforce in the United States.

(b) SUPPORT.—In carrying out subsection (a), the Secretary shall support—

(1) critical minerals and materials education by providing undergraduate and graduate scholarships and fellowships at institutions of higher education, including technical and community colleges;

(2) partnerships between industry and institutions of higher education, including technical and community colleges, to provide onsite job training; and

(3) development of courses and curricula on critical minerals and materials.

**SEC. 6. SUPPLY OF CRITICAL MINERALS AND MATERIALS.**

(a) POLICY.—It is the policy of the United States to promote an adequate and stable

supply of critical minerals and materials necessary to maintain national security, economic well-being, and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs.

(b) IMPLEMENTATION.—To implement the policy described in subsection (a), the President, acting through the Executive Office of the President, shall—

(1) coordinate the actions of applicable Federal agencies;

(2) identify critical minerals and materials needs and establish early warning systems for critical minerals and materials supply problems;

(3) establish a mechanism for the coordination and evaluation of Federal critical minerals and materials programs, including programs involving research and development, in a manner that complements related efforts carried out by the private sector and other domestic and international agencies and organizations;

(4) promote and encourage private enterprise in the development of economically sound and stable domestic critical minerals and materials supply chains;

(5) promote and encourage the recycling of critical minerals and materials, taking into account the logistics, economic viability, environmental sustainability, and research and development needs for completing the recycling process;

(6) assess the need for and make recommendations concerning the availability and adequacy of the supply of technically trained personnel necessary for critical minerals and materials research, development, extraction, and industrial practice, with a particular focus on the problem of attracting and maintaining high quality professionals for maintaining an adequate supply of critical minerals and materials; and

(7) report to Congress on activities and findings under this subsection.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act such sums as are necessary.

---

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. PORTMAN, Mr. DURBIN, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. COONS, Mr. BARRASSO, Ms. MIKULSKI, Mr. BURR, Mr. LAUTENBERG, Mr. KERRY, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. MERKLEY, Mr. LIEBERMAN, Mr. MORAN, Mr. COCHRAN, Mrs. MURRAY, Mr. ENSIGN, Mr. NELSON of Nebraska, and Mr. HATCH):

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator HUTCHISON to introduce legislation to reauthorize the extraordinarily successful Breast Cancer Research Stamp for 4 additional years.

Without Congressional action, this important stamp will expire on December 31 of this year.

This stamp deserves to be extended as it has proven to be highly effective.

Since 1998, over 907 million breast cancer research stamps have been sold—raising over $72 million for breast cancer research.

Furthermore, in October 2007, the Government Accountability Office, GAO, released a report showing that the Breast Cancer Research Stamp has been a success and an effective fundraiser in the effort to increase funds to fight the disease.

The National Institutes of Health, NIH, and the Department of Defense have received approximately $50.4 million and $21.6 million, respectively, putting these research dollars to good use by funding innovative advances in breast cancer research.

For example, in 2006, NIH began funding the Trial Assigning Individualized Options for Treatment Program, TAILORx, with proceeds from the Breast Cancer Research Stamp. The trial is designed to determine which patients with early stage breast cancer would be more likely to benefit from chemotherapy and, therefore, reduce the use of chemotherapy in those patients who are unlikely to benefit. The goal of TAILORx is to determine the most effective current approach to cancer treatment, with the fewest side effects, for women with early-stage breast cancer by using a validated diagnostic test.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. Every dollar we continue to raise will help save lives.

One cannot calculate in dollars and cents how the stamp has focused public awareness on this terrible disease and the need for additional research funding.

There is still so much more to do because this disease has far reaching effects on our Nation.

Breast cancer is the second most commonly diagnosed cancer among women after skin cancer.

More than 2.5 million women in the U.S. are living with breast cancer today.

Over 200,000 women have been diagnosed with cancer in each of the past few years, and will be diagnosed in the coming year.

Though male breast cancer is much less common, 1,970 men were diagnosed with breast cancer last year.

This legislation would extend the authorization of the Breast Cancer Research stamp for 4 additional years—until December 31, 2015.

It also will allow the stamp to continue to have a surcharge above the value of a first-class stamp with the surplus revenues going to breast cancer research.

It will not affect any other semipostal proposals under consideration by the U.S. Postal Service.

I urge my colleagues to join me and Senator HUTCHISON in passing this important legislation to extend the Breast Cancer Research Stamp for another 4 years.

Until a cure is found, the money from the sale of this unique postal stamp will continue to focus public awareness on this devastating disease and provide hope to breast cancer survivors.

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. 384

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

**SECTION 1. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.**

Section 414(h) of title 39, United States Code, is amended by striking ''2011'' and inserting ''2015''.

---

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. SCHUMER, Mr. CONRAD, and Mr. FRANKEN):

S. 385. A bill to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I again introduce legislation to correct an inequity in the U.S. Department of Justice's Public Safety Officers Benefits, PSOB, Program, by extending benefits to nonprofit Emergency Medical Services, EMS, providers who die or are permanently disabled in the line of duty. I am pleased to be joined in this effort by Senator SANDERS and Senator SCHUMER.

The legislation is named after Dale Long, a long-time paramedic and shift supervisor with the Bennington Rescue Squad in Vermont. Dale Long died two years ago in a tragic, on-duty accident while treating and transporting a patient. He had a superb 25-year career as a Vermont paramedic. He helped many, many people in ways they will never forget, and Dale Long will not be forgotten.

I had the pleasure and honor of meeting Dale in 2009—less than two months before his death—when he was in Washington to receive the prestigious Star of Life Award from the American Ambulance Association. Dale earlier had received Vermont's EMS Advanced Rescuer of the Year Award, in 2008. In 2010, Dale was honored as part of the National EMS Memorial Service.

Dale's tragic passing highlighted a major shortcoming in the current PSOB program, which Congress established more than 30 years ago to lend a hand to police officers, firefighters and medics who lose their lives or are permanently disabled in the line of duty. The current benefit only applies to public safety officers employed by a Federal, State, or local government entity. With many communities around the United States choosing to have their emergency medical services provided by nonprofit agencies, medics working for these nonprofit services unfortunately are not eligible for this help under the PSOB program.

Nonprofit public safety officers provide identical services to governmental officers and do so daily in the same dangerous environments. With a renewed appreciation for the vital and timely community service of first responders since the national tragedy of September 11, 2001, more people are answering the call to serve their communities. At the same time, more rescue workers are falling through the cracks of the PSOB program.

The Dale Long Emergency Medical Service Provider Protection Act will correct this inequality by extending the PSOB program to cover nonprofit EMS officers who provide emergency medical and ground or air ambulance service. These emergency professionals protect and promote the public good of the communities they serve, and we should not unfairly penalize them and their families simply because they work or volunteer for a nonprofit organization.

The modest cost of this remedy also is fully offset and will not add to the federal deficit.

This is a carefully crafted, commonsense remedy to a clear discrepancy in the law. I am pleased with the widespread support this bill has earned. Momentum continues to build for this solution, and I will keep at this effort until the Dale Long Emergency Medical Service Provider Protection Act becomes the law of the land.

I thank several first responder organizations—including the American Ambulance Association, the National Association of EMTs, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the Fraternal Order of Police—for their support of this effort.

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. 385

*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 ''Dale Long Emergency Medical Service Providers Protection Act''.

**SEC. 2. ELIGIBILITY.**

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) is officially designated as a pre-hospital emergency medical response agency;''; and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking ''as a chaplain'' and all that follows through the semicolon, and inserting ''or as a chaplain;'';

(B) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.''.

**SEC. 3. OFFSET.**

Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, $12,000,000 are permanently cancelled.

**SEC. 4. EFFECTIVE DATE.**

The amendments made by section 2 shall apply only to injuries sustained on or after June 1, 2009.

---

By Mr. DURBIN (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 386. A bill to provide assistance to certain employers and States in 2011 and 2012, to improve the long-term solvency of the Unemployment Compensation program, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, employers in several States, including Illinois, are facing an automatic tax increase if Congress doesn't do something. That is right. Businesses that are struggling in this recession face a Federal tax coming their way if we don't act.

I am introducing a bill today that will prevent that. This is a time when we need to help businesses—small businesses in particular—to spend every dime they have on hiring people looking for work.

Here is why I am introducing the bill.

Current law requires States that have overdrawn their unemployment insurance trust funds to raise taxes on employers to fill that deficit. The recession put tens of millions of Americans out of work, and the number of people who have been unable to find new work for more than 6 months is unprecedented in recent history. Unemployment insurance has helped these families through a difficult time, and it has been a good investment. It is money that has been given to the unemployed that is quickly put back into the economy, creating demands for goods and services.

The Congressional Budget Office ranks unemployment benefit payments as one of the most stimulative things we can do to turn this economy around. So we know it is good economics. That spending is going to help drive up demand for what private companies sell, which encourages them to hire more workers. But the ferocity of the economic downturn has strained the unemployment insurance trust fund in many States.

Let me be clear. This problem has nothing to do with the operating deficits many States are facing. That is a bigger but unrelated problem. The UI trust funds can only be used by States to pay unemployment insurance, and it is these trust funds that we need to return to solvency. That is what the Unemployment Insurance Solvency Act, which I have introduced, would do.

Here is what it specifically sets out to accomplish:

First, it would waive the requirement that States immediately charge local employers higher taxes for the next 2 years. This would save companies located in my State of Illinois, for example, over $300 billion over the next 2 years and save businesses nationwide between $8 billion and $11 billion between now and the end of 2013.

Second, it would waive the interest payments that States would otherwise be required to pay for the next 2 years. That is going to save Illinois $200 million in interest payments over the next 2 years.

Finally, it gives States—Governors, State legislatures, and local employers working together—greater flexibility in figuring out how to replenish their unemployment trust fund starting in 2014.

It would give States three options to explore: First, to restructure their UI tax base and rates to fill any hole in the trust fund; second, seek forgiveness from the Federal Government for a portion of the debts the State might owe to its trust fund in return for entering into a long-term solvency plan with the Department of Labor to protect the interests of the jobless who need unemployment insurance; third, maintain existing solvency that a State has already achieved, earning higher Federal UI interest payments and lower Federal UI taxes for its employers.

The President included a version of this proposal in his budget he submitted to Congress on Monday. I commend him for it.

With 13.9 million people out of work and $14 trillion in Federal debt, we need to find creative solutions to solve problems facing workers and employers. This bill I have introduced, cosponsored by Senator JACK REED of Rhode Island and Senator SHERROD BROWN of Ohio, is one that I think addresses this issue in a proper manner. It removes this new burden on small businesses, a tax burden which can only hold them back from hiring the people they need and reducing unemployment, and it gives to States that are hard-pressed because of other financial problems at least 2 years where they don't need to pay the interest they owe on the money for unemployment insurance. It is a stopgap emergency measure supported by the Obama administration which I am happy to introduce.

This bill will prevent immediate tax increases on employers. It ensures unemployment insurance will be there when workers need it. And it does not raise the Federal debt. I urge my colleagues to support it.

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. 386

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Unemployment Insurance Solvency Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:



**SEC. 2. EXTENSION OF ASSISTANCE FOR STATES WITH ADVANCES.**

(a) IN GENERAL.—Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking ''2010'' and inserting ''2012'' in the matter preceding clause (i).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 2004 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 443).

**SEC. 3. REDUCTION IN THE RATE OF EMPLOYER TAXES.**

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking ''2010 and the first 6 months of calendar year 2011'' and inserting ''2013''; and

(2) in paragraph (2), by striking ''6.0 percent in the case of the remainder of calendar year 2011'' and inserting ''5.78 percent in the case of calendar year 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date of the enactment of this Act; or

(2) July 1, 2011.

**SEC. 4. MODIFICATIONS OF EMPLOYER CREDIT REDUCTIONS.**

(a) LIMIT ON TOTAL CREDITS.—Section 3302(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking ''90 percent of the tax against which such credits are allowable'' and inserting ''an amount equal to 5.4 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c))''; and

(2) in paragraph (2)—

(A) by striking subparagraphs (B) and (C) and the flush matter following subparagraph (C);

(B) by striking ''(2) If'' and inserting ''(2)(A) If'';

(C) by striking ''(A)(i) in'' and inserting ''(i) in'';

(D) in clause (i) of subparagraph (A), as redesignated by subparagraph (C), by striking ''5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State'' and inserting ''an amount equal to 0.3 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c))'';

(E) in clause (ii) of subparagraph (A)—

(i) by moving such clause 2 ems to the left;

(ii) by striking ''5 percent, for each such succeeding taxable year, of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State;'' and inserting ''an amount equal to 0.3 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c)), for each succeeding taxable year;''; and

(iii) by striking the semicolon at the end and inserting a period; and

(F) by adding at the end the following new subparagraph:

''(B) The provisions of subparagraph (A) shall be applied with respect to the taxable year beginning January 1, 2011, or any succeeding taxable year by deeming January 1, 2013 to be the first January 1 occurring after January 1, 2010. For purposes of subparagraph (A), consecutive taxable years in the period commencing January 1, 2013, shall be determined as if the taxable year which begins on January 1, 2013, were the taxable year immediately succeeding the taxable year which began on January 1, 2010. No taxpayer shall be subject to credit reductions under this paragraph for taxable years beginning January 1, 2011 and January 1, 2012.''.

(b) DEFINITIONS AND SPECIAL RULES.—Section 3302(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraphs (1), (4), (5), (6), and (7); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on January 1, 2011.

**SEC. 5. INCREASE IN THE TAXABLE WAGE BASE.**

(a) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b), by striking ''$7,000'' both places it appears and inserting ''the applicable wage base amount (as defined in subsection (v)(1))''; and

(2) by adding at the end the following new subsection:

''(v) APPLICABLE WAGE BASE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (b)(1), the term 'applicable wage base amount' means—

''(A) for a calendar year before calendar year 2014, $7,000;

''(B) for calendar year 2014, $15,000; and

''(C) for calendar years beginning on or after January 1, 2015, the amount determined under paragraph (2).

''(2) AMOUNT FOR CALENDAR YEAR 2015 AND THEREAFTER.—

''(A) AMOUNT.—

''(i) IN GENERAL.—For purposes of paragraph (1)(C), the amount determined under this paragraph for a calendar year is an amount equal to the product of—

''(I) the amount of average wage growth for the year (as determined in accordance with subparagraph (B)); and

''(II) the applicable wage base amount for the preceding calendar year.

''(ii) ROUNDING.—If the amount determined under clause (i) is not a multiple of $100, such amount shall be rounded to the next higher multiple of $100.

''(B) AVERAGE WAGE GROWTH.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the amount of annual wage growth for a calendar year shall be determined by dividing the average annual wage in the United States for the 12-month period ending on the June 30 of the preceding calendar year by the average annual wage in the United States for the 12-month period ending on the second prior June 30, and rounding such ratio to the fifth decimal place.

''(ii) AVERAGE ANNUAL WAGE.—For purposes of clause (i), using data from the Quarterly Census of Employment and Wages (or a successor program), the average annual wage for a 12-month period shall be determined by dividing the total covered wages subject to contributions under all State unemployment compensation laws for such period by the average covered employment subject to contributions under all State unemployment compensation laws for such period, and rounding the result to the nearest whole dollar.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 6. VOLUNTARY STATE AGREEMENTS TO ABATE PRINCIPAL ON FEDERAL LOANS.**

(a) IN GENERAL.—Section 1203 of the Social Security Act (42 U.S.C. 1323) is amended—

(1) by inserting ''(a) ADVANCES.—'' after ''1203''; and

(2) by adding at the end the following new subsection:

''(b) VOLUNTARY ABATEMENT AGREEMENTS.—

''(1) IN GENERAL.—The governor of any State that has outstanding repayable advances from the Federal unemployment account pursuant to subsection (a) may apply to the Secretary of Labor to enter into a voluntary principal abatement agreement.

''(2) CONTENTS OF APPLICATION.—An application described in paragraph (1) shall include a plan that, based upon reasonable economic projections, describes how the State will, within a reasonable period of time—

''(A) repay the outstanding principal on its remaining advance to the Federal unemployment account, less the amount of the principal abatement pursuant to paragraph (4); and

''(B) restore the solvency of the State's account in the Unemployment Trust Fund to an average high cost multiple of 1.0, as calculated and defined by the United States Department of Labor.

''(3) REQUIREMENT FOR PLAN.—A plan described in paragraph (2) shall be premised on the existing unemployment compensation law of the State and may take into consideration the enactment of any changes in law scheduled to become effective during the life of the plan.

''(4) AGREEMENT.—Upon review of the application and satisfaction that the State's plan will meet the repayment and solvency goals described in paragraph (2), the Secretary of Labor may enter into a principal abatement agreement with the State. Such an agreement shall be for a period of no more than 7 years.

''(5) CALCULATION.—Under any voluntary abatement agreement under this subsection, the amount of principal abatement shall be calculated as follows:

''(A) The State's repayable advances as of the date of the enactment of this subsection or December 31, 2011, whichever is earlier, shall be multiplied by a loan forgiveness multiplier.

''(B) The State's loan forgiveness multiplier shall be calculated on the same basis as the temporary increase of Medicaid FMAP under section 5001(c)(2)(A) of division B of the American Recovery and Reinvestment Act of 2009, using the State's additional FMAP tier as of December 31, 2010. In the case of a State that meets the criteria described in—

''(i) clause (i) of such section 5001(c)(2)(A), the loan multiplier shall be 0.2.

''(ii) clause (ii) of such section 5001(c)(2)(A), the loan multiplier shall be 0.4.

''(iii) clause (iii) of such section 5001(c)(2)(A), the loan multiplier shall be 0.6.

''(C) The annual amount of principal abatement shall equal one-seventh of the total amount of principal abatement.

''(6) CERTIFICATION.—Under any voluntary abatement agreement under this subsection,

the State shall certify that during the period of the agreement—

''(A) the method governing the computation of regular unemployment compensation under the State law of the State will not be modified in a manner such that the average weekly benefit amount of regular unemployment compensation which will be payable during the period of the agreement will be less than the average weekly benefit amount of regular unemployment compensation which would have otherwise been payable under the State law as in effect on the date of the enactment of this subsection;

''(B) State law will not be modified in a manner such that any unemployed individual who would be eligible for regular unemployment compensation under the State law in effect on such date of enactment would be ineligible for regular unemployment compensation during the period of the agreement or would be subject to any disqualification during the period of the agreement that the individual would not have been subject to under the State law in effect on such date of enactment;

''(C) State law will not be modified in a manner such that the maximum amount of regular unemployment compensation that any unemployed individual would be eligible to receive in a benefit year during the period of the agreement will be less than the maximum amount of regular unemployment compensation that the individual would have been eligible to receive during a benefit year under the State law in effect on such date of enactment; and

''(D) upon a determination by the Secretary of Labor that the State has modified State law in a manner inconsistent with the certification described in the preceding provisions of this paragraph or has failed to comply with any certifications required by this paragraph, the State shall be liable for any principal previously abated under the agreement.

''(7) TRANSFER.—Under a voluntary abatement agreement under this subsection, a transfer of the annual amount of the principal abatement shall be made to the State's account in the Unemployment Trust Fund on December 31st of the year in which the agreement is executed so long as the State has complied with the terms of the agreement. For each subsequent year that the Secretary of Labor certifies that the State is in compliance with the terms of the agreement, the annual amount of the State's principal abatement will be credited to its outstanding loan balance. If the loan balance reaches zero while the State still has a remaining principal abatement amount, the remaining amount shall be made as a positive balance transfer to the State's account in the Unemployment Trust Fund.

''(8) REGULATIONS.—The Secretary of Labor shall promulgate such regulations as are necessary to implement this subsection. Such regulations shall include—

''(A) standards prescribing a reasonable period of time for a State plan to reach a solvency level equal to an average high cost multiple of 1.0, taking into account the economic conditions and level of insolvency of the State,; and

''(B) guidelines for insuring progress toward solvency for States with agreements that include plans that require more than 7 years to reach an average high cost multiple of 1.0.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 7. REWARDS AND INCENTIVES FOR SOLVENT STATES AND EMPLOYERS IN THOSE STATES.**

(a) INCREASED INTEREST FOR SOLVENT STATES.—

(1) IN GENERAL.—Section 904(e) of the Social Security Act (42 U.S.C. 1104(e)) is amended by adding at the end the following new flush sentences:

''The separate book account for each State agency shall be augmented by 0.5 percent over the rate of interest provided in subsection (b) when the State maintains reserves in the account that equal or exceed an average high cost multiple of 1.0 as defined by the Secretary of Labor as of December 31st of the preceding year. The State may apply the additional funds to support State administration pursuant to the requirements in section 903(c).''.

(b) LOWER RATE OF TAX FOR SOLVENT STATES.—

(1) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986, as amended by section 3, is amended by adding at the end the following new sentence: ''For the second 6-month period of 2011 or for each calendar year thereafter, in the case of a State that maintains reserves in the State's separate book account that equal or exceed an average high cost multiple of 1.0 as of December 31st of the year preceding the period or year involved, paragraph (1) shall be applied for such period or year in the State by substituting '6.0 percent' for '6.2 percent' or, as the case may be, paragraph (2) shall be applied for such period or year in the State by substituting '5.68 percent' for '5.78 percent'.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of the enactment of this Act; or

(B) July 1, 2011.

---

By Mrs. BOXER (for herself, Mr. CASEY, Mr. TESTER, Mr. MANCHIN, Mr. WARNER, Mr. WYDEN, Mr. BENNET, and Mr. NELSON of Nebraska):

S. 388. A bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, I send a bill to the desk on behalf of myself and Senators CASEY, TESTER, MANCHIN, WARNER, and WYDEN.

I want to explain it. I hope we will see action on this bill in the near future because we are on very delicate ground right now as we try to resolve the budget issues before us.

We have two sides to the legislative branch—the House and the Senate. I think we have very different approaches to this deficit problem which is quite real. Both sides should be respectful of each other. But the messages I am getting via the media in terms of the language being used on the other side is: We don't really much care what the Senate thinks. It is kind of ''our way or the highway'' type of rhetoric.

The problem with this is that the type of cuts that are coming from the House side, from our Republican friends over there, a columnist tells us will cost 800,000 jobs to this Nation. Mr. President, 800,000 jobs will be lost if we do not make some changes to what they have done.

As someone from a State that has a very tough economic climate and trying to climb out of this recession, that is just extreme. It is just extreme.

Are we willing to make cuts? Yes. It is my belief both sides have to sit down and work this out. We believe there are cuts to be made. They have come out with cuts. We need to work together. But here is what troubles me, and this is why I introduce this legislation. What troubles me is there seems to be more and more threats of a government shutdown. In the early days of the new House leadership we did not hear that. Now we are hearing it.

In Politico, one of the headlines recently said: ''McConnell won't take shutdown off the table.'' That refers to our Republican leader.

In Reuters, Republican majority leader ERIC CANTOR ''refused . . . to rule out the possibility of a government shutdown.''

Republican Senator MIKE LEE said: ''The 1995 government shutdown was just an inconvenience.''

I have to tell you, it is a lot more than an inconvenience when senior citizens cannot get help getting their Social Security or veterans on disability cannot get their help. Hospitals close down. Projects shut down. These are real people out there. A lot of contractors in the private sector rely on the government operating, such as road projects, bridges being repaired, and the rest. It is radical to say that a government shutdown is an inconvenience. It is a failure. A government shutdown is a failure of those of us who are here to act like adults and resolve our differences.

CNN said:

Top Republican on the Senate Budget Committee said he's not ruling out the possibility of a government shutdown.

The way Speaker BOEHNER spoke today had, to me, kind of a ''take it or leave it'' tone to it.

I have to tell you, that budget over there not only threatens 800,000 jobs, but they legislated on appropriations. They legislated on an appropriations bill. They decided that women should not have access to a full range of reproductive health care. They are bringing in the issue of abortion on a budget bill. I think the issue of a woman's right to choose and her reproductive health care and getting Pap screenings and cancer screenings is important, and we should debate that. If people want to repeal Roe v. Wade, let's debate that here.

What they have done with the Clean Air Act—and I know my friend sitting in the chair cares so much about this issue. The Clean Air Act was brought to us by Richard Nixon. It had bipartisan support.

What they do is prohibit the Environmental Protection Agency from enforcing the Clean Air Act as it relates to carbon pollution—pollution that is dangerous for our families, that endangers the lives and health of our families. That is what the Bush administration said when they were in charge, let alone the Obama administration.

Rather than bringing to the floor a bill to repeal the Clean Air Act—I

would welcome that debate, and I know my friend would as well—they do this through the back door and tell the Environmental Protection Agency they cannot protect us from pollution.

That is not what the American people expect to be in a simple budget document. We have to cut some programs. Let's cut some programs. Let's not change abortion law on it. Let's not bring up how to repeal the Clean Air Act on it. Let's not eviscerate law settlements. They have done a range of things which require debate. I would love to put these questions to the American people. I can tell you that people in my home State think government has no business in the issue of a woman's health. Stay away. That is what they say. We will make up our own minds. Some of us are pro-choice, some of us are not, but don't tell us what to believe. That is the thought of the majority of the people in my State. They do not want Big Brother and the government telling people what to do. Yet they put it on a budget bill. That doesn't make any sense.

Let me tell you, the people in my State want clean air. In all the years I have been in office—and the President and I have been around a while and holding different offices—not one of my constituents has ever came up to me and said: BARBARA, we need dirty air. The air is too clean. The water is too pure. The lakes are too pristine. The beaches are gorgeous. No. They want us to make sure we protect them from pollution so their kids can breathe the air and not get asthma. So our friends on the other side have these gargantuan cuts, and in addition to these cuts—which will cost us, according to Senator INOUYE, 800,000 jobs—800,000 jobs—they have legislated issues that are contentious and don't belong on a budget bill.

Here is the deal. I am worried they might say to us: It is our way or the highway. I am worried about that. That is what I am starting to hear. They may lead us into a government shutdown if we fail to act like adults and resolve this and keep the contentious issues off the budget and cut reasonably and sensibly so we don't cause more unemployment. If we can figure that out and meet each other halfway and everything else you do when you compromise, we will be fine. But if that isn't the case, I wish to be sure Members of Congress suffer just as much as any Federal employee. So I have written this bill, with my colleagues, to say that in the event of a government shutdown or a failure to lift the debt ceiling and we start defaulting on our commitments, Members of Congress will not get paid because Members of Congress don't deserve to be paid if we can't act like adults and negotiate this.

I am so tired of the hypocrisy I have seen. I know it is a strong word, and I am not leveling it at any particular individual, but I have to tell you, there are Members of the House who said ObamaCare is terrible, but then they took it for themselves. So what price are they paying? They vote no on health care for everybody else, but they keep government health care. It is wrong. A lot of them are sleeping in their offices. Tell me one other person who is allowed to sleep in the office of their corporation they work for. As far as I know, there is nobody. They do not pay any rent. They sleep in their offices.

So they do all these things: They do not help the housing crisis. They sleep in their offices. They would not vote for health care, but they take government health care. Now they might shut down the government. Yet while Federal employees will not get paid, they will get paid—no way, wrong, not fair. They have to pay a price for all their extremism.

So I hope we will pass this bill and send it over to the House and the House can decide if they think this is right. This is what I would like to take to the American people. Because if they shut down the government or they fail to raise the debt ceiling and we start to default and they pay no price, it is not fair. We cannot stamp our feet and say: It is the way I want it or I am taking my marbles and I am going home—or my teddy bear or my blanket or whatever. You can't do that.

This is the greatest country in the world. As my friend, Senator SANDERS, who is in the chair, so beautifully said last night on a news show—and it was so well done—the middle class is hurting. Real income is going down. As we look at these budget cuts, we have to think about that. I am thinking a lot about it, and I am seeing hundreds of thousands of jobs being lost by the middle class, not by the wealthy few. They are not going to be touched by this.

So this is a very simple bill. I will read what it says:

> Members of Congress and the President shall not receive basic pay for any period in which there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or a continuing resolution, or if the Federal Government is unable to make payments or meet obligations because the debt limit has been reached.

So simple. So I am calling on my colleagues on the other side of the aisle to take the option of a government shutdown off the table. I hope this legislation will nudge them in that direction. Let them think about what it is like not to get paid. Because if they shut down the Federal Government, a whole lot of folks would not get paid. A lot of people in the private sector would not get paid and a lot of people on pensions would not get paid. The only people who would be exempted, pretty much, are Members of Congress, and we have to put an end to that dichotomy.

I thank the Chair for all his leadership on behalf of the middle class and the working poor and I think the hypocrisy has to end. I feel we have to come to this floor and start telling the American people the truth. The truth is: The cuts over there on the other side are going to hurt the middle class. They are extreme. They have added language that doesn't belong on a budget bill. Even though they said they were about jobs, jobs, jobs, and maybe they were—how to lose another 800,000 jobs, maybe that is what they meant—nobody thought the first thing they would do is come in and attach abortion language and family planning language and eviscerate the EPA's ability to clean up carbon pollution on a budget bill. So we have to start letting the American people know because they are busy and they do not get to read all the ins and outs of what happens here. We have to put it in straightforward language.

Today is a very good day in the Senate. We have been brought together, and a lot of that credit goes to Senator ROCKEFELLER and Senator HUTCHISON. I am proud to serve on their committee. We are doing a good job and working together. We have worked out our problems. We had problems with new flights out of National, and no one thought we could resolve it. But we were happy to work together—Republicans, Democrats, people from the East and the West and the Midwest—and we showed we can do something here today. As a result, we are about to pass a very good bill.

My own bill of rights is in this bill, and I am thrilled about that. It was a Boxer-Snowe bill. It has been incorporated in here. It says if you get stuck on an airline, you should be able to expect that you will have water and nourishment and that the toilets will not be overflowing and that if the plane is stuck for 3 hours, you should be able to have the option to get off that flight.

So listen, there are good things we can do. We have proven it here today. But I am getting increasingly nervous about the threats of a government shutdown. I think if Members know it isn't just pain that is going to be inflicted on someone else but they will have pain inflicted on themselves and their families as well, maybe they will take that option off the table.

---

By Mr. REED (for himself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUMENTHAL, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 393. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with my colleague, Senator GRASSLEY, the Prescribe a Book Act. I thank Senators BEGICH, BLUMENTHAL, COLLINS, KERRY, LAUTENBERG, SANDERS, STABENOW, and WHITEHOUSE for joining us as original cosponsors of this bipartisan bill.

Our legislation would create a federal pediatric early literacy grant initiative

based on the long-standing, successful Reach Out and Read program. The program would award grants on a competitive basis to high-quality non-profit entities to train doctors and nurses in advising parents about the importance of reading aloud and to give books to children at pediatric check-ups from 6 months to 5 years of age, with a priority for children from low-income families. It builds on the relationship between parents and medical providers and helps families and communities encourage early literacy skills so children enter school prepared for success in reading.

Since fiscal year 2000, Federal funding for Reach Out and Read through the Department of Education has been an essential piece of a successful public-private partnership that has been matched by tens of millions of dollars from the private sector and State governments. This funding has supported the training of nearly 50,000 health care providers in literacy promotion, and the operation of programs in more than 4,100 clinics and hospitals nationwide, including the 40 sites that operate in Rhode Island. The Prescribe a Book Act would establish a formal authorization for this successful partnership activity.

The Reach Out and Read model has consistently demonstrated effectiveness in increasing parent involvement and boosting children's reading proficiency. Research published in peer-reviewed, scientific journals has found that parents who have participated in the program are significantly more likely to read to their children and include more children's books in their home, and that children served by the program show an increase of 4–8 points on vocabulary tests. I have seen upclose the positive impact of this program on children and their families when visiting a number of Rhode Island's Reach Out and Read sites.

I urge my colleagues to cosponsor the Prescribe a Book Act.

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. 393

*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 ''Prescribe A Book Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit organization that has, as determined by the Secretary, demonstrated effectiveness in the following areas:

(A) Providing peer-to-peer training to healthcare providers in research-based methods of literacy promotion as part of routine pediatric health supervision visits.

(B) Delivering a training curriculum through a variety of medical education settings, including residency training, continuing medical education, and national pediatric conferences.

(C) Providing technical assistance to local healthcare facilities to effectively implement a high-quality Pediatric Early Literacy Program.

(D) Offering opportunities for local healthcare facilities to obtain books at significant discounts, as described in section 7.

(E) Integrating the latest developmental and educational research into the training curriculum for healthcare providers described in subparagraph (B).

(2) PEDIATRIC EARLY LITERACY PROGRAM.—The term ''Pediatric Early Literacy Program'' means a program that—

(A) creates and implements a 3-part model through which—

(i) healthcare providers, doctors, and nurses, trained in research-based methods of early language and literacy promotion, encourage parents to read aloud to their young children, and offer developmentally appropriate recommendations and strategies to parents for the purpose of reading aloud to their children;

(ii) healthcare providers, at health supervision visits, provide each child between the ages of 6 months and 5 years a new, developmentally appropriate children's book to take home and keep; and

(iii) volunteers in waiting areas of healthcare facilities read aloud to children, modeling for parents the techniques and pleasures of sharing books together;

(B) demonstrates, through research published in peer-reviewed journals, effectiveness in positively altering parent behavior regarding reading aloud to children, and improving expressive and receptive language in young children; and

(C) receives the endorsement of nationally recognized medical associations and academies.

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

**SEC. 3. PROGRAM AUTHORIZED.**

The Secretary is authorized to award grants to eligible entities to enable the eligible entities to implement Pediatric Early Literacy Programs.

**SEC. 4. APPLICATIONS.**

An eligible entity that desires to receive a grant under section 3 shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

**SEC. 5. MATCHING REQUIREMENT.**

An eligible entity receiving a grant under section 3 shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the grant received by the eligible entity under section 3. Such matching funds may be in cash or in-kind.

**SEC. 6. USE OF GRANT FUNDS.**

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall—

(1) enter into contracts with private nonprofit organizations, or with public agencies, selected based on the criteria described in subsection (b), under which each contractor will agree to establish and operate a Pediatric Early Literacy Program;

(2) provide such training and technical assistance to each contractor of the eligible entity as may be necessary to carry out this Act; and

(3) include such other terms and conditions in an agreement with a contractor as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

(b) CONTRACTOR CRITERIA.—Each contractor shall be selected under subsection (a)(1) on the basis of the extent to which the contractor gives priority to serving a substantial number or percentage of at-risk children, including—

(1) children from families with an income below 200 percent of the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved, particularly such children in high-poverty areas;

(2) children without adequate medical insurance;

(3) children enrolled in a State Medicaid program, established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or in the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) children living in rural areas;

(5) migrant children; and

(6) children with limited access to libraries.

**SEC. 7. RESTRICTION ON PAYMENTS.**

The Secretary shall make no payment to an eligible entity under this Act unless the Secretary determines that the eligible entity or a contractor of the eligible entity, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts that are at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

**SEC. 8. REPORTING REQUIREMENT.**

An eligible entity receiving a grant under section 3 shall report annually to the Secretary on the effectiveness of the program implemented by the eligible entity and the programs instituted by each contractor of the eligible entity, and shall include in the report a description of each program.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act $15,000,000 for fiscal year 2012 and such sums as may be necessary for each of the succeeding 4 fiscal years.

---

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. DURBIN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the No Oil Producing and Exporting Cartels Act, NOPEC. This legislation will authorize our government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. government to fight back against efforts to fix the price of oil and hold OPEC accountable when it acts illegally. Our legislation will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate in the 110th Congress by a vote of 70–23 in June 2007 as an amendment to the 2007 Energy Bill before

being stripped from that bill in the conference committee. The identical House version of NOPEC also passed the other body as stand alone legislation in the 110th Congress in 2007 by an overwhelming 345–72 vote. It is now time for us to at last pass this legislation into law and give our nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Since January 2009 the cost of crude oil has more than doubled, reaching today's level of $96 per barrel. Likewise, throughout 2009 and 2010, gasoline prices have marched steadily upward, soaring to over $3 a gallon in January 2011, a price that has nearly doubled in little over two years. And recently, OPEC ministers indicated that they may decide against an increase an output in 2011, saying in the final days of 2010 that the world economy can tolerate a $100 per barrel price. So it is clear that the global oil cartel remains a major force conspiring to raise oil prices to the detriment of American consumers.

The actions of the OPEC cartel in recent years demonstrate the dangers it presents. A good example occurred at the end of 2008. On October 24, 2008, OPEC agreed to cut production by 1.5 million barrels a day, and less than two months later, on December 17, 2008, OPEC agreed to a further 2.2 million barrels a day production cut. OPEC made no secret of its motivation for these production cuts. OPEC President Chakib Khelil put it very simply in an interview published December 23, 2008, ''Without these cuts, I don't think we'd be seeing $43 [per barrel] today, we'd have seen in the $20's. . . . [H]opefully by the third quarter [of 2009] we will see prices rising.'' In another interview in December, Khelil was quoted as saying ''The stronger the decision [to cut production], the faster prices will pick up.'' Sure enough, oil prices resumed their march upwards in 2009, and now is more than $90 per barrel.

Since cutting its output in this manner at the end of 2008, OPEC has not officially changed its output policy for more than two years. Oil prices have surged nearly $30 since last summer, and OPEC's Secretary General Abdalla Salem El-Badri confirmed there would not be an increase in output, claiming in January 2011 that, ''At the moment there is more than enough oil on the market.''

When the price of crude oil rises as a result of these actions by OPEC, there is no doubt that millions of American consumers feel the pinch every time they visit the gas pump. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil.

Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged such an international price fixing conspiracy, there would no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in government has yet tried to take any action. This NOPEC legislation will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law.

It is also important to point out that this legislation will not authorize private lawsuits. It only authorizes the Attorney General to file suit under the antitrust laws for redress. It will always be in the discretion of the Justice Department and the President as to whether to take action to enforce NOPEC. Our legislation will not require the government to bring a legal action against OPEC member nations, and no private party will have the ability to bring such an action. This decision will entirely remain in the discretion of the executive branch. Our NOPEC legislation will give our law enforcement agencies a tool to employ against the oil cartel but the decision on whether to use this tool will entirely be up to the Justice Department and, ultimately, the President. They can use this tool as they see fit—to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations warrant it.

NOPEC will also make plain that the nations of OPEC cannot hide behind the doctrines of ''sovereign immunity'' or ''act of state'' to escape the reach of American justice. In so doing, our amendment will overrule one 28 year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. Government has ever had to deter OPEC from its seemingly endless cycle of supply cutbacks designed to raise price. It will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct. It will also deter additional nations who may today be considering joining OPEC.

I urge my colleagues to support our NOPEC legislation so that our nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations.

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. 394

*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 ''No Oil Producing and Exporting Cartels Act of 2011'' or ''NOPEC''.

**SEC. 2. SHERMAN ACT.**

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

**''SEC. 7A. OIL PRODUCING CARTELS.**

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

''(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.''.

**SEC. 3. SOVEREIGN IMMUNITY.**

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

---

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 398. A bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other

purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to join with Senator MURKOWSKI, the Ranking Member of the Committee on Energy and Natural Resources, in introducing the Implementation of National Consensus Appliance Agreements Act of 2011, INCAAA. This bill is an updated version of the appliance energy efficiency standards legislation, S. 3925, that apparently came within a single Senate vote of passage by unanimous consent last December, as the 111th Congress drew to a close.

As with the six appliance energy efficiency laws that have been enacted since 1986, this bill enjoys consensus support among appliance manufacturers, energy efficiency advocates, and consumer groups. Such broad support is to be expected, given the bill's many benefits. It would reduce the regulatory burden on appliance manufacturers, increasing their profitability and their ability to protect and create jobs; reduce national energy and water demand, slowing the need for new energy and water supplies, freeing capital for other investments and making our economy more competitive overall; save consumers money on their monthly energy and water bills, freeing household income for spending in other areas; and reduce power plant emissions and other environmental costs of energy production.

At the core of this bill are the appliance efficiency provisions that were reported with bipartisan support from the Committee on Energy and Natural Resources in 2009 as a part of the comprehensive energy legislation, the American Clean Energy Leadership Act, ACELA, S. 1462. INCAAA also includes the amendments reported from the Committee in May 2010 to enhance ACELA. Finally, INCAAA includes several more-recent agreements and revisions on appliance efficiency that have been reached by industry, energy advocacy, and consumer stake holders.

I note that there are continuing discussions among stakeholders on Section 2(a) regarding the definition of ''energy conservation standard'' and whether this term should allow an efficiency standard to have more than one metric. For example, that a standard could require a specified energy efficiency and also, say, specific water efficiency or smart grid capability, or some other additional performance measures. Stakeholders have agreed to allow inclusion of this provision in the bill for the purposes of introduction while discussions continue. Also under continuing discussion are provisions regarding reflector lamps. The Department of Energy is scheduled to complete its current rulemaking for these products this August and stakeholders continue to negotiate what guidance could be given the Department for future rulemakings. I am committed to working with all stakeholders to resolve these issues as the legislative process moves forward.

From a business point-of-view, INCAAA's greatest value is as a regulatory-reform bill. 25 years ago, the national appliance market was in danger of become unmanageably Balkanized because certain States were beginning to enact appliance efficiency standards in response their power supply problems. Faced with a growing patchwork of state standards, industry joined with energy efficiency and consumer groups to support Federal authority to preempt state standards and thereby assure a single national market for appliances.

INCAAA, as with the five appliance standards laws enacted since 1986, would go a step further than simple Federal pre-emption of state standards by enacting consensus standards that are negotiated among the stakeholders as the Federal standards. By directly enacting consensus standards as Federal standards, these laws have the added benefit of saving the time, cost, and uncertainty associated with a formal Federal rulemaking.

INCAAA would enact standards agreed to by the manufacturers of the covered products and by the Nation's leading energy efficiency groups, the Alliance to Save Energy, the American Council for an Energy Efficient Economy, and the Natural Resources Defense Council. These include new efficiency standards for certain outdoor lighting, as supported by the National Electrical Manufacturers Association and major lighting manufacturers such as General Electric, Osram Sylvania, and Philips; increased efficiency standards for furnaces, heat pumps and central air conditioners, as supported by the Air-Conditioning, Heating and Refrigeration Institute and its dozens of member companies including Carrier, Johnson Controls, Rheem, Lennox, Nordyne, Goodman and Trane. The furnace provisions are also supported by the American Gas Association; and Increased energy and water efficiency standards for refrigerators and freezers, clothes washers and dryers, dishwashers, and room air-conditioners, as supported by the Association of Home Appliance Manufacturers and its many member companies including Electrolux, General Electric, Sub-Zero, and Whirlpool.

INCAAA also includes consensus standards that were earlier reported by the Energy Committee on smaller classes of products such as drinking water dispensers, hot food holding cabinets, electric spas, pool heaters, and consensus standards that were negotiated more recently for service-over-the-counter refrigerators.

The American Council for an Energy-Efficient Economy estimates that INCAAA would save the Nation nearly 850 Trillion Btus of energy each year by 2030—enough energy to meet the needs of 4.6 million typical American households. For comparison, the states of Utah and Connecticut each used just over 800 Trillion Btus of energy in 2008. Result in net economic savings, benefits minus costs, to consumers of more than $43 billion annually by 2030. Save nearly 5 trillion gallons of water annually by 2030, roughly the amount needed to meet the current needs of every customer in Los Angeles for 25 years. Improve the environment by reducing annual carbon dioxide emissions by about 47 million metric tons in 2030.

The Department of Energy's appliance standards program has been one of the nation's most powerful and successful tools for promoting energy and economic efficiency. ACEEE estimates that by 2010 appliance efficiency standards had reduced national non-transportation energy use to 7 percent below what it would otherwise be. For comparison, 7 percent of energy consumption in the U.S. is more than the annual energy consumption of Florida or New York. Standards not only defer the construction of power plants, but also all of their associated costs for planning, siting, operating, fueling, maintaining, and the environmental costs of their emissions, and the costs associated with the distribution of that energy.

Finally, INCAAA contains no authorizations. Based on the CBO analysis conducted last year on ACELA, it is clear that this bill would not incur any no new spending.

This legislation represents government at its best, as a catalyst, bringing together stakeholders on consensus solutions to complex problems. I urge my colleagues to join us in supporting enactment of INCAAA and reaching the goal that was so narrowly missed last December.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 398

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Implementation of National Consensus Appliance Agreements Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

**SEC. 2. ENERGY CONSERVATION STANDARDS.**

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause;

''(II) as part of a direct final rule under section 325(p)(4); or

''(III) as part of a final rule published on or after January 1, 2012; and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.''; and

(2) by adding at the end the following:

''(67) EER.—The term 'EER' means energy efficiency ratio.

''(68) HSPF.—The term 'HSPF' means heating seasonal performance factor.''.

(b) EER AND HSPF TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

''(19) EER AND HSPF TEST PROCEDURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of residential central air conditioner and heat pump standards that take effect on or before January 1, 2015—

''(i) the EER shall be tested at an outdoor test temperature of 95 degrees Fahrenheit; and

''(ii) the HSPF shall be calculated based on Region IV conditions.

''(B) REVISIONS.—The Secretary may revise the EER outdoor test temperature and the conditions for HSPF calculations as part of any rulemaking to revise the central air conditioner and heat pump test method.''.

(c) CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

''(4) CENTRAL AIR CONDITIONERS AND HEAT PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

''(I) Split Systems: 13 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

''(I) Split Systems: 8.2.

''(II) Single Package Systems: 8.0.

''(B) REGIONAL STANDARDS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, and installed in States having historical average annual, population weighted, heating degree days less than 5,000 (specifically the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia) or in the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States shall not be less than the following:

''(I) Split Systems: 14 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) ENERGY EFFICIENCY RATIO.—The energy efficiency ratio of central air conditioners (not including heat pumps) manufactured on or after January 1, 2015, and installed in the State of Arizona, California, New Mexico, or Nevada shall be not less than the following:

''(I) Split Systems: 12.2 for split systems having a rated cooling capacity less than 45,000 BTU per hour and 11.7 for products having a rated cooling capacity equal to or greater than 45,000 BTU per hour.

''(II) Single Package Systems: 11.0.

''(iii) APPLICATION OF SUBSECTION (o)(6).—Subsection (o)(6) shall apply to the regional standards set forth in this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended.

''(ii) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

''(D) CONSIDERATION OF ADDITIONAL PERFORMANCE STANDARDS OR EFFICIENCY CRITERIA.—

''(i) FORUM.—Not later than 4 years in advance of the expected publication date of a final rule for central air conditioners and heat pumps under subparagraph (C), the Secretary shall convene and facilitate a forum for interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the covered product, States, and efficiency advocates), as determined by the Secretary, to consider adding additional performance standards or efficiency criteria in the forthcoming rule.

''(ii) RECOMMENDATION.—If, within 1 year of the initial convening of such a forum, the Secretary receives a recommendation submitted jointly by such representative interested persons to add 1 or more performance standards or efficiency criteria, the Secretary shall incorporate the performance standards or efficiency criteria in the rulemaking process, and, if justified under the criteria established in this section, incorporate such performance standards or efficiency criteria in the revised standard.

''(iii) NO RECOMMENDATION.—If no such joint recommendation is made within 1 year of the initial convening of such a forum, the Secretary may add additional performance standards or efficiency criteria if the Secretary finds that the benefits substantially exceed the burdens of the action.

''(E) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—As part of any final rule concerning central air conditioner and heat pump standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(d) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) (as amended by subsection (c)) is amended by adding at the end the following:

''(5) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term 'small duct, high velocity system' means a heating and cooling product that contains a blower and indoor coil combination that—

''(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

''(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

''(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms 'through-the-wall central air conditioner' and 'through-the-wall central air conditioning heat pump' mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

''(I) is not weatherized;

''(II) is clearly and permanently marked for installation only through an exterior wall;

''(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

''(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

''(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

''(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

''(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than 11.00 for products manufactured on or after January 23, 2006.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than 6.8 for products manufactured on or after January 23, 2006.

''(C) RULEMAKING.—

''(i) IN GENERAL.—Not later than June 30, 2011, the Secretary shall publish a final rule to determine whether standards for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps and small duct, high velocity systems should be amended.

''(ii) APPLICATION.—The rule shall provide that any new or amended standard shall apply to products manufactured on or after June 30, 2016.''.

(e) FURNACES.—Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended by adding at the end the following:

''(5) NON-WEATHERIZED FURNACES (INCLUDING MOBILE HOME FURNACES, BUT NOT INCLUDING BOILERS) MANUFACTURED ON OR AFTER MAY 1, 2013, AND WEATHERIZED FURNACES MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

''(i) NON-WEATHERIZED FURNACES.—The annual fuel utilization efficiency of non-weatherized furnaces manufactured on or after May 1, 2013, shall be not less than the following:

''(I) Gas furnaces, a level determined by the Secretary in a final rule published not later than June 30, 2011.

''(II) Oil furnaces, 83 percent.

''(ii) WEATHERIZED FURNACES.—The annual fuel utilization efficiency of weatherized gas furnaces manufactured on or after January 1, 2015, shall be not less than 81 percent.

''(B) REGIONAL STANDARD.—

''(i) ANNUAL FUEL UTILIZATION EFFICIENCY.—Not later than June 30, 2011, the Secretary shall—

''(I) publish a final rule determining whether to establish a standard for the annual fuel utilization efficiency of non-weatherized gas furnaces manufactured on or after May 1, 2013, and installed in States having historical average annual, population weighted, heating degree days equal to or greater than 5,000 (specifically the States of Alaska, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming); and

''(II) include in the final rule described in subclause (I) any regional standard established under this subparagraph.

''(ii) APPLICATION OF SUBSECTION (o)(6).—Subsection (o)(6) shall apply to any regional standard established under this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) NON-WEATHERIZED FURNACES.—

''(I) IN GENERAL.—Not later than January 1, 2014, the Secretary shall publish a final rule to determine whether the standards in effect for non-weatherized furnaces should be amended.

''(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2019.

''(ii) WEATHERIZED FURNACES.—

''(I) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standard in effect for weatherized furnaces should be amended.

''(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

''(D) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—

''(I) FINAL RULE PUBLISHED AFTER JANUARY 1, 2011.—As part of any final rule concerning furnace standards published after January 1, 2011, the Secretary shall establish the building code levels referred to in subclauses (I)(aa), (II)(aa), and (III)(aa) of section 327(f)(3)(C)(i) subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(II) FINAL RULE PUBLISHED AFTER JUNE 1, 2013.—As part of any final rule concerning furnace standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in or pursuant to section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—Section 327(f) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)) is amended—

(1) in paragraph (3), by striking subparagraphs (B) through (F) and inserting the following:

''(B) The code does not contain a mandatory requirement that, under all code compliance paths, requires that the covered product have an energy efficiency exceeding 1 of the following levels:

''(i) The applicable energy conservation standard established in or prescribed under section 325.

''(ii) The level required by a regulation of the State for which the Secretary has issued a rule granting a waiver under subsection (d).

''(C) If the energy consumption or conservation objective in the code is determined using covered products, including any baseline building designs against which all submitted building designs are to be evaluated, the objective is based on the use of covered products having efficiencies not exceeding—

''(i) for residential furnaces, central air conditioners, and heat pumps, effective not earlier than January 1, 2013, and until such time as a level takes effect for the product under clause (ii)—

''(I) for the States described in section 325(f)(5)(B)(i)—

''(aa) for gas furnaces, an AFUE level determined by the Secretary; and

''(bb) 14 SEER for central air conditioners (not including heat pumps);

''(II) for the States and other localities described in section 325(d)(4)(B)(i) (except for the States of Arizona, California, Nevada, and New Mexico)—

''(aa) for gas furnaces, an AFUE level determined by the Secretary; and

''(bb) 15 SEER for central air conditioners;

''(III) for the States of Arizona, California, Nevada, and New Mexico—

''(aa) for gas furnaces, an AFUE level determined by the Secretary;

''(bb) 15 SEER for central air conditioners;

''(cc) an EER of 12.5 for air conditioners (not including heat pumps) with cooling capacity less than 45,000 Btu per hour; and

''(dd) an EER of 12.0 for air conditioners (not including heat pumps) with cooling capacity of 45,000 Btu per hour or more; and

''(IV) for all States—

''(aa) 85 percent AFUE for oil furnaces; and

''(bb) 15 SEER and 8.5 HSPF for heat pumps;

''(ii) the building code levels established pursuant to section 325; or

''(iii) the applicable standards or levels specified in subparagraph (B).

''(D) The credit to the energy consumption or conservation objective allowed by the code for installing a covered product having an energy efficiency exceeding the applicable standard or level specified in subparagraph (C) is on a 1-for-1 equivalent energy use or equivalent energy cost basis, which may take into account the typical lifetimes of the products and building features, using lifetimes for covered products based on information published by the Department of Energy or the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

''(E) If the code sets forth 1 or more combinations of items that meet the energy consumption or conservation objective, and if 1 or more combinations specify an efficiency level for a covered product that exceeds the applicable standards and levels specified in subparagraph (B)—

''(i) there is at least 1 combination that includes such covered products having efficiencies not exceeding 1 of the standards or levels specified in subparagraph (B); and

''(ii) if 1 or more combinations of items specify an efficiency level for a furnace, central air conditioner, or heat pump that exceeds the applicable standards and levels specified in subparagraph (B), there is at least 1 combination that the State has found to be reasonably achievable using commercially available technologies that includes such products having efficiencies at the applicable levels specified in subparagraph (C), except that no combination need include a product having an efficiency less than the level specified in subparagraph (B)(ii).

''(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be specified in units of energy or its equivalent cost).'';

(2) in paragraph (4)(B)—

(A) by inserting after ''building code'' the first place it appears the following: ''contains a mandatory requirement that, under all code compliance paths,''; and

(B) by striking ''unless the'' and all that follows through ''subsection (d)''; and

(3) by adding at the end the following:

''(5) REPLACEMENT OF COVERED PRODUCT.—Paragraph (3) shall not apply to the replacement of a covered product serving an existing building unless the replacement results in an increase in capacity greater than—

''(A) 12,000 Btu per hour for residential air conditioners and heat pumps; or

''(B) 20 percent for other covered products.''.

**SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT PUMP POOL HEATERS.**

(a) DEFINITIONS.—

(1) EFFICIENCY DESCRIPTOR.—Section 321(22) of the Energy Policy and Conservation Act (42 U.S.C. 6291(22)) is amended—

(A) in subparagraph (E), by inserting ''gas-fired'' before ''pool heaters''; and

(B) by adding at the end the following:

''(F) For heat pump pool heaters, coefficient of performance of heat pump pool heaters.''.

(2) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after paragraph (25) the following:

''(25A) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—The term 'coefficient of performance of heat pump pool heaters' means the ratio of the capacity to power

input value obtained at the following rating conditions: 50.0 °F db/44.2 °F wb outdoor air and 80.0 °F entering water temperatures, according to AHRI Standard 1160.''.

(3) THERMAL EFFICIENCY OF GAS-FIRED POOL HEATERS.—Section 321(26) of the Energy Policy and Conservation Act (42 U.S.C. 6291(26)) is amended by inserting ''gas-fired'' before ''pool heaters''.

(b) STANDARDS FOR POOL HEATERS.—Section 325(e)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)(2)) is amended—

(1) by striking ''(2) The thermal efficiency of pool heaters'' and inserting the following:

''(2) POOL HEATERS.—

''(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters''; and

(2) by adding at the end the following:

''(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of performance of 4.0.''.

**SEC. 4. GU–24 BASE LAMPS.**

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 2(a)(2)) is amended by adding at the end the following:

''(69) GU–24.—The term 'GU–24' '' means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

''(A) 'G' indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

''(B) 'U' distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

''(C) 24 indicates the distance in millimeters between the electrical contact posts.

''(70) GU–24 ADAPTOR.—

''(A) IN GENERAL.—The term 'GU–24 Adaptor' means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

''(i) connects to a GU–24 socket on 1 end and provides a different type of socket or connection on the other end; and

''(ii) does not alter the voltage.

''(B) EXCLUSION.—The term 'GU–24 Adaptor' does not include a fluorescent ballast with a GU–24 base.

''(71) GU–24 BASE LAMP.—'GU–24 base lamp' means a light bulb designed to fit in a GU–24 socket.''.

(b) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsection (ii) as subsection (jj); and

(2) by inserting after subsection (hh) the following:

''(ii) GU–24 BASE LAMPS.—

''(1) IN GENERAL.—A GU–24 base lamp shall not be an incandescent lamp as defined by ANSI.

''(2) GU–24 ADAPTORS.—GU–24 adaptors shall not adapt a GU–24 socket to any other line voltage socket.''.

**SEC. 5. EFFICIENCY STANDARDS FOR BOTTLE-TYPE WATER DISPENSERS, COMMERCIAL HOT FOOD HOLDING CABINETS, AND PORTABLE ELECTRIC SPAS.**

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 4(a)) is amended by adding at the end the following:

''(72) BOTTLE-TYPE WATER DISPENSER.—The term 'bottle-type water dispenser' means a drinking water dispenser that is—

''(A) designed for dispensing hot and cold water; and

''(B) uses a removable bottle or container as the source of potable water.

''(73) COMMERCIAL HOT FOOD HOLDING CABINET.—

''(A) IN GENERAL.—The term 'commercial hot food holding cabinet' means a heated, fully-enclosed compartment that—

''(i) is designed to maintain the temperature of hot food that has been cooked in a separate appliance;

''(ii) has 1 or more solid or glass doors; and

''(iii) has an interior volume of 8 cubic feet or more.

''(B) EXCLUSIONS.—The term 'commercial hot food holding cabinet' does not include—

''(i) a heated glass merchandising cabinet;

''(ii) a drawer warmer;

''(iii) a cook-and-hold appliance; or

''(iv) a mobile serving cart with both hot and cold compartments.

''(74) COMPARTMENT BOTTLE-TYPE WATER DISPENSER.—The term 'compartment bottle-type water dispenser' means a drinking water dispenser that—

''(A) is designed for dispensing hot and cold water;

''(B) uses a removable bottle or container as the source of potable water; and

''(C) includes a refrigerated compartment with or without provisions for making ice.

''(75) PORTABLE ELECTRIC SPA.—

''(A) IN GENERAL.—The term 'portable electric spa' means a factory-built electric spa or hot tub that—

''(i) is intended for the immersion of persons in heated water circulated in a closed system; and

''(ii) is not intended to be drained and filled with each use.

''(B) INCLUSIONS.—The term 'portable electric spa' includes—

''(i) a filter;

''(ii) a heater (including an electric, solar, or gas heater);

''(iii) a pump;

''(iv) a control; and

''(v) other equipment, such as a light, a blower, and water sanitizing equipment.

''(C) EXCLUSIONS.—The term 'portable electric spa' does not include—

''(i) a permanently installed spa that, once installed, cannot be moved; or

''(ii) a spa that is specifically designed and exclusively marketed for medical treatment or physical therapy purposes.

''(76) WATER DISPENSER.—The term 'water dispenser' means a factory-made assembly that—

''(A) mechanically cools and heats potable water; and

''(B) dispenses the cooled or heated water by integral or remote means.''.

(b) COVERAGE.—

(1) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(A) by redesignating paragraph (20) as paragraph (23); and

(B) by inserting after paragraph (19) the following:

''(20) Bottle-type water dispensers and compartment bottle-type water dispensers.

''(21) Commercial hot food holding cabinets.

''(22) Portable electric spas.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking ''(19)'' each place it appears in subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting ''(23)''.

(B) Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking ''paragraph (19)'' each place it appears in paragraphs (1) and (2) and inserting ''paragraph (23)''.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 2(b)) is amended by adding at the end the following:

''(20) BOTTLE-TYPE WATER DISPENSERS.—

''(A) IN GENERAL.—Test procedures for bottle-type water dispensers and compartment bottle-type water dispensers shall be based on the document 'Energy Star Program Requirements for Bottled Water Coolers version 1.1' published by the Environmental Protection Agency.

''(B) INTEGRAL, AUTOMATIC TIMERS.—A unit with an integral, automatic timer shall not be tested under this paragraph using section 4D of the test criteria (relating to Timer Usage).

''(21) COMMERCIAL HOT FOOD HOLDING CABINETS.—

''(A) IN GENERAL.—Test procedures for commercial hot food holding cabinets shall be based on the test procedures described in ANSI/ASTM F2140–01 (Test for idle energy rate-dry test).

''(B) INTERIOR VOLUME.—Interior volume shall be based under this paragraph on the method demonstrated in the document 'Energy Star Program Requirements for Commercial Hot Food Holding Cabinets' of the Environmental Protection Agency, as in effect on August 15, 2003.

''(22) PORTABLE ELECTRIC SPAS.—

''(A) IN GENERAL.—Test procedures for portable electric spas shall be based on the test method for portable electric spas described in section 1604 of title 20, California Code of Regulations, as amended on December 3, 2008.

''(B) NORMALIZED CONSUMPTION.—Consumption shall be normalized under this paragraph for a water temperature difference of 37 degrees Fahrenheit.

''(C) ANSI TEST PROCEDURE.—If the American National Standards Institute publishes a test procedure for portable electric spas, the Secretary shall revise the procedure established under this paragraph, as determined appropriate by the Secretary.''.

(d) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 4(b)) is amended—

(1) by redesignating subsection (ii) as subsection (mm); and

(2) by inserting after subsection (hh) the following:

''(ii) BOTTLE-TYPE WATER DISPENSERS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011—

''(1) a bottle-type water dispenser shall not have standby energy consumption that is greater than 1.2 kilowatt-hours per day; and

''(2) a compartment bottle-type water dispenser shall not have standby energy consumption that is greater than 1.3 kilowatt-hours per day.

''(jj) COMMERCIAL HOT FOOD HOLDING CABINETS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, a commercial hot food holding cabinet shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume.

''(kk) PORTABLE ELECTRIC SPAS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, a portable electric spa shall not have a normalized standby power rate of greater than 5 ($V^{2/3}$) Watts (in which 'V' equals the fill volume (in gallons)).

''(ll) REVISIONS.—

''(1) IN GENERAL.—Not later than the date that is 3 years after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, the Secretary shall—

''(A) consider in accordance with subsection (o) revisions to the standards established under subsections (ii), (jj), and (kk); and

''(B)(i) publish a final rule establishing the revised standards; or

''(ii) make a finding that no revisions are technically feasible and economically justified.

''(2) EFFECTIVE DATE.—Any revised standards under this subsection shall take effect not earlier than the date that is 3 years after the date of the publication of the final rule.''.

(e) PREEMPTION.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''or'' after the semicolon at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(8) is a regulation that—

''(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial hot food holding cabinets, or portable electric spas; and

''(B) is in effect on or before the date of enactment of this paragraph.''; and

(2) in subsection (c)—

(A) in paragraph (8)(B), by striking ''and'' after the semicolon at the end;

(B) in paragraph (9)—

(i) by striking ''except that—'' and all that follows through ''if the Secretary'' and inserting ''except that if the Secretary'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(iii) in subparagraph (B) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(10) is a regulation that—

''(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial hot food holding cabinets, or portable electric spas; and

''(B) is adopted by the California Energy Commission on or before January 1, 2013.''.

**SEC. 6. TEST PROCEDURE PETITION PROCESS.**

(a) CONSUMER PRODUCTS OTHER THAN AUTOMOBILES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

(1) in subparagraph (A)(i), by striking ''amend'' and inserting ''publish in the Federal Register amended''; and

(2) by adding at the end the following:

''(B) PETITIONS.—

''(i) IN GENERAL.—In the case of any covered product, any person may petition the Secretary to conduct a rulemaking—

''(I) to prescribe a test procedure for the covered product; or

''(II) to amend the test procedures applicable to the covered product to more accurately or fully comply with paragraph (3).

''(ii) DETERMINATION.—The Secretary shall—

''(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

''(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

''(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test procedure would more accurately or fully comply with paragraph (3).

''(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this subparagraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraph (3).

''(v) RULEMAKING.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test procedure or a determination not to amend the test procedure.

''(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

''(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).

''(C) TEST PROCEDURES.—The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

''(D) NEW OR AMENDED TEST PROCEDURES.—The Secretary shall direct the National Institute of Standards and Technology to assist in developing new or amended test procedures.''.

(b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6314) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) AMENDMENT AND PETITION PROCESS.—

''(A) IN GENERAL.—At least once every 7 years, the Secretary shall review test procedures for all covered equipment and—

''(i) publish in the Federal Register amended test procedures with respect to any covered equipment, if the Secretary determines that amended test procedures would more accurately or fully comply with paragraphs (2) and (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure.

''(B) PETITIONS.—

''(i) IN GENERAL.—In the case of any class or category of covered equipment, any person may petition the Secretary to conduct a rulemaking—

''(I) to prescribe a test procedure for the covered equipment; or

''(II) to amend the test procedures applicable to the covered equipment to more accurately or fully comply with paragraphs (2) and (3).

''(ii) DETERMINATION.—The Secretary shall—

''(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

''(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

''(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately promote energy or water use efficiency.

''(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this paragraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraphs (2) and (3).

''(v) RULEMAKING.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

''(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

''(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p).'';

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 7. AMENDMENTS TO HOME APPLIANCE TEST METHODS.**

Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 5(c)) is amended by adding at the end the following:

''(23) REFRIGERATOR AND FREEZER TEST PROCEDURE.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary publishes the final standard rule that was proposed on September 27, 2010, the Secretary shall finalize the interim final test procedure rule proposed on December 16, 2010, with such subsequent modifications to the test procedure or standards as the Secretary determines to be appropriate and consistent with this part.

''(B) RULEMAKING.—

''(i) INITIATION.—Not later than January 1, 2012, the Secretary shall initiate a rulemaking to amend the test procedure described in subparagraph (A) only to incorporate measured automatic icemaker energy use.

''(ii) FINAL RULE.—Not later than December 31, 2012, the Secretary shall publish a final rule regarding the matter described in clause (i).

''(24) ADDITIONAL HOME APPLIANCE TEST PROCEDURES.—

''(A) AMENDED TEST PROCEDURE FOR CLOTHES WASHERS.—Not later than October 1, 2011, the Secretary shall publish a final rule amending the residential clothes washer test procedure.

''(B) AMENDED TEST PROCEDURE FOR CLOTHES DRYERS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish an amended test procedure for clothes dryers.

''(ii) REQUIREMENT.—The amendments to the test procedure shall be limited to modifications requiring that tested dryers are run until the cycle (including cool down) is ended by automatic termination controls, if equipped with those controls.''.

**SEC. 8. CREDIT FOR ENERGY STAR SMART APPLIANCES.**

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:

''(e) CREDIT FOR SMART APPLIANCES.—Not later than 180 days after the date of enactment of this subsection, after soliciting comments pursuant to subsection (c)(5), the Administrator of the Environmental Protection Agency, in cooperation with the Secretary, shall determine whether to update the Energy Star criteria for residential refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, clothes dryers, and room air conditioners to incorporate smart grid and demand response features.''.

**SEC. 9. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.**

(a) IN GENERAL.—Part B of title III of the Energy Policy and Conservation Act is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

**''SEC. 324B. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.**

''(a) INITIAL STUDY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall conduct a study of—

''(A) video game console energy use; and

''(B) opportunities for energy savings regarding that energy use.

''(2) INCLUSIONS.—The study under paragraph (1) shall include an assessment of all power-consuming modes and media playback modes of video game consoles.

''(b) ACTION ON COMPLETION.—On completion of the initial study under subsection (a), the Secretary shall determine, by regulation, using the criteria and procedures described in section 325(n)(2), whether to initiate a process for establishing minimum energy efficiency standards for video game console energy use.

''(c) FOLLOW-UP STUDY.—If the Secretary determines under subsection (b) that standards should not be established, the Secretary shall conduct a follow-up study in accordance with subsection (a) by not later than 3 years after the date of the determination.''.

(b) APPLICATION DATE.—Subsection (nn)(1) of section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as redesignated by section 5(d)(1)) is amended by inserting ''or section 324B'' after ''subsection (l), (u), or (v)'' each place it appears.

**SEC. 10. REFRIGERATOR AND FREEZER STANDARDS.**

Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by striking paragraph (4) and inserting the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED AS OF JANUARY 1, 2014.—

''(A) DEFINITION OF BUILT-IN PRODUCT CLASS.—In this paragraph, the term 'built-in product class' means a refrigerator, freezer, or refrigerator with a freezer unit that—

''(i) is 7.75 cubic feet or greater in total volume and 24 inches or less in cabinet depth (not including doors, handles, and custom front panels);

''(ii) is designed to be totally encased by cabinetry or panels attached during installation;

''(iii) is designed to accept a custom front panel or to be equipped with an integral factory-finished face;

''(iv) is designed to be securely fastened to adjacent cabinetry, walls, or floors; and

''(v) has 2 or more sides that are not—

''(I) fully finished; and

''(II) intended to be visible after installation.

''(B) MAXIMUM ENERGY USE.—

''(i) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, the maximum energy use allowed in kilowatt hours per year for each product described in the table contained in clause (ii) (other than refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet and freezers with total refrigerated volume exceeding 30 cubic feet) that is manufactured on or after January 1, 2014, is specified in the table contained in that clause.

''(ii) STANDARDS EQUATIONS.—The allowed maximum energy use referred to in clause (i) is as follows:

| **''Standards Equations** | |
|---|---|
| **Product Description** | |
| **Automatic Defrost Refrigerator-Freezers** | |
| Top Freezer w/o TTD ice | 7.35 AV+ 207.0 |
| Top Freezer w/ TTD ice | 7.65 AV+ 267.0 |
| Side Freezer w/o TTD ice | 3.68 AV+ 380.6 |
| Side Freezer w/ TTD ice | 7.58 AV+304.5 |
| Bottom Freezer w/o TTD ice | 3.68 AV+ 367.2 |
| Bottom Freezer w/ TTD ice | 4.0 AV+ 431.2 |
| **Manual & Partial Automatic Refrigerator-Freezers** | |
| Manual Defrost | 7.06 AV+ 198.7 |
| Partial Automatic | 7.06 AV+198.7 |
| **All Refrigerators** | |
| Manual Defrost | 7.06AV+198.7 |
| Automatic Defrost | 7.35 AV+ 207.0 |
| **All Freezers** | |
| Upright with manual defrost | 5.66 AV+ 193.7 |
| Upright with automatic defrost | 8.70 AV+ 228.3 |
| Chest with manual defrost | 7.41 AV+ 107.8 |
| Chest with automatic defrost | 10.33 AV+ 148.1 |
| **Automatic Defrost Refrigerator-Freezers–Compact Size** | |
| Top Freezer and Bottom Freezer | 10.80 AV+ 301.8 |
| Side Freezer | 6.08 AV+ 400.8 |
| **Manual & Partial Automatic Refrigerator-Freezers–Compact Size** | |
| Manual Defrost | 8.03 AV+ 224.3 |
| Partial Automatic | 5.25 AV+ 298.5 |
| **All Refrigerators–Compact Size** | |
| Manual defrost | 8.03 AV+ 224.3 |
| Automatic defrost | 9.53 AV+ 266.3 |
| **All Freezers–Compact Size** | |
| Upright with manual defrost | 8.80 AV+ 225.7 |
| Upright with automatic defrost | 10.26 AV+ 351.9 |
| Chest | 9.41AV+ 136.8 |
| **Automatic Defrost Refrigerator-Freezers–Built-ins** | |
| Top Freezer w/o TTD ice | 7.84 AV+ 220.8 |
| Side Freezer w/o TTD ice | 3.93 AV+ 406.0 |
| Side Freezer w/ TTD ice | 8.08 AV+ 324.8 |
| Bottom Freezer w/o TTD ice | 3.91 AV+ 390.2 |
| Bottom Freezer w/ TTD ice | 4.25 AV+ 458.2 |
| **All Refrigerators–Built-ins** | |
| Automatic Defrost | 7.84 AV+ 220.8 |
| **All Freezers–Built-ins** | |
| Upright with automatic defrost | 9.32 AV+ 244.6. |

''(iii) FINAL RULES.—

''(I) IN GENERAL.—Except as provided in subclause (II), after the date of publication of each test procedure change made pursuant to section 323(b)(23), in accordance with the procedures described in section 323(e)(2), the Secretary shall publish final rules to amend the standards specified in the table contained in clause (ii).

''(II) EXCEPTION.—The standards amendment made pursuant to the test procedure change required under section 323(b)(23)(B) shall be based on the difference between—

''(aa) the average measured automatic ice maker energy use of a representative sample for each product class; and

''(bb) the value assumed by the Department of Energy for ice maker energy use in the test procedure published pursuant to section 323(b)(23)(A).

''(III) APPLICABILITY.—Section 323(e)(3) shall not apply to the rules described in this clause.

''(iv) FINAL RULE.—The Secretary shall publish any final rule required by clause (iii) by not later than the later of the date that is 180 days after—

''(I) the date of enactment of this clause; or

''(II) the date of publication of a final rule to amend the test procedure described in section 323(b)(23).

''(v) NEW PRODUCT CLASSES.—The Secretary may establish 1 or more new product classes as part of the final amended standard adopted pursuant to the test procedure change required under section 323(b)(23)(B) if the 1 or more new product classes are needed to distinguish among products with automatic icemakers.

''(vi) EFFECTIVE DATES OF STANDARDS.—

''(I) STANDARDS AMENDMENT FOR FIRST REVISED TEST PROCEDURE.—A standards amendment adopted pursuant to a test procedure change required under section 323(b)(23)(A) shall apply to any product manufactured as of January 1, 2014.

''(II) STANDARDS AMENDMENT AFTER REVISED TEST PROCEDURE FOR ICEMAKER ENERGY.—An amendment adopted pursuant to a test procedure change required under section 323(b)(23)(B) shall apply to any product manufactured as of the date that is 3 years after the date of publication of the final rule amending the standards.

''(vii) SLOPE AND INTERCEPT ADJUSTMENTS.—

''(I) IN GENERAL.—With respect to refrigerators, freezers, and refrigerator-freezers, the Secretary may, by rule, adjust the slope and intercept of the equations specified in the table contained in clause (ii)—

''(aa) based on the energy use of typical products of various sizes in a product class; and

''(bb) if the average energy use for each of the classes is the same under the new equations as under the equations specified in the table contained in clause (ii).

''(II) DEADLINE.—If the Secretary adjusts the slope and intercept of an equation described in subclause (I), the Secretary shall publish the final rule containing the adjustment by not later than July 1, 2011.

''(viii) EFFECT.—A final rule published under clause (iii) pursuant to the test procedure change required under section 323(b)(23)(B) or pursuant to clause (iv) shall not be considered to be an amendment to the standard for purposes of section 325(m).''.

**SEC. 11. ROOM AIR CONDITIONER STANDARDS.**

Section 325(c) of the Energy Policy and Conservation Act (42 U.S.C. 6295(c)) is amended by adding at the end the following:

''(3) MINIMUM ENERGY EFFICIENCY RATIO OF ROOM AIR CONDITIONERS MANUFACTURED ON OR AFTER JUNE 1, 2014.—

''(A) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, the minimum

energy efficiency ratios of room air conditioners manufactured on or after June 1, 2014, shall not be less than that specified in the table contained in subparagraph (B).

''(B) MINIMUM ENERGY EFFICIENCY RATIOS.—The minimum energy efficiency ratios referred to in subparagraph (A) are as follows:

| | |
|---|---|
| **Without Reverse Cycle w/Louvers** | |
| <6,000 Btu/h | 11.2 |
| 6,000 to 7,999 Btu/h | 11.2 |
| 8,000-13,999 Btu/h | 11.0 |
| 14,000 to 19,999 Btu/h | 10.8 |
| 20,000-27,999 Btu/h | 9.4 |
| ≥28,000 Btu/h | 9.0 |
| **Without Reverse Cycle w/o Louvers** | |
| <6,000 Btu/h | 10.2 |
| 6,000 to 7,999 Btu/h | 10.2 |
| 8,000-10,999 Btu/h | 9.7 |
| 11,000-13,999 Btu/h | 9.6 |
| 14,000 to 19,999 Btu/h | 9.4 |
| ≥20,000 Btu/h | 9.4 |
| **With Reverse Cycle** | |
| <20,000 w/Louvers Btu/h | 9.9 |
| ≥ 20,000 w/Louvers Btu/h | 9.4 |
| <14,000 w/o Louvers Btu/h | 9.4 |
| ≥14,000 w/o Louvers Btu/h | 8.8 |
| **Casement** | |
| Casement Only | 9.6 |
| Casement-Slider | 10.5. |

''(C) FINAL RULE.—

''(i) IN GENERAL.—Not later than July 1, 2011, pursuant to the test procedure adopted by the Secretary on January 6, 2011, the Secretary shall amend the standards specified in the table contained in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

''(ii) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

''(I) IN GENERAL.—The Secretary shall integrate standby and off mode energy consumption into the amended energy efficiency ratios standards required under clause (i).

''(II) REQUIREMENTS.—The amended standards described in subclause (I) shall reflect the levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

''(iii) APPLICABILITY.—

''(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

''(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after June 1, 2014.''.

**SEC. 12. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.**

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

''(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED WATER HEATER.—The term 'covered water heater' means—

''(I) a water heater; and

''(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

''(ii) FINAL RULE.—The term 'final rule' means the final rule published under this paragraph.

''(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

''(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

''(i) the energy factor descriptor for water heaters established under this subsection; and

''(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

''(D) EFFECT OF FINAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

''(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

''(E) CONVERSION FACTOR.—

''(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

''(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

''(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

''(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

''(v) PERIOD.—Subclause (E) shall apply during the period—

''(I) beginning on the date of publication of the conversion factor in the Federal Register; and

''(II) ending on April 16, 2015.

''(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

''(i) does not have a residential use and can be clearly described in the final rule; and

''(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (on the date of enactment of this paragraph) to the category under section 342(a)(5).

''(G) OPTIONS.—The descriptor set by the final rule may be—

''(i) a revised version of the energy factor descriptor in use on the date of enactment of this paragraph;

''(ii) the thermal efficiency and standby loss descriptors in use on that date;

''(iii) a revised version of the thermal efficiency and standby loss descriptors;

''(iv) a hybrid of descriptors; or

''(v) a new approach.

''(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use on the date of enactment of this paragraph and to future water heating technologies.

''(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

''(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

''(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

''(i) was manufactured prior to the effective date of the final rule; and

''(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.''.

**SEC. 13. CLOTHES DRYERS.**

Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) MINIMUM ENERGY FACTORS FOR CLOTHES DRYERS.—

''(i) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, clothes dryers manufactured on or after January 1, 2015, shall comply with the minimum energy factors specified in the table contained in clause (ii).

''(ii) NEW STANDARDS.—The minimum energy factors referred to in clause (i) are as follows:

| | |
|---|---|
| Vented Electric Standard | 3.17 |
| Vented Electric Compact 120V | 3.29 |
| Vented Electric Compact 240V | 3.05 |
| Vented Gas | 2.81 |
| Vent-Less Electric Compact 240V | 2.37 |
| Vent-Less Electric Combination Washer/Dryer | 1.95 |

''(iii) FINAL RULE.—

''(I) REQUIREMENTS.—

''(aa) IN GENERAL.—The final rule to amend the clothes dryer test procedure adopted pursuant to section 323(b)(24)(B) shall amend the energy factors standards specified in the table contained in clause (ii) in accordance with the procedures described in section 323(e)(2).

''(bb) REPRESENTATIVE SAMPLE.—To establish a representative sample of compliant products, the Secretary shall select a sample of minimally compliant dryers that automatically terminate the drying cycle at not less than 4 percent remaining moisture content.

''(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

''(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended standards required under subclause (I).

''(bb) REQUIREMENTS.—The amended standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

''(III) APPLICABILITY.—

''(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

''(bb) AMENDED STANDARDS.—The amended standards required by this clause shall apply to products manufactured on or after January 1, 2015.

''(iv) OTHER STANDARDS.—Any dryer energy conservation standard that takes effect after the date of enactment of this subparagraph but before the amended standard required by this subparagraph shall not apply.''.

**SEC. 14. STANDARDS FOR CLOTHES WASHERS.**

Section 325(g)(9) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(9)) is amended by striking subparagraph (B) and inserting the following:

''(B) AMENDMENT OF STANDARDS.—

''(i) PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(I) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, clothes washers manufactured on or after January 1, 2015, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

''(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

| | ''MEF | WF |
|---|---|---|
| Top Loading—Standard | 1.72 | 8.0 |
| Top Loading—Compact | 1.26 | 14.0 |
| Front Loading—Standard | 2.2 | 4.5 |
| Front Loading—Compact (less than 1.6 cu. ft. capacity) | 1.72 | 8.0. |

''(ii) PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—

''(I) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, top-loading clothes washers manufactured on or after January 1, 2018, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

''(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

| | ''MEF | WF |
|---|---|---|
| Top Loading—Standard | 2.0 | 6.0 |
| Top Loading—Compact | 1.81 | 11.6. |

''(iii) FINAL RULE.—

''(I) IN GENERAL.—The final rule to amend the clothes washer test procedure adopted pursuant to section 323(b)(24)(A) shall amend the standards described in clauses (i) and (ii) in accordance with the procedures described in section 323(e)(2).

''(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

''(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended modified energy factor standards required under subclause (I).

''(bb) REQUIREMENTS.—The amended modified energy factor standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

''(III) APPLICABILITY.—

''(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

''(bb) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Amended standards required by this clause that are based on clause (i) shall apply to products manufactured on or after January 1, 2015.

''(cc) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Amended standards required by this clause that are based on clause (ii) shall apply to products manufactured on or after January 1, 2018.''.

**SEC. 15. DISHWASHERS.**

Section 325(g)(10) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(10)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting before subparagraph (D) (as redesignated by paragraph (2)) the following:

''(A) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall—

''(i) for a standard size dishwasher, not exceed 355 kilowatt hours per year and 6.5 gallons per cycle; and

''(ii) for a compact size dishwasher, not exceed 260 kilowatt hours per year and 4.5 gallons per cycle.

''(B) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2013.—A dishwasher manufactured on or after January 1, 2013, shall—

''(i) for a standard size dishwasher, not exceed 307 kilowatt hours per year and 5.0 gallons per cycle; and

''(ii) for a compact size dishwasher, not exceed 222 kilowatt hours per year and 3.5 gallons per cycle.

''(C) REQUIREMENTS OF FINAL RULES.—

''(i) IN GENERAL.—Any final rule to amend the dishwasher test procedure after July 9, 2010, and before January 1, 2013, shall amend the standards described in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

''(ii) APPLICABILITY.—

''(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

''(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after January 1, 2013.''.

**SEC. 16. PETITION FOR AMENDED STANDARDS.**

Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

''(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

''(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

''(A) a final rule that contains the new or amended standards; or

''(B) a determination that no new or amended standards are necessary.''.

**SEC. 17. PROHIBITED ACTS.**

Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (1), by striking ''for any manufacturer or private labeler to distribute'' and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute'';

(2) by striking paragraph (5) and inserting the following:

''(5) for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler—

''(A) to offer for sale or distribute in commerce any new covered product that is not in conformity with an applicable energy conservation standard established in or prescribed under this part; or

''(B) if the standard is a regional standard that is more stringent than the base national standard, to offer for sale or distribute in commerce any new covered product having knowledge (consistent with the definition of 'knowingly' in section 333(b)) that the product will be installed at a location covered by a regional standard established in or prescribed under this part and will not be in conformity with the standard;'';

(3) in paragraph (6) (as added by section 306(b)(2) of Public Law 110–140 (121 Stat. 1559)), by striking the period at the end and inserting a semicolon;

(4) by redesignating paragraph (6) (as added by section 321(e)(3) of Public Law 110–140 (121 Stat. 1586)) as paragraph (7);

(5) in paragraph (7) (as so redesignated)—

(A) by striking ''for any manufacturer, distributor, retailer, or private labeler to distribute'' and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute''; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by inserting after paragraph (7) (as so redesignated) the following:

''(8) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly certified in accordance with the requirements established in or prescribed under this part;

''(9) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly tested in accordance with the requirements established in or prescribed under this part; and

''(10) for any manufacturer or private labeler to violate any regulation lawfully promulgated to implement any provision of this part.''.

**SEC. 18. OUTDOOR LIGHTING.**

(a) DEFINITIONS.—

(1) COVERED EQUIPMENT.—Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended—

(A) by redesignating subparagraph (L) as subparagraph (O); and

(B) by inserting after subparagraph (K) the following:

''(L) High light output double-ended quartz halogen lamps.

''(M) General purpose mercury vapor lamps.''.

(2) INDUSTRIAL EQUIPMENT.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) by striking ''and'' before ''unfired hot water''; and

(B) by inserting after ''tanks'' the following: '', high light output double-ended quartz halogen lamps, and general purpose mercury vapor lamps''.

(3) NEW DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(A) by redesignating paragraphs (22) and (23) (as amended by sections 312(a)(2) and 314(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1564, 1569)) as paragraphs (23) and (24), respectively; and

(B) by adding at the end the following:

''(25) GENERAL PURPOSE MERCURY VAPOR LAMP.—The term 'general purpose mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that—

''(A) has a screw base;

''(B) is designed for use in general lighting applications (as defined in section 321);

''(C) is not a specialty application mercury vapor lamp; and

''(D) is designed to operate on a mercury vapor lamp ballast (as defined in section 321) or is a self- ballasted lamp.

''(26) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMP.—The term 'high light output double-ended quartz halogen lamp' means a lamp that—

''(A) is designed for general outdoor lighting purposes;

''(B) contains a tungsten filament;

''(C) has a rated initial lumen value of greater than 6,000 and less than 40,000 lumens;

''(D) has at each end a recessed single contact, R7s base;

''(E) has a maximum overall length (MOL) between 4 and 11 inches;

''(F) has a nominal diameter less than ¾ inch (T6);

''(G) is designed to be operated at a voltage not less than 110 volts and not greater than 200 volts or is designed to be operated at a voltage between 235 volts and 300 volts;

''(H) is not a tubular quartz infrared heat lamp; and

''(I) is not a lamp marked and marketed as a Stage and Studio lamp with a rated life of 500 hours or less.

''(27) SPECIALTY APPLICATION MERCURY VAPOR LAMP.—The term 'specialty application mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that is—

''(A) designed only to operate on a specialty application mercury vapor lamp ballast (as defined in section 321); and

''(B) is marked and marketed for specialty applications only.

''(28) TUBULAR QUARTZ INFRARED HEAT LAMP.—The term 'tubular quartz infrared heat lamp' means a double-ended quartz halogen lamp that—

''(A) is marked and marketed as an infrared heat lamp; and

''(B) radiates predominately in the infrared radiation range and in which the visible radiation is not of principle interest.''.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(g) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—A high light output double-ended quartz halogen lamp manufactured on or after January 1, 2016, shall have a minimum efficiency of—

''(1) 27 LPW for lamps with a minimum rated initial lumen value greater than 6,000 and a maximum initial lumen value of 15,000; and

''(2) 34 LPW for lamps with a rated initial lumen value greater than 15,000 and less than 40,000.

''(h) GENERAL PURPOSE MERCURY VAPOR LAMPS.—A general purpose mercury vapor lamp shall not be manufactured on or after January 1, 2016.''.

(c) PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) in the first sentence of subsection (a), by striking ''The'' and inserting ''Except as otherwise provided in this section, the''; and

(2) by adding at the end the following:

''(i) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), section 327 shall apply to high light output double-ended quartz halogen lamps to the same extent and in the same manner as described in section 325(nn)(1).

''(2) STATE ENERGY CONSERVATION STANDARDS.—Any State energy conservation standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standard for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.''.

**SEC. 19. STANDARDS FOR COMMERCIAL FURNACES.**

Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by adding at the end the following:

''(11) Warm air furnaces with an input rating of 225,000 Btu per hour or more and manufactured on or after the date that is 1 year after the date of enactment of this paragraph shall meet the following standard levels:

''(A) Gas-fired units shall—

''(i) have a minimum combustion efficiency of 80 percent;

''(ii) include an interrupted or intermittent ignition device;

''(iii) have jacket losses not exceeding 0.75 percent of the input rating; and

''(iv) have power venting or a flue damper.

''(B) Oil-fired units shall have—

''(i) a minimum thermal efficiency of 81 percent;

''(ii) jacket losses not exceeding 0.75 percent of the input rating; and

''(iii) power venting or a flue damper.''.

**SEC. 20. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.**

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

''(C) The term 'service over the counter, self-contained, medium temperature commercial refrigerator' or '(SOC–SC–M)' means a medium temperature commercial refrigerator—

''(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

''(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

''(D) The term 'TDA' means the total display area ($ft^2$) of the refrigerated case, as defined in AHRI Standard 1200.'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) Each SOC–SC–M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than 0.6 x TDA + 1.0.''.

**SEC. 21. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.**

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INTERESTED PARTIES.—The term ''interested parties'' includes—

(A) trade associations;

(B) motor manufacturers;

(C) motor end users;

(D) electric utilities; and

(E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

(A) the stock of motors and motor-driven equipment;

(B) efficiency categories of the motor population; and

(C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

(A) expanded use of drives, servos, and other control technologies;

(B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and

(C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

(A) recommendations to update the detailed motor profile on a periodic basis;

(B) methods to estimate the energy savings and market penetration that is attributable to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

**SEC. 22. STUDY OF COMPLIANCE WITH ENERGY STANDARDS FOR APPLIANCES.**

(a) IN GENERAL.—The Secretary of Energy shall conduct a study of the degree of compliance with energy standards for appliances, including an investigation of compliance rates and options for improving compliance, including enforcement.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

**SEC. 23. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY IN CERTAIN BUILDINGS.**

(a) IN GENERAL.—The Secretary of Energy shall conduct a study—

(1) of the costs and benefits (including significant energy efficiency, power quality, and other power grid, safety, and environmental benefits) of requiring high-quality, direct current electricity supply in buildings; and

(2) to determine, if the requirement described in paragraph (1) is imposed, what the policy and role of the Federal Government should be in realizing those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

**SEC. 24. TECHNICAL CORRECTIONS.**

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking ''supplies is'' and inserting ''supply is''.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking ''6313(a)'' and inserting ''6314(a)''.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking ''If the Secretary'' and inserting the following:

''(i) IN GENERAL.—If the Secretary'';

(ii) by striking ''clause (ii)(II)'' and inserting ''subparagraph (A)(ii)(II)'';

(iii) by striking ''clause (i)'' and inserting ''subparagraph (A)(i)''; and

(iv) by adding at the end the following:

''(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

''(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

''(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

''(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

''(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

''(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

''(VI) the need for national energy conservation; and

''(VII) other factors the Secretary considers relevant.

''(iii) ADMINISTRATION.—

''(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

''(II) UNAVAILABILITY.—

''(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.''; and

(B) in subparagraph (C)(iv), by striking ''An amendment prescribed under this subsection'' and inserting ''Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph''.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking ''subparagraphs (B) through (G)'' each place it appears and inserting ''subparagraphs (B), (C), (D), (I), (J), and (K)'';

(B) by striking ''part A'' each place it appears and inserting ''part B''; and

(C) in subsection (a)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.''; and

(D) in subsection (h)(3), by striking ''section 342(f)(3)'' and inserting ''section 342(f)(4)''.

(6) Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) (as amended by section 313(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1568)) is amended—

(A) by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—The term 'electric motor' means any of the following:

''(i) A motor that is a general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction motor of the National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1–1987.

''(ii) A motor incorporating the design elements described in clause (i), but is configured to incorporate 1 or more of the following variations:

''(I) U-frame motor.

''(II) NEMA Design C motor.

''(III) Close-coupled pump motor.

''(IV) Footless motor.

''(V) Vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

''(VI) 8-pole motor.

''(VII) Poly-phase motor with a voltage rating of not more than 600 volts (other than 230 volts or 460 volts, or both, or can be operated on 230 volts or 460 volts, or both).''; and

(B) by redesignating subparagraphs (C) through (I) as subparagraphs (B) through (H), respectively.

(7)(A) Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(i) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4);

(iii) by inserting after paragraph (1) the following:

''(2) STANDARDS EFFECTIVE BEGINNING DECEMBER 19, 2010.—

''(A) IN GENERAL.—Except for definite purpose motors, special purpose motors, and those motors exempted by the Secretary under paragraph (3) and except as provided for in subparagraphs (B), (C), and (D), each electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG–1 (2006) Table 12–12.

''(B) FIRE PUMP ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each fire pump electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency that is not less than the nominal full load efficiency described in NEMA MG–1 (2006) Table 12–11.

''(C) NEMA DESIGN B ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each NEMA Design B electric motor with power ratings of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG–1 (2006) Table 12–11.

''(D) MOTORS INCORPORATING CERTAIN DESIGN ELEMENTS.—Except for those motors exempted by the Secretary under paragraph (3), each electric motor described in section 340(13)(A)(ii) manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the

nominal full load efficiency described in NEMA MG–1 (2006) Table 12–11.''; and

(iv) in paragraph (3) (as redesignated by clause (ii)), by striking ''paragraph (1)'' each place it appears in subparagraphs (A) and (D) and inserting ''paragraphs (1) and (2)''.

(B) Section 313 of the Energy Independence and Security Act of 2007 (121 Stat. 1568) is repealed.

(C) The amendments made by—

(i) subparagraph (A) take effect on December 19, 2010; and

(ii) subparagraph (B) take effect on December 19, 2007.

(8) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: ''or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens''.

(9) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after ''household appliance'' and inserting ''and''; and

(ii) by striking ''and is sold at retail,''; and

(B) in clause (ii), by inserting ''when sold at retail,'' before ''is designated''.

(10) Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)) (as amended by sections 321(a)(3)(A) and 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1577, 1588)) is amended by striking the subsection designation and all that follows through the end of paragraph (8) and inserting the following:

''(i) GENERAL SERVICE FLUORESCENT LAMPS, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS, AND INCANDESCENT REFLECTOR LAMPS.—

''(1) ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—Each of the following general service fluorescent lamps, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps, and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this subparagraph shall meet or exceed the standards established in the following tables:

''FLUORESCENT LAMPS

| Lamp Type | Nominal Lamp Wattage | Minimum CRI | Minimum Average Lamp Efficacy (LPW) | Effective Date (Period of Months) |
|---|---|---|---|---|
| 4-foot medium bi-pin | >35 W | 69 | 75.0 | 36 |
| | ≤35 W | 45 | 75.0 | 36 |
| 2-foot U-shaped | >35 W | 69 | 68.0 | 36 |
| | ≤35 W | 45 | 64.0 | 36 |
| 8-foot slimline | >65 W | 69 | 80.0 | 18 |
| | ≤65 W | 45 | 80.0 | 18 |
| 8-foot high output | >100 W | 69 | 80.0 | 18 |
| | ≤100 W | 45 | 80.0 | 18 |

''INCANDESCENT REFLECTOR LAMPS

| Nominal Lamp Wattage | Minimum Average Lamp Efficacy (LPW) | Effective Date (Period of Months) |
|---|---|---|
| 40–50 | 10.5 | 36 |
| 51–66 | 11.0 | 36 |
| 67–85 | 12.5 | 36 |
| 86–115 | 14.0 | 36 |
| 116–155 | 14.5 | 36 |
| 156–205 | 15.0 | 36 |

''GENERAL SERVICE INCANDESCENT LAMPS

| Rated Lumen Ranges | Maximum Rated Wattage | Minimum Rated Lifetime | Effective Date |
|---|---|---|---|
| 1490–2600 | 72 | 1,000 hrs | 1/1/2012 |
| 1050–1489 | 53 | 1,000 hrs | 1/1/2013 |
| 750–1049 | 43 | 1,000 hrs | 1/1/2014 |
| 310–749 | 29 | 1,000 hrs | 1/1/2014 |

''MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

| Rated Lumen Ranges | Maximum Rated Wattage | Minimum Rated Lifetime | Effective Date |
|---|---|---|---|
| 1118–1950 | 72 | 1,000 hrs | 1/1/2012 |
| 788–1117 | 53 | 1,000 hrs | 1/1/2013 |
| 563–787 | 43 | 1,000 hrs | 1/1/2014 |
| 232–562 | 29 | 1,000 hrs | 1/1/2014 |

''(B) APPLICATION.—

''(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

''(I) is intended for a general service or general illumination application (whether incandescent or not);

''(II) has a medium screw base or any other screw base not defined in ANSI C81.61–2006;

''(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

''(IV) is manufactured or imported after December 31, 2011.

''(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

''(I) 80 for nonmodified spectrum lamps; or

''(II) 75 for modified spectrum lamps.

''(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

''(i) CANDELABRA BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, a candelabra base incandescent lamp shall not exceed 60 rated watts.

''(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, an intermediate base incandescent lamp shall not exceed 40 rated watts.

''(D) EXEMPTIONS.—

''(i) STATUTORY EXEMPTIONS.—The standards specified in subparagraph (A) shall not apply to the following types of incandescent reflector lamps:

''(I) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(II) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(III) R20 incandescent reflector lamps rated 45 watts or less.

''(ii) ADMINISTRATIVE EXEMPTIONS.—

''(I) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

''(II) CRITERIA.—The Secretary may grant an exemption under subclause (I) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

''(III) ADDITIONAL CRITERION.—To grant an exemption for a product under this clause , the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

''(E) EXTENSION OF COVERAGE.—

''(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

''(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

''(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

''(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

''(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based in part on sales data provided to the Secretary from manufacturers and importers.

''(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

''(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

''(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

''(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

''(F) EFFECTIVE DATES.—

''(i) IN GENERAL.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A) or in clause (ii), the term 'effective date' means the last day of the period of months specified in the table after October 24, 1992.

''(ii) SPECIAL EFFECTIVE DATES.—

''(I) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (A) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(II) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (A) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(2) COMPLIANCE WITH EXISTING LAW.—Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp that is in compliance with the law at the time the lamp was manufactured.

''(3) RULEMAKING BEFORE OCTOBER 24, 1995.—

''(A) IN GENERAL.—Not later than 36 months after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on October 24, 1992, to determine whether the standards established under paragraph (1) should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(4) RULEMAKING BEFORE OCTOBER 24, 2000.—

''(A) IN GENERAL.—Not later than 8 years after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than 9 years and 6 months after October 24, 1992, to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(5) RULEMAKING FOR ADDITIONAL GENERAL SERVICE FLUORESCENT LAMPS.—

''(A) IN GENERAL.—Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall—

''(i) initiate a rulemaking procedure to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended so that the standards would be applicable to additional general service fluorescent lamps; and

''(ii) publish, not later than 18 months after initiating the rulemaking, a final rule including the amended standards, if any.

''(B) ADMINISTRATION.—The rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date on which the rule is published.

''(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

''(A) RULEMAKING BEFORE JANUARY 1, 2014.—

''(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking—

''(I) shall not be limited to incandescent lamp technologies; and

''(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the manufacture of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

''(vi) STATE PREEMPTION.—Neither section 327 nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

''(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

''(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

''(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect on the date of enactment of the Energy Independence and Security Act of 2007.

''(B) RULEMAKING BEFORE JANUARY 1, 2020.—

''(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales data collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(7) FEDERAL ACTIONS.—

''(A) COMMENTS OF SECRETARY.—

''(i) IN GENERAL.—With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions that would adversely impact the energy consumption or energy efficiency of the lamp of the energy conservation consequences of the action.

''(ii) CONSIDERATION.—The Federal entity shall carefully consider the comments of the Secretary.

''(B) AMENDMENT OF STANDARDS.—Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy

use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if the action is warranted as a result of other Federal action (including restrictions on materials or processes) that would have the effect of either increasing the energy use or decreasing the energy efficiency of the product.

''(8) COMPLIANCE.—

''(A) IN GENERAL.—Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to that section, each manufacturer of a product to which the standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type.

''(B) CONTENTS.—The report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period.

''(C) OTHER LAMP TYPES.—With respect to lamp types that are not manufactured during the 12-month period preceding the date on which the standards become effective, the report shall—

''(i) be filed with the Secretary not later than the date that is 12 months after the date on which manufacturing is commenced; and

''(ii) include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during the 12-month period.''.

(11) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking ''only''.

(12) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

(13) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after ''40 watts or higher''.

(14) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking ''6995(i)'' and inserting ''6295(i)''.

(15) Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) (as amended by sections 324(f) of the Energy Independence and Security Act of 2007 (121 Stat. 1594) and section 6(e)(2)) is amended—

(A) in paragraph (6), by striking ''or'' after the semicolon at the end;

(B) in paragraph (9)(B), by striking ''or'' at the end;

(C) in paragraph (10), by striking the period at the end and inserting a semicolon;

(D) by adding at the end the following:

''(11) is a regulation for general service lamps that conforms with Federal standards and effective dates; or

''(12) is an energy efficiency standard for general service lamps enacted into law by the State of Nevada prior to December 19, 2007, if the State has not adopted the Federal standards and effective dates pursuant to subsection (b)(1)(B)(ii).''.

(16) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking ''6924(c)'' and inserting ''6294(c)''.

(17) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking ''20°F'' and inserting ''−20°F''.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) other motors.''.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking ''Air-Conditioning and Refrigeration Institute'' each place it appears in paragraphs (4)(A) and (7) and inserting ''Air-Conditioning, Heating, and Refrigeration Institute''.

---

SECTION-BY-SECTION SUMMARY OF THE IMPLEMENTATION OF NATIONAL CONSENSUS APPLIANCE AGREEMENTS ACT OF 2011 (INCAAA)

Purpose: DOE's ''Appliance Standards Program'' (Title III, Part B of the Energy Policy and Conservation Act (EPCA) (42 USC 6291)) establishes energy efficiency standards for dozens of appliances and types of commercial equipment. These standards have been extraordinarily effective for improving the nation's economic and energy security, by 2010 reducing national non-transportation energy use by about 7 percent below what it otherwise would be. Appliance manufacturers have supported standards because of their significant national benefits and because they typically replace a patchwork of state regulations. This bill would amend EPCA to enact consensus energy-efficiency standards for a range of products that were agreed to among industry, energy advocate and consumer stakeholders. More specifically, . . .

Sec. 1. Short title; table of contents.

Sec. 2. Energy conservation standards: clarifies that 'energy conservation standard' means one or more performance or design requirements such as energy and water efficiency. Adds definitions, effective dates, and standards for: central air conditioners and heat pumps, through-the-wall central air conditioners; through-the-wall central air conditioning heat pumps; small-duct, high-velocity systems; and non-weatherized furnaces, as agreed to between manufacturers and efficiency advocacy groups. Finally, it provides that building codes may allow for appliance standards to exceed the federal standard in certain cases.

Sec. 3. Energy conservation standards for heat pump pool heaters: adds definitions, standards and effective dates for heat pump pool heaters, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 4. GU–24 base lamps: adds definitions, standards and effective dates for the next-generation, GU–24 lamps, lamp sockets, and adaptors, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 5. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas: adds definitions, exclusions, test procedures, standards and effective dates for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 6. Test procedure petition process: (a) provides that any person may petition DOE to prescribe or amend test procedures and establishes deadlines for DOE to respond to such petitions; and (b) for certain industrial equipment, clarifies that DOE periodically review test procedures, and provides that any person may petition DOE to prescribe or amend test procedures for such equipment and establishes deadlines for DOE to respond to such petitions. It also provides that DOE may use the Direct Final Rule procedure currently available to prescribe consensus standards, to prescribe consensus test procedures.

Sec. 7. Amendments to Home Appliance Test Methods: sets deadlines regarding refrigerator and freezer, clothes washer, and clothes dryer test methods.

Sec. 8. Credit for Energy Star Smart Appliances: directs federal officials to determine whether to update Energy Star criteria for certain products to incorporate smart grid and demand response features.

Sec. 9. Video game console energy efficiency study: directs DOE to conduct a study of video game console energy use and opportunities for energy savings, and upon completion to determine whether to establish an efficiency standard. If standards are not established, then DOE shall conduct a follow-up study.

Sec. 10. Refrigerator and freezer standards: updates definitions, exceptions, standards and effective dates for new standards for refrigerators and freezers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 11. Room air conditioner standards: establishes new standards and effective dates for room air-conditioners, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 12. Uniform efficiency descriptor for covered water heaters: directs DOE to publish a final rule that establishes a uniform efficiency descriptor and test methods for covered water heaters. The section also sets forth other provisions necessary to transition from the current two descriptors for two types of water heaters, to having a single descriptor for all covered water heaters.

Sec. 13. Clothes dryers: establishes new standards and effective dates for clothes dryers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 14. Standards for clothes washers: establishes new standards and effective dates for clothes washers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 15. Dishwashers: establishes new standards and effective dates for dishwashers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 16. Petition for amended standards: requires DOE to publish an explanation of DOE's decision to grant or deny a petition for a new or amended standard (filed under current law) within 180 days, and to publish the new rule within 3 year in those cases where the petition is granted.

Sec. 17. Prohibited acts: updates certain enforcement provisions to clarify that prohibitions under the law apply to distributors, retailers, and private labelers as well as

manufacturers, and clarifies that prohibitions must be ''knowingly'' violated in the case of regional standards.

Sec. 18. Outdoor lighting: establishes definitions, test methods, standards, and effective dates for certain types of outdoor lighting, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 19. Standards for commercial furnaces: establishes a new standard and effective date for commercial furnaces, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 20. Service over the counter, self-contained, medium temperature commercial Refrigerators: establishes new definitions and a standard and effective date for certain service over the counter refrigerators, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 21. Motor market assessment and commercial awareness program: directs DOE to assess the U.S. electric motor market and develop recommendations on ways to improve the efficiency of motor systems. It also requires DOE to periodically update this information; estimate the savings attributable to the Save Energy Now Program; make recommendations to the Census Bureau on surveys to support DOE's motor activities; and prepare an update to the Motor Master+ program of DOE. Finally, based on the assessment and recommendations, the section would direct DOE to establish a program to: increase awareness of the savings opportunities of using higher efficiency motors, improve motor system procurement practices, and establish criteria for making decisions regarding electric motor systems.

Sec. 22. Study of Compliance with Energy Standards for Appliances: directs DOE to conduct, and submit to Congress with any recommendations, a study on the degree of compliance with energy standards for appliances including an investigation of compliance rates and options for improving compliance.

Sec. 23. Study of direct current electricity supply in certain buildings: directs DOE to conduct, and submit to Congress with any recommendations, a study of the costs and benefits of requiring high-quality, direct current electricity supply in certain buildings and to determine, if this requirement is imposed, what the policy and role of the Federal Government should be.

Sec. 24. Technical corrections: makes technical corrections to the Energy Independence and Security Act of 2007 (EISA), the Energy Policy Act of 2005, and the Energy Policy and Conservation Act regarding the appliance efficiency standards program.

---

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 399. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

Mr. BAUCUS. Mr. President, today I rise to introduce the Blackfeet Water Rights Settlement Act of 2011. The Blackfeet Reservation is located in northwest Montana with Canada to the north and Glacier Park to the west. The Blackfeet Reservation consists of approximately 1.5 million acres with farming and tribal and federal government as the primary source of economic activity. About 10,100 people live on the reservation and approximately 25,800 live off reservation. The Blackfeet Tribe is ably assisted by the Blackfeet Tribal Business Council of which Willie Sharp is Chairman.

The Blackfeet Reservation was established under the Fort Laramie Treaty of 1851. Later, part of the reservation was sold to the U.S. Government, and the Sweetgrass Hills Treaty was ratified by Congress in 1888. The sale of these lands by treaty established the reservations for the Fort Peck and Fort Belknap Tribes.

Over 100 years ago the U.S. Supreme Court ruled that such treaties imply a commitment to reserve sufficient water to satisfy both present and future needs of a tribe. Today we are moving forward on the journey to fulfill that commitment with the introduction of the Blackfeet Water Rights Settlement Act of 2011.

The Blackfeet Water Rights Settlement Act of 2011 will resolve over a century of conflict over waters in Montana. The Act ratifies the water rights compact with the Blackfeet Nation. It is the product of more than 10 years of negotiations between diverse groups of users in the area, which ended in 2007. The Compact was approved by the Montana Legislature in April 2009, and the state of Montana has already appropriated $19 million in support of its work to implement the Compact. This legislation will bring clean water to reservation families and support tribal agriculture and provide long-range economic development.

The Blackfeet People call the mountains of their homeland the ''backbone of the world.'' When you visit their land, you can feel a shiver in your own backbone at its beauty and spiritual significance. These mountains are also the wellspring of the reservation's water. Their cirques and flanks, frozen for much of the year, store the crucial resource that makes the Great Plains inhabitable. The drainages and storage systems that define how the snow melts and the water flows are the principal subject of this legislation. This water is necessary for irrigation, livestock, fisheries, wildlife, homes, and other uses.

By ratifying this compact, Congress will both establish the federal reserved water rights of the Tribe and authorize funds to construct the infrastructure necessary to make the water available for use. Last year, Senator TESTER and I introduced this bill on April 29, 2010. The Senate Indian Affairs Committee held a hearing on July 22, 2011. I look forward to working with my colleagues here in the Senate, in the House, and in the Administration to quickly moving forward on the Blackfeet Water Compact.

---

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 401. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN once again to introduce the Public Corruption Prosecution Improvements Act of 2011, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide.

As we have seen in recent years, public corruption can erode the trust the American people have in those who are given the privilege of public service, and, too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. Make no mistake: The stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy. Rooting out the kinds of public corruption that have resulted in convictions of members of Congress, judges, governors, and many others, requires us to give prosecutors the tools they need to investigate and prosecute criminal public corruption offenses.

The bill Senator CORNYN and I introduce today will increase sentences for serious corruption offenses and will provide investigators and prosecutors more time to pursue public corruption cases. The bill raises the statutory maximum penalties for several laws dealing with official misconduct, including bribery and theft of government property, to ensure that those who violate the public trust are held accountable. These increases reflect the serious and corrosive nature of these crimes, and would harmonize the punishment for these crimes with other similar statutes.

The bill extends the statute of limitations from 5 to 6 years for the most serious public corruption offenses. Bank fraud, arson, and passport fraud, among other offenses, all have 10-year statutes of limitations. We recently increased the statute of limitations for securities fraud to 6 years. Public corruption offenses cut to the heart of our democracy and are among the most difficult and time-consuming cases to investigate. This modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

This bill also amends several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities. It includes a fix to the gratuities statute that makes clear that public officials may not accept anything of value, other than what is permitted by existing rules and regulations, given to them because of their official position. This important provision contains appropriate safeguards to ensure that only corrupt conduct is prosecuted, but it will help to ensure that the work of public officials cannot be bought, and it will put teeth behind key ethics reforms enacted by Congress in 2007.

The bill also appropriately clarifies the definition of what it means for a

public official to perform an ''official act'' for the purposes of the bribery statute and closes several other gaps in current law. It adds two corruption-related crimes as predicates for the Federal wiretap and racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded state programs, and expands the venue for perjury and obstruction of justice prosecutions.

Senator CORNYN and I have added two new modest fixes into this year's bill. The first allows information sharing that will make it easier for law enforcement to investigate possible criminal activity by Federal judges. The second further clarifies and strengthens the federal program bribery statute.

I remain committed to ensuring sufficient funding for public corruption enforcement. Since September 11, 2001, Federal Bureau of Investigation resources have been shifted away from the pursuit of white collar crime to counterterrorism. Director Mueller has consistently affirmed that public corruption is among the FBI's top investigative priorities, but reports in the past decade indicated that this shift in resources sometimes meant a reduction in the number of public corruption investigations and at times made pursuing key corruption cases more difficult. The Justice Department and the FBI have been working to reverse this trend, but we must make sure that law enforcement has all the tools and the resources it needs to strongly confront these serious and corrosive crimes.

In recognition of the difficult budget situation in which we find ourselves and in an effort to maintain maximum bipartisan support for this important legislation, I have agreed to remove from this year's bill a modest authorization for anti-corruption investigators and prosecutors that we included in past versions. Nonetheless, given the vital importance of this work, I hope that Senator CORNYN and others will join me in calling on appropriators and the Justice Department and FBI to ensure that significant resources are allocated to investigating and prosecuting public corruption.

Since we last introduced this bill, our country has unfortunately taken a step backward in its efforts to fight fraud and corruption. Last year, in the case of Skilling v. United States, the Supreme Court sided with a former executive from Enron, whose collapse had such devastating effects on the economy early in the last decade, and greatly narrowed the honest services fraud statute, a law that plays an important role in combating public corruption, corporate fraud, and self-dealing.

The Court's decision leaves corrupt and fraudulent conduct which prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court's decision excluded undisclosed ''self-dealing'' by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in private sector cases, their shareholders and employees.

I introduced legislation in the last Congress, the Honest Services Restoration Act, to close this crucial gap and restore the government's ability to prosecute key categories of corruption cases. I have heard from Democrats and Republicans in the Senate and the House who are eager to fix this problem. I hope to continue working with Senator CORNYN and others to find a bipartisan solution to fixing honest services fraud and perhaps to incorporate a fix into this comprehensive anti-corruption bill at some point in the future.

If we are serious about addressing the kinds of egregious misconduct that we have witnessed in recent years in high-profile public corruption cases, Congress should enact meaningful legislation to give investigators and prosecutors the tools they need to enforce our laws. It is time to strengthen the criminal law to bring those who undermine the public trust to justice. I hope that all Senators will support this bipartisan bill and take firm action to stamp out intolerable corruption.

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. 401

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Public Corruption Prosecution Improvements Act''.

**SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.**

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

**''§ 3299A. Corruption offenses**

''Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299A. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

**SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.**

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

**SEC. 4. VENUE FOR FEDERAL OFFENSES.**

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

**''§ 3237. Offense taking place in more than one district''.**

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

**SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.**

Section 666 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by—

(i) striking ''anything of value'' and inserting ''any thing or things of value''; and

(ii) striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(B) by amending paragraph (2) to read as follows:

''(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of $1,000 or more;''; and

(C) in the matter following paragraph (2), by striking ''ten years'' and inserting ''15 years''; and

(2) in subsection (c)—

(A) by striking ''This section does not apply to''; and

(B) by inserting before ''bona fide salary'' the following: ''The term 'anything of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include''.

**SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.**

Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

**SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.**

Section 201(b) of title 18, United States Code, is amended by striking ''fifteen years'' and inserting ''20 years''.

**SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.**

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

**SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.**

Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

**SEC. 10. ADDITIONAL RICO PREDICATES.**

(a) IN GENERAL.—Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records),'' after ''473 (relating to counterfeiting),''; and

(2) by inserting ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 664 (relating to embezzlement from pension and welfare funds),''.

(b) CONFORMING AMENDMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking ''section 641 (relating to public money, property, or records),''; and

(2) by striking ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),''.

**SEC. 11. ADDITIONAL WIRETAP PREDICATES.**

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (bribery in sporting contests),''.

**SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.**

(a) DEFINITION.—Section 201(a) of title 18, United states Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(4) the term 'rule or regulation' means a federal regulation or a rule of the House of Representatives and the Senate, including those rules and regulations governing the acceptance of campaign contributions.''.

(b) CLARIFICATION.—Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting ''otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—'';

(2) in subparagraph (A), by inserting after '', or person selected to be a public official,'' the following: ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official''; and

(3) in subparagraph (B)—

(A) by striking ''otherwise than as provided by law for the proper discharge of official duty,''; and

(B) by striking all after ''anything of value personally'' and inserting ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such official or person;''.

**SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.**

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

''(3) the term 'official act' means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.''.

**SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.**

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''; and

(2) in subsection (c), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''.

**SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.**

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:

''(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

**''§ 1624. Venue**

''A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

**SEC. 16. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.**

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

**SEC. 17. PERMITTING THE DISCLOSURE OF INFORMATION REGARDING POTENTIAL CRIMINAL ACTIVITY TO APPROPRIATE LAW ENFORCEMENT AUTHORITIES.**

Section 360(a) of title 28, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) disclosure of information regarding a potential criminal offense may be made to the United States Department of Justice, a Federal, State, or local grand jury, or Federal, State, or local law enforcement agents.''.

---

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 403. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am introducing a bill to designate segments of Oregon's Molalla River as Wild and Scenic. I am pleased to be joined in the Senate in introducing this legislation with my colleague from Oregon, Senator MERKLEY. This legislation is also being introduced today by Representative SCHRADER in the House of Representatives. He has been a champion for protecting the river. My colleagues previously joined me in the effort to protect this Oregon gem by introducing this bill in the last Congress. The Molalla River Wild and Scenic Rivers Act will amend the Wild and Scenic Rivers Act and designate an approximately 15.1 mile segment of the Molalla River and an approximately 6.2 mile segment of Table Rock Fork Molalla River as a recreational river under the Wild and Scenic Rivers Act.

The Molalla River Wild and Scenic Rivers Act would protect a popular Oregon destination that provides abundant recreational activities that help fuel the recreation economy that is so important to the communities along the river. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. My bill would not only preserve this area as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout, along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pileated woodpecker, golden and bald eagles, deer, elk, the pacific giant salamander, and many others.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby, Oregon. Protecting the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water, and will provide all the people of the Pacific Northwest and beyond the knowledge that this important natural resource will be preserved for continued enjoyment for years to come.

I would like to reiterate my continued appreciation for the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel and have set out to protect it. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. These are the kind of collaborative home grown solutions that Oregonians are best at. I look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill's supporters to advance this legislation to the President's desk.

---

By Mr. NELSON of Florida:

S. 405. A bill to amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, for years, I have fought to keep oil rigs off the coast of Florida—both in federal waters and Cuban waters. As we've seen, an oil spill even hundreds of miles away from Florida can send the black stuff onto our beaches and close our fishing grounds. Risky exploration close to our shores endangers Florida's marine environment and tourism as well as our national security.

Yet we know that drilling just a mere 45 miles off Florida's coast is possible and is coming from the behest of Cuba's communist regime. For years the Castros have been eager to develop undiscovered offshore oil resources, and have already started leasing off different plots of land. Later this year, the Spanish oil company Repsol, in a consortium with oil companies from Norway, India, Italy and others, is expected to drill a deepwater exploratory well roughly 20 miles northeast of Havana—right in the midst of currents that run up the eastern seaboard. The U.S. Geological Survey estimates that the North Cuba Basin could contain over four and a half billion barrels of recoverable crude oil.

We now find ourselves in a grim situation. Over the past several years, I have asked both Republican and Democratic administrations to withdraw the diplomatic letters that we exchange with Cuba every 2 years. This exchange of letters is the only thing enforcing the 1977 Maritime Boundary Agreement, which has never been ratified by the U.S. Senate. Though I have consistently advocated against this boundary agreement, our presidents have disagreed. It seems that oil exploration in waters that are essentially our backyard is imminent.

So today I'm introducing the Gulf Stream Protection Act of 2011, which will protect the economy and environment of Florida. This legislation will require federal agencies to safeguard our shores by preparing for another devastating spill like the Deepwater Horizon that occurred less than a year ago—but this time in Cuban waters. If a company that's drilling in Cuba wants to lease drilling rights in the United States, this bill will require them to first prove that they have a sufficient oil spill response plan and the resources to address a spill in both Cuban and U.S. waters. Additionally this bill directs the Department of Interior—in consultation with the Department of State—to provide recommendations to Congress on a multinational agreement for spill response, not unlike what was suggested by the Spill Commission chaired by Senator Bob Graham and Bill Reilly.

We have seen what oil spills have done in other parts of the country and around the world. If oil spilled from a well in the North Cuba Basin, it would coat popular South Atlantic beaches like Miami and West Palm. I am not prepared to take chances with Florida's coral reefs and other marine life, nor with the livelihoods of millions of Floridians who depend on tourism for their economic well-being.

That is why I believe that in addition to my responsibility to deter exploration and drilling off Florida's coastline, I also have a responsibility to ensure that we are prepared for the worst-case scenario: an oil spill from a foreign rig in Cuban waters. I hope my colleagues will join me in supporting this commonsense legislation.

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. 405

*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 ''Gulf Stream Protection Act of 2011''.

**SEC. 2. REQUIREMENT FOR CERTAIN DUAL LESSEES.**

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

''(9) REQUIREMENT FOR CERTAIN LESSEES.—If a bidder for an oil or gas lease under this subsection is conducting oil and gas operations off the coast of Cuba, the Secretary shall not grant an oil or gas lease to the bidder unless the bidder submits to the Secretary—

''(A) a Cuban oil spill response plan, which shall include 1 or more worst-case-scenario oil discharge plans; and

''(B) evidence that the bidder has sufficient financial resources and other resources necessary for a cleanup effort, as determined by the Secretary, to respond to a worst case scenario oil discharge in Cuba that occurs in, or would impact, the waters of the United States.''.

**SEC. 3. NONDOMESTIC GULF OIL SPILL RESPONSE PLAN.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall carry out an oil spill risk analysis and planning process for the development and implementation of oil spill response plans for nondomestic oil spills in the Gulf of Mexico.

(b) REQUIREMENTS.—In developing plans under subsection (a), the Secretary shall—

(1) consult with the heads of other Federal agencies with relevant scientific and operational expertise to verify that holders of oil and gas leases can conduct any response and containment operations provided for in the plans;

(2) ensure that all critical information and spill scenarios are included in the plans, including oil spill containment and control methods to ensure that holders of oil and gas leased can conduct the operations provided for in the plans;

(3) ensure that the plans include shared international standards for natural resource extraction activities;

(4) in consultation with the Secretary of State, to the maximum extent practicable, include recommendations for Congress on a joint contingency plan with the countries of Mexico, Cuba, and the Bahamas to ensure an adequate response to oil spills located in the eastern Gulf of Mexico; and

(5) to the maximum extent practicable, ensure that the contingency plan described in paragraph (4) contains a description of the organization and logistics of a response team for each country described in that paragraph (including each applicable Federal and State agency).

(c) MODELING OF CUBAN WATERS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall conduct modeling of the Cuban waters.

(2) USE OF MODELING.—For purposes of developing the plans required under subsection (a), the Secretary shall take into account any modeling data collected under paragraph (1).

(d) VERIFICATION PROCESS.—The Secretary may conduct a verification process to ensure that any companies operating in the United States that are conducting drilling operations off the coast of Cuba are subject to

standards that are as stringent as the standards under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

By Mr. ROCKEFELLER:

S. 408. A bill to provide for the temporary retention of sole community hospital status for a hospital under the Medicare program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Community Hospital Jobs Act of 2011, legislation that gives Fairmont General Hospital, a small community hospital in West Virginia, the chance to make an important transition.

Many of Marion County's residents were born at Fairmont General Hospital—founded in 1939. And many of the hospital's 700 employees are from the surrounding area. That is why, when Fairmont's leaders told me the hospital was going to lose a large portion of its Medicare payments because it was going to lose its status as a Sole Community Hospital, I knew it was important to make sure Fairmont General maintained its role as a vibrant health care leader in our community—and I began looking for ways to help.

Over the last couple of years, I have worked extensively with Fairmont officials and with other members of the West Virginia delegation to identify possible solutions to Fairmont's problem, which the hospital did nothing to cause. First we looked for a regulatory solution. However, after speaking extensively with federal and hospital officials, scrutinizing every regulation, we determined that without intervention from Congress, Fairmont would lose its status as the sole community hospital—and with it, additional federal payments that are helping the hospital stay afloat and maintain jobs, as many as 70 of which may be at stake.

Once it became clear that legislation was necessary, I got to work again on behalf of Fairmont. Last fall, I started to work on a legislative solution to allow Fairmont to retain its sole community hospital status. And, when the Senate began consideration of an end-of-the-year health care bill, I pushed for the inclusion of legislative language to allow Fairmont to keep its sole community hospital status for a three-year transition period. Unfortunately, this language was not ultimately included in the final Medicare and Medicaid Extenders Act of 2010—but I am not going to give up.

Fairmont General does not give up on its patients, and I am not giving up on Fairmont. That is why I am introducing this important legislation today.

I urge my colleagues to support the Community Hospital Jobs Act.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. GRAHAM, Mr. CORNYN, Mr. DURBIN, and Ms. KLOBUCHAR):

S. 410. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today, I reintroduce the Sunshine in the Courtroom Act, a bipartisan bill which will allow judges at all federal court levels to open their courtrooms to television cameras and radio broadcasts.

Openness in our courts improves the public's understanding of what goes on there. Our judicial system is a secret to many people across the country. Letting the sun shine in on federal courtrooms will give Americans an opportunity to better understand the judicial process. Courts are the bedrock of the American justice system. Allowing greater access to our courts will inspire faith in and restore appreciation for our judges who pledge equal and impartial justice for all.

For decades, states such as my home state of Iowa have allowed cameras in their courtrooms with great results. As a matter of fact, only the District of Columbia prohibits trial and appellate court coverage entirely. Nineteen States allow news coverage in most courts; 16 allow coverage with slight restrictions; and the remaining 15 allow coverage with stricter rules.

The bill I am introducing today, along with Senator SCHUMER and five other cosponsors from both sides of the aisle, including Judiciary Chairman LEAHY, will greatly improve public access to Federal courts. It lets Federal judges open their courtrooms to television cameras and other electronic media.

The Sunshine in the Courtroom Act is full of provisions that ensure that the introduction of cameras and other broadcasting devices into the courtrooms goes as smoothly as it has at the state level. First, the presence of the cameras in Federal trial and appellate courts is at the sole discretion of the judges—it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a 3 year sunset provision. The bill also protects the privacy and safety of non-party witnesses by giving them the right to have their faces and voices obscured. Finally, it includes a provision to protect the due process rights of any party, and prohibits the televising of jurors.

We need to open the doors and let the light shine in on the Federal Judiciary. This bill improves public access to and therefore understanding of our federal courts. It has safety provisions to ensure that the cameras won't interfere with the proceedings or with the safety or due process of anyone involved in the cases. Our states have allowed news coverage of their courtrooms for decades. It is time we join them.

Mr. President, I ask unanimous consent that the text of this 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. 410

*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 ''Sunshine in the Courtroom Act of 2011''.

**SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.**

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph—

(I) if that judge determines the action would constitute a violation of the due process rights of any party; and

(II) until the Judicial Conference of the United States promulgates mandatory guidelines under paragraph (5).

(B) NO MEDIA COVERAGE OF JURORS.—The presiding judge shall not permit the photographing, electronic recording, broadcasting, or televising of any juror in a trial proceeding, or of the jury selection process.

(C) DISCRETION OF THE JUDGE.—The presiding judge shall have the discretion to obscure the face and voice of an individual, if good cause is shown that the photographing, electronic recording, broadcasting, or televising of the individual would threaten—

(i) the safety of the individual;

(ii) the security of the court;

(iii) the integrity of future or ongoing law enforcement operations; or

(iv) the interest of justice.

(D) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under this paragraph shall terminate 3 years after the date of the enactment of this Act.

(3) INTERLOCUTORY APPEALS BARRED.—The decision of the presiding judge under this subsection of whether or not to permit, deny, or terminate the photographing, electronic recording, broadcasting, or televising of a court proceeding may not be challenged through an interlocutory appeal.

(4) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(5) MANDATORY GUIDELINES.—Not later than 6 months after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate mandatory guidelines which a presiding judge is required to follow for obscuring of certain vulnerable witnesses, including crime victims, minor victims, families of victims, cooperating witnesses, undercover law enforcement officers or agents, witnesses subject to section 3521 of title 18, United States Code, relating to witness relocation and protection, or minors under the age of 18 years. The guidelines shall include procedures for determining, at the earliest practicable time in any investigation or case, which witnesses should be considered vulnerable under this section.

(6) PROCEDURES.—In the interests of justice and fairness, the presiding judge of the court in which media use is desired has discretion to promulgate rules and disciplinary measures for the courtroom use of any form of media or media equipment and the acquisition or distribution of any of the images or sounds obtained in the courtroom. The presiding judge shall also have discretion to require written acknowledgment of the rules by anyone individually or on behalf of any entity before being allowed to acquire any images or sounds from the courtroom.

(7) NO BROADCAST OF CONFERENCES BETWEEN ATTORNEYS AND CLIENTS.—There shall be no audio pickup or broadcast of conferences which occur in a court proceeding between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge, if the conferences are not part of the official record of the proceedings.

(8) EXPENSES.—A court may require that any accommodations to effectuate this Act be made without public expense.

(9) INHERENT AUTHORITY.—Nothing in this Act shall limit the inherent authority of a court to protect witnesses or clear the courtroom to preserve the decorum and integrity of the legal process or protect the safety of an individual.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. LANDRIEU, Mr. SHELBY, Ms. STABENOW, Mrs. BOXER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. FRANKEN, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, and Mr. CORNYN):

S. 412. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, in 1986, the Congress wisely established the Harbor Maintenance Trust Fund to pay for operation and maintenance of our Nation's harbors. This fund, which is fed by a tax based on the value of goods passing through our ports, today has a balance of more than $5.7 billion—a significant sum of money to address our Nation's need for clear and navigable harbors connecting our Nation's farmers and manufacturers to the web of international commerce.

But that $5.7 billion is not being used that way, or at least, not to the extent it should be. Despite that significant balance, our harbors are struggling because of unmet maintenance needs. In the Great Lakes region alone, more than 18 million cubic yards of material need to be dredged from harbors to ensure safe navigation. Dredging these harbors would be a $200 million job. And on the coasts, similar backlogs threaten the safe and efficient movement of commerce that creates jobs and helps the American economy grow. The Army Corps of Engineers estimates that the nation's 59 busiest ports are available less than 35 percent of the time because they are inadequately maintained. Unless we act, the failure to address these maintenance needs could slow the flow of goods, reduce economic growth, cost jobs, and create hazards to navigation that could lead to accidents and environmental damage.

We need to address that maintenance backlog. The Harbor Maintenance Trust Fund can provide the funding to do so. But Congress must take action to ensure we address these needs. That is why today, Senator HUTCHISON and I, joined by 12 of our colleagues, have introduced the Harbor Maintenance Act of 2011.

Simply put, our legislation would connect our spending on harbor maintenance to the revenue collected in the Harbor Maintenance Trust Fund. As commerce continues to grow and shipping becomes an ever-more-important driver of economic growth, proper maintenance is vital.

A wise car owner does not ignore the need to change the oil. A smart homeowner makes sure the roof is in good shape. They do so because a small investment in maintenance today can prevent much bigger costs tomorrow. We should follow the same philosophy when it comes to our harbors. We should ensure that we make smart investments today that will pay off for years to come.

I thank Senator HUTCHISON and our co-sponsors for their work on behalf of this important legislation, and I urge my colleagues to help us ensure its passage.

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. 412

*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 ''Harbor Maintenance Act of 2011''.

**SEC. 2. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.**

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

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

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

---

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 413. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to join Senator LIEBERMAN and Senator CARPER in introducing the Cyber Security and Internet Freedom Act of 2011. This vital legislation would

fortify the government's efforts to safeguard America's cyber networks from attack and ensure that access to the Internet is protected and its availability preserved for every American.

The Internet is vital to almost every facet of Americans' daily lives—from the water we drink to the power we use to the ways we communicate. It is essential to the free flow of ideas and information. The Internet is a manifestation of the ideals that underlie the First Amendment of our Constitution and the core freedoms that all Americans hold dear. It is essential that the Internet and our access to it be protected to ensure both reliability of the critical services that rely upon it and the availability of the information that travels over it. While the United States must ensure the security of our nation and its critical infrastructure, it must do so in a manner that does not deprive Americans of the ability to lawfully read or express their views. Neither the President nor any other Federal official should have the authority to ''shut down'' the Internet.

In June 2010, Senator LIEBERMAN, Senator CARPER, and I introduced legislation to strengthen the government's efforts to safeguard America's cyber networks from attack; build a public/private partnership to promote national cyber security priorities; and bolster the government's ability to set, monitor compliance with, and enforce standards and policies for securing Federal civilian systems and the sensitive information they contain. In late June, that bill was unanimously approved by the Senate Homeland Security and Governmental Affairs Committee.

Today we are introducing for the 112th Congress the bill unanimously approved by our committee, but with explicit provisions preventing the President from shutting down the Internet and providing an opportunity for judicial review of designations of our most sensitive systems and assets as ''covered critical infrastructure.''

President Mubarak's actions in January to shut down Internet communications in Egypt were, and are, totally inappropriate. Freedom of speech is a fundamental right that must be protected, and his ban was clearly designed to limit criticisms of his government. Our cyber security legislation is intended to protect the United States from external cyber attacks. Yet, some have suggested that the legislation the Committee reported during the last Congress would empower the President to deny U.S. citizens access to the Internet. Nothing could be further from the truth.

I would never sign on to legislation that authorized the President, or anyone else, to shut down the Internet. Emergency or no, the exercise of such broad authority would be an affront to our Constitution.

But our outmoded current laws do give us reason to be concerned. Most important, under current law, in the event of a cyber attack, the President's authorities are broad and ambiguous—a recipe for encroachments on privacy and civil liberties.

For example, in the event of a war or threat of war, the Communications Act of 1934 authorizes the President to take over or shut down wire and radio communications providers. This law is a crude sledgehammer built for another time and technology. Our bill contains a number of protections to make sure that broad authority cannot be used to shut down the Internet.

First, section 2 of the bill states explicitly:

> Notwithstanding any other provision of this Act, an amendment made by this Act, or section 706 of the Communications Act of 1934, neither the President, the Director of the National Center for Cybersecurity and Communications, or any officer or employee of the United States Government shall have the authority to shut down the Internet.

Second, the emergency measures in our bill apply in a precise and targeted way only to our most critical infrastructure—vital components of the electric power grid, telecommunications networks, financial systems or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted. This definition would not cover the entire Internet, the Internet backbone, or even entire companies.

In defining covered critical infrastructure, our bill directs the Secretary to consider the consequences of a disruption of a particular system or asset. To constitute a ''national or regional catastrophe,'' the disruption would need to cause a mass casualty event which includes an extraordinary number of fatalities; severe economic consequences; mass evacuations with a prolonged absence; or severe degradation of national security capabilities, including intelligence and defense functions.

When the Committee reported this bill last year, the report clarified what these four factors mean, specifically referencing the current DHS interpretation of ''national or severe economic consequences; mass evacuations with a prolonged absence; or regional catastrophe.'' Under DHS's interpretation, a ''national or regional catastrophe'' includes a combination of the following factors: more than 2,500 prompt fatalities; greater than $25 billion in first-year economic consequences; mass evacuations with a prolonged absence of greater than one month; or severe degradation of the nation's security capabilities.

As our Committee's report noted, we expect the Department to apply this standard in determining which particular systems or assets constitute covered critical infrastructure.

Third, our legislation restricts the President's ability to declare a national cyber emergency to those circumstances in which an ''actual or imminent'' cyber attack would disrupt covered critical infrastructure that would cause these catastrophic consequences.

Fourth, any measures ordered by the President must be ''the least disruptive means feasible.''

Fifth, the authority our bill would grant is time limited. The President could only declare a cyber emergency for 30-day period and only for up to 120 days. After that, Congress would be required to specifically authorize further measures. Any declaration would be subject to congressional oversight, as our bill requires the President to notify Congress regarding the specific threat to our nation's infrastructure, why existing protections are not sufficient, and what specific emergency measures are required to respond to the specific threat.

Sixth, the legislation expressly forbids the designation of any system or asset as covered critical infrastructure ''based solely on activities protected by the first amendment to the United States Constitution.''

Seventh, the bill provides for a robust administrative process for an owner or operator to challenge the designation of a system or asset as covered critical infrastructure and expressly permits challenges of a final agency determination in federal court.

Our bill contains protections to prevent the President from denying Americans access to the Internet—even as it provides clear and unambiguous direction to ensure that those most critical systems and assets that rely on the Internet are protected. And, even though experts question whether anyone can technically ''shut down'' the Internet in the United States, we included explicit language prohibiting the President from doing what President Mubarak did.

I would like to stress that the need for Congress to pass a comprehensive cyber security bill is more urgent than ever.

Cyber-based threats to U.S. information infrastructure are increasing, constantly evolving, and growing more dangerous.

In March 2010 the Senate's Sergeant at Arms reported that the computer systems of Congress and the Executive Branch agencies are now under cyber attack an average of 1.8 billion times per month. The annual cost of cyber crime worldwide has climbed to more than $1 trillion.

Coordinated cyber attacks have crippled Estonia, Georgia, and Kyrgyzstan and compromised critical infrastructure in countries around the world.

Devastating cyber attacks could disrupt, damage, or even destroy some of our nation's critical infrastructure, such as the electric power grid, oil and gas pipelines, dams, or communications networks. These cyber threats could cause catastrophic damage in the physical world.

Based on media reports, China and Russia already have penetrated the computer systems of America's electric power grid, leaving behind malicious

hidden software that could be activated later to disrupt the grid during a war or other national crisis.

In June 2010, cyber security experts discovered Stuxnet, one of the most sophisticated viruses ever found. Stuxnet was programmed specifically to infiltrate certain industrial control systems, allowing the virus to potentially overwrite commands and to sabotage infected systems. It had the potential to change instructions, commands, or alarm thresholds, which, in turn, could damage, disable, or disrupt equipment supporting the most critical infrastructure.

The private sector is also under attack. In January 2010, Google announced that attacks originating in China had targeted its systems as well as the networks of more than 30 other companies. The attacks on Google sought to access the email accounts of Chinese human rights activists. For other companies, lucrative information such as critical corporate data and software source codes were targeted.

According to a report released last week, coordinated and covert attacks hit more than five major oil, energy, and petrochemical companies. The focus of the intrusions was oil and gas field production systems, as well as financial documents related to field exploration and bidding for new oil and gas leases. The companies also lost information related to their industrial control systems.

In the cyber domain, the advantage lies with our adversaries, for whom success could be achieved by exploiting a single vulnerability that could produce disruptive effects at network speed. Effectively preventing or containing major cyber attacks requires that response plans be in place and roles and authorities of Federal government agencies and entities be clearly delineated in advance.

For too long, our approach to cyber security has been disjointed and uncoordinated. This cannot continue. The United States requires a comprehensive cyber security strategy backed by effective implementation of innovative security measures. There must be strong coordination among law enforcement, intelligence agencies, the military, and the private sector owners and operators of critical infrastructure.

This bill would establish the essential point of coordination across the Executive branch. The Office of Cyberspace Policy in the Executive Office of the President would be run by a Senate-confirmed Director who would advise the President on all cyber security matters. The Director would lead and harmonize Federal efforts to secure cyberspace and would develop a strategy that incorporates all elements of cyber security policy. The Director would oversee all Federal activities related to the strategy to ensure efficiency and coordination. The Director would report regularly to Congress to ensure transparency and oversight.

To be clear, the White House official would not be another unaccountable czar. The Cyber Director would be a Senate-confirmed position and thus would testify before Congress. The important responsibilities given to the Director of the Office of Cyberspace Policy related to cyber security are similar to the responsibilities of the current Director of the Office of Science and Technology Policy.

The Cyber Director would advise the President and coordinate efforts across the Executive branch to protect and improve our cyber security posture and communications networks. And, by working with a strong operational and tactical partner at the Department of Homeland Security, the Director would help improve the security of Federal and private sector networks.

This strong DHS partner would be the National Center for Cybersecurity and Communications, or Cyber Center. It would be located within the Department of Homeland Security to elevate and strengthen the Department's cyber security capabilities and authorities. This Center also would be led by a Senate-confirmed Director.

The Cyber Center, anchored at DHS, will close the coordination gaps that currently exist in our disjointed federal cyber security efforts. For day-to-day operations, the Center would use the resources of DHS, and the Center Director would report directly to the Secretary of Homeland Security. On interagency matters related to the security of Federal networks, the Director would regularly advise the President—a relationship similar to the Director of the NCTC on counterterrorism matters or the Chairman of the Joint Chiefs of Staff on military issues. These dual relationships would give the Center Director sufficient rank and stature to interact effectively with the heads of other departments and agencies, and with the private sector.

Congress has dealt with complex challenges involving the need for interagency coordination in the past with a similar construct. We have established strong leaders with supporting organizational structures to coordinate and implement action across agencies, while recognizing and respecting disparate agency missions.

The establishment of the National Counterterrorism Center within the Office of the Director of National Intelligence is a prime example of a successful reorganization that fused the missions of multiple agencies. The Director of NCTC is responsible for the strategic planning of joint counterterrorism operations, and in this role reports to the President. When implementing the information analysis, integration, and sharing mission of the Center, the Director reports to the Director of National Intelligence. These dual roles provide access to the President on strategic, interagency matters, yet provide NCTC with the structural support and resources of the office of the DNI to complete the day-to-day work of the NCTC. The DHS Cyber Center would replicate this successful model for cyber security.

This bill would establish a public/private partnership to improve cyber security. Working collaboratively with the private sector, the Center would produce and share useful warning, analysis, and threat information with the private sector, other Federal agencies, international partners, and state and local governments. By developing and promoting best practices and providing voluntary technical assistance to the private sector, the Center would improve cyber security across the nation. Best practices developed by the Center would be based on collaboration and information sharing with the private sector. Information shared with the Center by the private sector would be protected.

With respect to the owners and operators of our most critical systems and assets, the bill would mandate compliance with certain risk-based performance metrics to close security gaps. These metrics would apply to vital components of the electric grid, telecommunications networks, financial systems, or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted.

This approach would be similar to the current model that DHS employs with the chemical industry. Rather than setting specific standards, DHS would employ a risk-based approach to evaluating cyber risk, and the owners and operators of covered critical infrastructure would develop a plan for protecting against those risks and mitigating the consequences of an attack.

These owners and operators would be able to choose which security measures to implement to meet applicable risk-based performance metrics. The bill does not authorize any new surveillance authorities or permit the government to ''take over'' private networks. This model would allow for continued innovation and dynamism that are fundamental to the success of the IT sector.

The bill would protect the owners and operators of covered critical infrastructure from punitive damages when they comply with the new risk-based performance measures. Covered critical infrastructure also would be required to report certain significant breaches affecting vital system functions to the Center. Collaboration with the private sector would help develop mitigations for these cyber risks.

The Center also would share information, including threat analysis, with owners and operators of critical infrastructure regarding risks affecting the security of their sectors. The Center would work with sector-specific agencies and other Federal agencies with existing regulatory authority to avoid duplication of requirements, to use existing expertise, and to ensure government resources are employed in the most efficient and effective manner.

With regard to Federal networks, the Federal Information Security Management Act—known as FISMA—gives the Office of Management and Budget broad authority to oversee agency information security measures. In practice, however, FISMA is frequently criticized as a ''paperwork exercise'' that offers little real security and leads to a disjointed cyber security regime in which each Federal agency haphazardly implements its own security measures.

The bill we introduce today would transform FISMA from paper based to real-time responses. It would codify and strengthen DHS authorities to establish complete situational awareness for Federal networks and develop tools to improve resilience of Federal Government systems and networks.

The legislation also would ensure that Federal civilian agencies consider cyber risks in IT procurements instead of relying on the ad hoc approach that dominates civilian government cyber efforts. The bill would charge the Secretary of Homeland Security, working with the private sector and the heads of other affected departments and agencies, with developing a supply chain risk management strategy applicable to Federal procurements. This strategy would emphasize the security of information systems from development to acquisition and throughout their operational life cycle. The strategy would be based, to the maximum extent practicable, on standards developed by the private sector and would direct agencies to use commercial-off-the-shelf solutions to the maximum extent consistent with agency needs.

While the Cyber Center should not be responsible for micromanaging individual procurements or directing investments, we have seen far too often that security is not a primary concern when agencies procure their IT systems. Recommending security investments to OMB and providing strategic guidance on security enhancements early in the development and acquisition process will help ''bake in'' security. Cyber security can no longer be an afterthought in our government agencies.

These improvements in Federal acquisition policy should have beneficial ripple effects in the larger commercial market. As a large customer, the Federal Government can contract with companies to innovate and improve the security of their IT services and products. These innovations can establish new security baselines for services and products offered to the private sector and the general public without mandating specific market outcomes.

Finally, the legislation would direct the Office of Personnel Management to reform the way cyber security personnel are recruited, hired, and trained to ensure that the Federal Government and the private sector have the talent necessary to lead this national effort and protect its own networks. The bill would also provide DHS with temporary hiring and pay flexibilities to assist in the establishment of the Center.

We cannot afford to wait for a ''cyber 9/11'' before our government finally realizes the importance of protecting our digital resources, limiting our vulnerabilities, and mitigating the consequences of penetrations to our networks.

We must be ready. It is vitally important that we build a strong public-private partnership to protect cyberspace. It is a vital engine of our economy, our government, our country and our future.

I urge Congress to support this vitally important legislation.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 59—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 59

*Resolved,* That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2011 through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011 through September 30, 2011 under this resolution shall not exceed $4,749,869, of which amount—

(1) not to exceed $75,000 maybe expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended; and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011 through September 30, 2012, expenses of the committee under this resolution shall not exceed $8,142,634, of which amount—

(1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended; and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012 through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,392,765 of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

### SENATE RESOLUTION 60—RECOGNIZING THE 50TH ANNIVERSARY OF THE DATE OF ENACTMENT OF THE LAW THAT CREATED REAL ESTATE INVESTMENT TRUSTS (REITS) AND GAVE MILLIONS OF AMERICANS NEW INVESTMENT OPPORTUNITIES THAT HELPED THEM BUILD A SOLID FOUNDATION FOR RETIREMENT AND HAS CONTRIBUTED TO THE OVERALL STRENGTH OF THE ECONOMY OF THE UNITED STATES

Mr. ISAKSON (for himself, Ms. MIKULSKI, Mr. LUGAR, Ms. COLLINS, Mr. BURR, Mr. BENNET, Mr. BLUNT, Mr. CHAMBLISS, Mr. CORKER, Mr. PRYOR, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 60

Whereas, on September 14, 1960, President Dwight D. Eisenhower signed into law Public Law 86–779 (74 Stat. 998), which enabled the establishment of real estate investment trusts (referred to in this preamble as ''REITs'') throughout the United States under regulations set by the Federal Government;

Whereas the enactment of this law enabled REITs to provide all investors with the same

opportunity to invest in large-scale commercial real estate that previously was open only to large financial institutions and wealthy individuals through direct investment in that real estate;

Whereas REITs have placed within the reach of the average American investor large-scale commercial real estate investment through publicly traded, regulated securities, which provide investors with transparency and liquidity;

Whereas REITs, by expanding the opportunity to invest in commercial real estate, a separate and distinct asset class important to the creation of balanced investment portfolios, have enabled millions of Americans to gain the benefits of dividend-based income, portfolio diversification, and improved overall investment performance;

Whereas REITs have helped millions of Americans successfully invest for their retirements throughout the 50 years preceding the date of agreement to this resolution; and

Whereas September 14, 2010, marked the 50th anniversary of the date of enactment of the law that created the REIT investment opportunity: Now, therefore, be it

*Resolved*, That the Senate recognizes the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and the enhanced opportunities for investment and retirement security that have been afforded to Americans from all walks of life as a result of this landmark law.

## SENATE RESOLUTION 61—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 61

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period of March 1, 2011, through September 30, 2011, under this resolution shall not exceed $6,684,239, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $11,458,695, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $4,774,457, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 20011, through September 30, 2011, October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

## SENATE RESOLUTION 62—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JOHNSON of South Dakota submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 62

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2011 through September 30, 2011; October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $4,304,188 of which amount (1) not to exceed $11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $7,378,606 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,074,419 of which amount (1) not to exceed $8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

## SENATE RESOLUTION 63—DESIGNATING THE FIRST WEEK OF APRIL 2011 AS ''NATIONAL ASBESTOS AWARENESS WEEK''

Mr. BAUCUS (for himself, Mr. ISAKSON, Mr. TESTER, Mr. DURBIN, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. REID of Nevada) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 63

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 820 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first week of April 2011 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

## SENATE RESOLUTION 64—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 64

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee for the period from March 1, 2011, through September 30, 2011, under this resolution shall not exceed $4,636,433, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the Committee under this resolution shall not exceed $7,948,171, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,311,738, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2012, and February 28, 2013, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

## SENATE RESOLUTION 65—EXPRESSING THE SENSE OF THE SENATE THAT THE CONVICTION BY THE GOVERNMENT OF RUSSIA OF BUSINESSMEN MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV CONSTITUTES A POLITICALLY MOTIVATED CASE OF SELECTIVE ARREST AND PROSECUTION THAT FLAGRANTLY UNDERMINES THE RULE OF LAW AND INDEPENDENCE OF THE JUDICIAL SYSTEM OF RUSSIA

Mr. WICKER (for himself, Mr. CARDIN, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas it has been the long-held position of the United States to support the development of democracy, rule of law, judicial independence, freedom, and respect for human rights in the Russian Federation;

Whereas, on April 1, 2009, President Barack Obama and President of Russia Dmitry Medvedev issued a joint statement affirming that ''[i]n our relations with each other, we also seek to be guided by the rule of law, respect for fundamental freedoms and human rights, and tolerance for different views'';

Whereas President Medvedev publicly stated that ''Russia is a country of legal nihilism'' and that ''no European country can boast such a universal disregard for the rule of law'' and declared his ''main objective is to achieve independence for the judicial system'' through ''significant, maybe even radical changes'';

Whereas two prominent cases of ''universal disregard for the rule of law'' in Russia involve the president of the Yukos Oil Company, Mikhail Khodorkovsky, and his partner, Platon Lebedev, who were first convicted and sentenced in May 2005 to serve nine years in a remote penal camp for charges of tax evasion;

Whereas it is believed that Mr. Khodorkovsky was selectively targeted for prosecution because he supported and financed opposition political parties, among other reasons;

Whereas authorities in Russia subsequently expropriated Yukos assets and assigned ownership to a state company that is chaired by an official in the Kremlin;

Whereas courts around the world have described the Yukos proceedings as impartial

and have rejected motions from prosecutors in Russia seeking extradition of Yukos officials or materials;

Whereas, on February 5, 2007, prosecutors in Russia suspiciously brought new charges against Mr. Khodorkovsky and Mr. Lebedev on the eve of their eligibility for parole, accusing them of embezzling the entire Yukos oil production for 6 years (1998 through 2003);

Whereas, on December 16, 2010, and just days before judge Viktor Danilkin's verdict, Prime Minister Vladimir Putin publicly called Mr. Khodorkovsky a ''thief'' who must ''sit in jail,'' and stated that ''we should presume that Mr. Khodorkovsky's crimes have been proven in court'';

Whereas, on December 27, 2010, Mikhail Khodorkovsky and Platon Lebedev were convicted of embezzlement charges and sentenced to six additional years in prison;

Whereas the United States Department of State's 2009 Country Report on Human Rights Practices in Russia reported that ''the arrest, conviction, and subsequent treatment of Khodorkovsky raised concerns about due process and the rule of law, including the independence of courts'' and that Khodorkovsky was ''selectively targeted for prosecution because of his political activities and as a warning to other oligarchs against involvement in political or civil society issues'';

Whereas, following the 2010 conviction, the editorial boards of the New York Times, Washington Post, and Wall Street Journal stated respectively that the ''latest prosecution suggests that Russia's judiciary is still under Mr. Putin's thumb and Mr. Medvedev's talk of reform is just talk,'' ''Russia remains the country of Mr. Putin,'' and ''the Kremlin again chose to flout the rule of law, the political opposition and human rights'';

Whereas the Senate has consistently voiced concern about the impartial treatment of Mr. Khodorkovsky and Mr. Lebedev at the hands of the Government of Russia;

Whereas, on December 9, 2003, the Senate unanimously passed S. Res. 258 (108th Congress), calling on the authorities in Russia to ''dispel international concerns that the cases against Mikhail B. Khodorkovsky and other business leaders and politically motivated''; and

Whereas, on November 18, 2005, the Senate unanimously passed S. Res. 322 (109th Congress), expressing the sense that ''the criminal justice system in Russia has not accorded Mikhail Khodorkovsky and Platon Lebedev fair, transparent, and impartial treatment under the laws of the Russian Federation'': Now, therefore, be it

*Resolved,* That it is the sense of the Senate that—

(1) in cases dealing with perceived threats to authorities, the judiciary of Russia is frequently used as an instrument of the Kremlin and is not truly independent or fair;

(2) Mikhail Khodorkovsky and Platon Lebedev are political prisoners who have been denied basic due process rights under international law;

(3) in light of the record of selective prosecution, politicization, and abuse of process involved in their cases, and as a demonstration of Russia's commitment to the rule of law, democracy, and human rights, the 2010 conviction issued by authorities in Russia against Mr. Khodorkovsky and Mr. Lebedev should be overturned; and

(4) the Government of Russia is encouraged to take these actions to uphold the rule of law, democratic principles, and human rights to further a more positive relationship between the Governments and people of the United States and Russia in a new era of mutual cooperation.

## SENATE RESOLUTION 66—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 66

*Resolved,* That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expense of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,732,860, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $2,970,617, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,237,755, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

## SENATE RESOLUTION 67—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Ms. STABENOW submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 67

*Resolved,* That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 2011 through September 30, 2011; October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $2,800,079 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $4,800,136 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $2,000,057 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2012 and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

## SENATE RESOLUTION 68—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 68

*Resolved,* That, in carrying out its powers, duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,482,609.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $2,541,614.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,059,007.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

## SENATE RESOLUTION 69—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 69

*Resolved,* That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $5,333,808, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $9,143,671, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,809,862 of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions

related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

## SENATE RESOLUTION 70—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was referred to the Committee on Rules and Administration:

S. RES. 70

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and, Oct. 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,840,717, of which amount—

(1) not to exceed $43,750 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $3,155,515, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,314,798, of which amount—

(1) not to exceed $31,250 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

## SENATE RESOLUTION 71—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mrs. MURRAY submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 71

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012 and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,602,238 of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $2,746,693 of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,144,455, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,334 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2012, and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations.''

## SENATE RESOLUTION 72—RECOGNIZING THE ARTISTIC AND CULTURAL CONTRIBUTIONS OF THE ALVIN AILEY AMERICAN DANCE THEATER AND THE 50TH ANNIVERSARY OF THE FIRST PERFORMANCE OF ALVIN AILEY'S MASTERWORK, ''REVELATIONS''

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas Alvin Ailey American Dance Theater is recognized as one of the world's great dance companies;

Whereas Congress has recognized the Alvin Ailey American Dance Theater as one of our Nation's most important cultural ambassadors;

Whereas at the age of 29, founder Alvin Ailey first premiered the dance work, Revelations, on January 31, 1960, at the famed 92nd Street Y in New York City;

Whereas Revelations is set to spirituals and draws inspiration from Ailey's memories as a child growing up in Texas, and from the work of African-American writers such as James Baldwin and Langston Hughes;

Whereas since its premiere, Revelations has been seen by more than 23 million theatergoers, in 71 countries, and on 6 continents, making it the most widely seen works of modern dance;

Whereas Revelations was performed in front of a worldwide audience as part of the opening ceremonies of the 1968 Olympic Games in Mexico City;

Whereas Revelations has been performed for 5 U.S. Presidents, including at the inaugurals of President Carter in 1977 and President Clinton in 1993;

Whereas Revelations captures the faith and perseverance of the African-American people, and has influenced, and was influenced by, African-American cultural heritage and the social fabric of the United States; and

Whereas Revelations is beloved by people around the world, and its universal themes illustrate the strength and humanity within all of us: Now, therefore, be it

*Resolved,* That the Senate honors the Alvin Ailey American Dance Theater as it celebrates the 50th anniversary of the dance work Revelations.

## SENATE RESOLUTION 73—SUPPORTING DEMOCRACY, UNIVERSAL RIGHTS AND THE IRANIAN PEOPLE IN THEIR PEACEFUL CALL FOR A REPRESENTATIVE AND RESPONSIVE DEMOCRATIC GOVERNMENT

Mr. KIRK (for himself, Mr. LEVIN, Mr. KYL, Mr. CASEY, Mr. NELSON of Florida, Mr. GRAHAM, and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 73

Whereas, on February 5, 2011, Mir Hossein Moussavi and Mehdi Karroubi requested permission from the Government of Iran to hold a peaceful demonstration on February 14, 2011;

Whereas Moussavi and Karroubi wrote, ''In order to declare support for the popular movements in the region, particularly with those of the freedom seeking movements of the people of Egypt and Tunisia against dictatorships, we request a permit to invite the people for a rally.'';

Whereas the Government of Iran denied this request and, on February 9, 2011, Revolutionary Guard Commander Hossein Hamedani said, ''We definitely see them as enemies of the revolution and spies, and we will confront them with force.'';

Whereas, before the planned protest on February 14, 2011, the Government of Iran placed Mehdi Karroubi and Mir Hossein Moussavi under house arrest and interrupted Internet, text message, satellite, and cell phone service inside Iran;

Whereas, on February 14, 2011, the people of Iran held demonstrations protesting the Iranian regime in Tehran, Rasht, Isfahan, Mashhad, Shiraz, Kermanshah, and Ahwaz;

Whereas, on February 15, 2011, members of the parliament of Iran called for the execution of opposition leaders Mir Hossein Moussavi, Mehdi Karroubi, and Mohammad Khatami;

Whereas, on the same day, speaker of the Parliament in Iran Ali Larijani said, ''The parliament condemns the Zionist, American, anti-revolutionary and anti-national actions of the misled seditionists.'';

Whereas, on February 14, 2011, Secretary of State Hillary Clinton said, ''What you see happening in Iran today is a testament to the courage of the Iranian people and an indictment of the hypocrisy of the Iranian regime, a regime which over the last three weeks has constantly hailed what went on in Egypt. And now when given the opportunity to afford their people the same rights as they called for on behalf of the Egyptian people, once again, illustrate their true nature.'';

Whereas, on February 15, 2011, President Barack Obama saluted the ''courage'' of the Iranian people and said, ''We are going to continue to see the people of Iran have the courage to be able to express their yearning for greater freedoms and a more representative government.'';

Whereas, on February 15, 2011, European Union High Representative Catherine Ashton called ''on the Iranian authorities to fully respect and protect the rights of their citizens, including freedom of expression and the right to assemble peacefully'';

Whereas, on February 3, 2011, the Senate passed Senate Resolution 44, 112th Congress, reaffirming the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expressed strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights; and

Whereas the people of Iran also deserve support from the United States in their peaceful struggle for a representative and responsive democratic government that respects their universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet: Now, therefore, be it

*Resolved,* That the Senate—

(1) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones;

(2) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet;

(3) expresses strong support for the people of Iran in their peaceful calls for a representative and responsive democratic government that respects these rights;

(4) calls on the Government of Iran to release all Iranians detained or imprisoned solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief;

(5) calls on the United Nations Human Rights Council to establish an independent human rights monitor for Iran; and

(6) affirms the universality of individual rights and the importance of democratic and fair elections.

Mr. LEVIN. Mr. President, I come to speak in support of the resolution submitted today by Senator KIRK, cosponsored by myself, Senator KYL, Senator BILL NELSON, and Senator CASEY.

Our resolution would add our voice to the many voices who are calling for the Iranian Government to respect the undeniable and universal rights of its people. It would condemn continuing violent repression on the part of the Iranian Government; reaffirm our Nation's commitment to universal freedoms; express our support for the Iranian people in their peaceful calls for reform; call on the Iranian Government to release those detained solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief; call on the United Nations to establish an independent human rights monitor for Iran; and reaffirm the universality of individual rights and the importance of democratic elections. It would amplify and strengthen the message that 24 of us sent this week in letter to Secretary Clinton urging her to work with the United Nations Human Rights Commission to establish a human rights monitor for Iran.

Recent events in Iran have continued a pattern of abuse, repression, and violation of civil and human rights that is all too familiar.

The people of Iran have rightly seen recent events in the Muslim world, including the removal of dictators in Tunisia and Egypt, as confirmation of the power of nonviolent protest. Just as they did in the aftermath of flawed elections in 2009, the people of Iran have sought to speak out against the corruption and repression in their government.

If justice is to be done, the Government of Iran would allow these protests, hear the grievances of the people, reform a government whose autocratic substance is in no way concealed by the facade of representative democracy that the regime has constructed. Instead, the Iranian Government has quashed protest, cut off access to the Internet and other means of communication, and placed opposition leaders under house arrest. Members of the ruling regime have called for the execution of opposition leaders and for violent repression of dissent.

We have seen in just a few short weeks the dramatic power of nonviolent protest. We have seen that ultimately, dictatorship will lose its iron grip. I believe we are all confident that the march of time and progress will restore to the people of Iran the rights their government denies them.

But today, as the Iranian people bear the brunt of autocracy and as dissenters face the threat of violent repression, it is important for all those who believe in universal rights to speak out against that repression and violence, to let the people of Iran know that they do not face these threats alone, and to declare that we are in support of their attempts to determine the course of their nation. I strongly support this resolution and call for its immediate passage.

## SENATE RESOLUTION 74—DESIGNATES FEBRUARY 28, 2011, AS ''RARE DISEASE DAY''

Mr. BROWN of Ohio (for himself and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 74

Whereas rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States;

Whereas as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 Americans and their families;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious, life-threatening, and lack an effective treatment;

Whereas rare diseases and conditions include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with rare diseases experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding physicians or treatment centers with expertise in their disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049) and amendments made by that Act;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event occurring annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is anticipated to be observed globally in years to come, providing hope and information for rare disease patients around the world; Now, therefore, be it

*Resolved,* That the Senate—

(1) designates February 28, 2011, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to, and developing new treatments, diagnostics, and cures for, rare diseases and disorders.

## SENATE RESOLUTION 75—DESIGNATING MARCH 25, 2011, AS ''NATIONAL CEREBRAL PALSY AWARENESS DAY''

Mr. ISAKSON (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 75

Whereas the term ''cerebral palsy'' refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairment, and blindness;

Whereas the Centers for Disease Control and Prevention has released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates March 25, 2011, as ''National Cerebral Palsy Awareness Day'';

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

## SENATE RESOLUTION 76—RECOGNIZING THE SOLDIERS OF THE 14TH QUARTERMASTER DETACHMENT OF THE UNITED STATES ARMY RESERVE WHO WERE KILLED OR WOUNDED DURING OPERATION DESERT SHIELD AND OPERATION DESERT STORM

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve, stationed in Greensburg, Pennsylvania, were killed, and 43 wounded, in Dhahran, Saudi Arabia, while supporting operations to liberate the people of Kuwait and defend the Kingdom of Saudi Arabia;

Whereas Specialist Steven E. Atherton, 14th Quartermaster Detachment, of Nurmine, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist John A. Boliver, Jr., 14th Quartermaster Detachment, of Monongahela, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Joseph P. Bongiorni III, 14th Quartermaster Detachment, of Hickory, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant John T. Boxler, 14th Quartermaster Detachment, of Johnstown, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Beverly S. Clark, 14th Quartermaster Detachment, of Armagh, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Sergeant Allen B. Craver, 14th Quartermaster Detachment, of Penn Hills, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Frank S. Keough, 14th Quartermaster Detachment, of North Huntington, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Anthony E. Madison, 14th Quartermaster Detachment, of Monessen, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Christine L. Mayes, 14th Quartermaster Detachment, of Rochester Mills, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Specialist Steven J. Siko, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Thomas G. Stone, 14th Quartermaster Detachment, of Falconer, New York, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Frank J. Walls, 14th Quartermaster Detachment, of Hawthorne, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Richard V. Wolverton, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm; and

Whereas this year marks the twentieth anniversary of the meritorious service of these Pennsylvanians, and others in Pennsylvania-based units, which contributed to the liberation of the people of Kuwait and the defense of the Kingdom of Saudi Arabia: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the service and sacrifice of Pennsylvanians during Operation Desert Shield and Operation Desert Storm;

(2) honors the 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed in action on February 25, 1991, in Dhahran, Saudi Arabia;

(3) pledges its gratitude and support to the families of these soldiers; and

(4) encourages the people of the United States to commemorate and honor the role and contribution of Pennsylvanians and Pennsylvania-based units of the Army National Guard, Army Reserve, Marine Corps Reserve, Naval Reserve, Air National Guard, and Air Force Reserve who supported Operation Desert Shield and Operation Desert Storm.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 104. Mr. REID of Nevada submitted an amendment intended to be proposed to amendment SA 54 proposed by Mr. REID of Nevada to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 105. Mr. BROWN of Ohio (for himself, Mr. PORTMAN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, supra.

SA 106. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 107. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 108. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, supra; which was ordered to lie on the table.

SA 109. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, supra; which was ordered to lie on the table.

SA 110. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 111. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 104.** Mr. REID of Nevada submitted an amendment intended to be proposed to amendment SA 54 proposed by Mr. REID of Nevada to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 21 and 22, of the amendment, strike ''ongoing airport operational and''.

---

**SA 105.** Mr. BROWN of Ohio (for himself, Mr. PORTMAN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Beginning on page 1, line 3, of the amendment, strike ''(3) establishes'' and all that follows through page 3, line 10, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

---

**SA 106.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 7 and all that follows through line 15 and insert the following:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to or greater than the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

**SEC. _____. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.**

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

''(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

''(3) DEFINITIONS.—In this subsection:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

''(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

''(C) PRIMARY SCREENING.—The term 'primary screening' means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(l) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term

''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

---

**SA 107.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word ''sec'' and insert the following:

**___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.**

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority and Thurgood Marshall-Baltimore Washington International Airport;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

---

**SA 108.** Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(3) establishes a process to develop—

(A) air traffic requirements or all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot projects created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION PROCESS.—The Administrator shall expedite the approval process for Certificate of Authorization (COA) requests at test sites referred to in subsection (a)(1).

(d) SYSTEMS AND DETECTION TECHNIQUES.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and validate sensor integration and operation of unmanned aerial systems

(e) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at relevant test sites referred to in subsection (a)(1).

(f) CENTERS OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate a coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems. When establishing a new Center of Excellence for Unmanned Aerial Systems, the Administrator shall consult with the Secretary of Defense to ensure the Center of Excellence enhances existing efforts of Department of Defense Centers of Excellence regarding unmanned aerial systems.

(g) MODIFICATION OF REQUIREMENTS ON PILOT PROJECT.—Notwithstanding subsection (a)(1) the number of test sites for the pilot project under that subsection shall be 6 test sites, and such pilot project shall be created by not later than December 31, 2012.

---

**SA 109.** Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(e) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at relevant test sites referred to in subsection (a)(1).

(f) CENTERS OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate a coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems. When establishing a new Center of Excellence for Unmanned Aerial Systems, the Administrator shall consult with the Secretary of Defense to ensure the Center of Excellence enhances existing efforts of Department of Defense Centers of Excellence regarding unmanned aerial systems.

---

**SA 110.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 24, of the amendment, insert ''or the Baltimore/Washington Thurgood Marshall International Airport'' after ''Authority''.

---

**SA 111.** Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(e) CENTER OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate an institution or coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems.

---

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 17, 2011, at 2:30 p.m. in room SR–328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 17, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROCKEFELLER. 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 February 17, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 17, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 17, 2011, in the President's Room, S–216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate of February 17, 2011, at 2:30 p.m. to conduct a hearing entitled ''The Homeland Security Department's Budget Submission for Fiscal Year 2012.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 17, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on February 17, 2011, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 17, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 17, 2011 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS SUBCOMMITTEE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 17, 2011, at 2 p.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''U.S. Policy toward Latin America.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## 50TH ANNIVERSARY OF THE CREATION OF REAL ESTATE INVESTMENT TRUSTS

Mr. ISAKSON. Mr. President, in just a moment, I will ask the body for unanimous consent to adopt S. Res. 60. Before I do, I wish to talk about the significance of this agreement we have come to on this important resolution.

Fifty years ago last September, President Eisenhower signed into law legislation that established real estate investment trusts, or REITs, as an investment opportunity for all investors. Prior to 1960, access to the highly desirable investment returns of commercial real estate assets was limited to institutions and wealthy individuals that had the financial wealth to make direct real estate investments. By creating REITs, Congress recognized that small investors should be afforded the same opportunity to invest in portfolios of large-scale commercial properties and achieve the same investment benefits—diversification, liquidity, performance, transparency—as those able to make direct investments in real estate.

Some of my colleagues may not be familiar with each REIT property in their States, but they should be aware that these properties are making a significant contribution to the economic vitality of their State and our Nation. REITs are companies dedicated to the ownership and development of income producing real estate, such as apartments, regional malls, shopping centers, office buildings, self storage facilities and industrial warehouses. They operate under an intricate set of tax rules that require them to, among other things, meet specific tests regarding the composition of their gross income and assets, in order to stay in business. For example, Federal tax law requires that 95 percent of a REIT's annual gross income must be from specified sources such as dividends, interests and rents, and 75 percent of the gross income must be from real estate related sources. Similarly, at the end of each calendar quarter, 75 percent of a REIT's assets must consist of specified ''real estate'' assets. Consequently, REITs must derive a majority of their gross income from commercial real estate. And, the REIT rules require that at least 90 percent of a REIT's total income must be returned to the company's shareholders in the form of dividends.

While REITs have played a major role in the U.S. economy since 1960, their mark in the investing world has primarily been achieved since passage of the Tax Reform Act of 1986, a time period many refer to as the ''Modern REIT Era.'' This law removed most of the tax-sheltering capability of real estate and emphasized income producing transactions, allowing REITs to operate and manage real estate as well as own it. I am pleased that over the years, Congress has adopted legislation to perfect the REIT method of investing in real estate. Among many proposals, these include the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act passed in 2008.

REIT executives are hard-working business men and women who are singularly focused on bringing increased value to their shareholders. According to the National Association of Real Estate Investment Trusts, NAREIT, which is also celebrating its golden anniversary, these executives have proven to be successful in this objective, especially in the past two years in the wake of the financial downturn. Indeed, the vision of Congress has come to fruition: the equity market capitalization of REITs at the end of 2010 was $389 billion, up from only $1.5 billion at the end of 1971, and listed REITs distributed $13.5 billion to shareholders in 2009.

I am pleased to be joined by my colleague, Senator MIKULSKI, who is a cosponsor of this legislation, and I am pleased that my home state of Georgia is headquarters to several REIT companies that are engaged in the daily business of creating wealth and employment for many investors across the country and my constituents. These companies include Cousins Properties Incorporated, Gables Residential Trust, Piedmont Office Realty Trust, Incorporated, Post Properties, Incorporated, and Wells Real Estate Investment Trust. In total, there are more than 1400 REIT properties located in Georgia, with an estimated historical cost in the billions of dollars.

Commercial real estate represents more than 6 percent of this country's gross domestic product and is a key generator of jobs and other economic activities. Today, because of the foresight that Congress had 5 decades ago, anyone can purchase shares of real estate operating companies, and do so in a manner that meets their investments needs by focusing on a particular sector in the commercial real estate world and a specific region of the country. That is the beauty of the REIT method of investing, whose influence has now spread abroad to more than 2 dozen countries that have adopted a similar model encouraging real estate investment.

I again congratulate the REIT industry on this momentous occasion of their 50 years of leadership in the real estate investing market. REITs have fulfilled Congress' vision by making investments in large scale, capital intensive commercial real estate available to all investors. I thank my colleagues for supporting this resolution, and I look forward to continuing to work with them on issues of importance to REIT investors.

With that, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 60, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 60) recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ISAKSON. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas, on September 14, 1960, President Dwight D. Eisenhower signed into law Public Law 86–779 (74 Stat. 998), which enabled the establishment of real estate investment trusts (referred to in this preamble as ''REITs'') throughout the United States under regulations set by the Federal Government;

Whereas the enactment of this law enabled REITs to provide all investors with the same opportunity to invest in large-scale commercial real estate that previously was open only to large financial institutions and wealthy individuals through direct investment in that real estate;

Whereas REITs have placed within the reach of the average American investor large-scale commercial real estate investment through publicly traded, regulated securities, which provide investors with transparency and liquidity;

Whereas REITs, by expanding the opportunity to invest in commercial real estate, a separate and distinct asset class important to the creation of balanced investment portfolios, have enabled millions of Americans to gain the benefits of dividend-based income, portfolio diversification, and improved overall investment performance;

Whereas REITs have helped millions of Americans successfully invest for their retirements throughout the 50 years preceding the date of agreement to this resolution; and

Whereas September 14, 2010, marked the 50th anniversary of the date of enactment of the law that created the REIT investment opportunity: Now, therefore, be it

*Resolved,* That the Senate recognizes the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and the enhanced opportunities for investment and retirement security that have been afforded to Americans from

all walks of life as a result of this landmark law.

The PRESIDING OFFICER. The Senator from West Virginia.

## MAKING A TECHNICAL AMENDMENT TO THE EDUCATION SCIENCES REFORM ACT OF 2002

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 12, S. 365.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 365) to make a technical amendment to the Education Sciences Reform Act of 2002.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 365) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 365

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

**SECTION 1. TECHNICAL AMENDMENT TO EDUCATION SCIENCES REFORM ACT OF 2002.**

Section 174(e)(1)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564(e)(1)(A)) is amended by inserting '', subject to 1 extension of not more than 12 months, at the Secretary's discretion, for any contract in effect on, or entered into after, January 1, 2011'' after ''period''.

## W. CRAIG BROADWATER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 307 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 307) to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the ''W. Craig Broadwater Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no interviewing action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 307) was ordered to a third reading, was read the third time, and passed, as follows:

S. 307

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

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, shall be known and designated as the ''W. Craig Broadwater Federal Building and United States Courthouse''.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''W. Craig Broadwater Federal Building and United States Courthouse''.

## SAM D. HAMILTON NOXUBEE WILDLIFE REFUGE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 266 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 266) to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 266) was ordered to a third reading, was read the third time, and passed, as follows:

S. 266

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

**SECTION 1. REDESIGNATION OF THE NOXUBEE NATIONAL WILDLIFE REFUGE.**

(a) IN GENERAL.—The Noxubee National Wildlife Refuge, located in the State of Mississippi, is redesignated as the ''Sam D. Hamilton Noxubee National Wildlife Refuge''.

(b) BOUNDARY REVISION.—Nothing in this Act prevents the Secretary of the Interior from making adjustments to the boundaries of the Sam D. Hamilton Noxubee National Wildlife Refuge (referred to in this section as the ''Refuge''), as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(c) ADDITION OF LAND.—Nothing in this Act prevents the Secretary of the Interior from adding to the Refuge new land or parcels of the National Wildlife Refuge System, as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(d) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, paper, or other document of the United States to the Noxubee National Wildlife Refuge is deemed to refer to the Sam D. Hamilton Noxubee National Wildlife Refuge.

## RESOLUTIONS SUBMITTED TODAY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 72, S. Res. 73, S. Res. 74, S. Res. 75, and S. Res. 76.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no interviewing action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. RES. 72

(Recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey's masterwork, ''Revelations'')

Whereas Alvin Ailey American Dance Theater is recognized as one of the world's great dance companies;

Whereas Congress has recognized the Alvin Ailey American Dance Theater as one of our Nation's most important cultural ambassadors;

Whereas at the age of 29, founder Alvin Ailey first premiered the dance work, Revelations, on January 31, 1960, at the famed 92nd Street Y in New York City;

Whereas Revelations is set to spirituals and draws inspiration from Ailey's memories as a child growing up in Texas, and from the work of African-American writers such as James Baldwin and Langston Hughes;

Whereas since its premiere, Revelations has been seen by more than 23 million theatergoers, in 71 countries, and on 6 continents, making it the most widely seen works of modern dance;

Whereas Revelations was performed in front of a worldwide audience as part of the opening ceremonies of the 1968 Olympic Games in Mexico City;

Whereas Revelations has been performed for 5 U.S. Presidents, including at the inaugurals of President Carter in 1977 and President Clinton in 1993;

Whereas Revelations captures the faith and perseverance of the African-American people, and has influenced, and was influenced by, African-American cultural heritage and the social fabric of the United States; and

Whereas Revelations is beloved by people around the world, and its universal themes illustrate the strength and humanity within all of us: Now, therefore, be it

*Resolved,* That the Senate honors the Alvin Ailey American Dance Theater as it celebrates the 50th anniversary of the dance work Revelations.

S. RES. 73

Supporting democracy, universal rights, and the Iranian people in their keep peaceful call for a representative and responsive democratic government

Whereas, on February 5, 2011, Mir Hossein Moussavi and Mehdi Karroubi requested permission from the Government of Iran to hold a peaceful demonstration on February 14, 2011;

Whereas Moussavi and Karroubi wrote, ''In order to declare support for the popular movements in the region, particularly with those of the freedom seeking movements of the people of Egypt and Tunisia against dictatorships, we request a permit to invite the people for a rally.'';

Whereas the Government of Iran denied this request and, on February 9, 2011, Revolutionary Guard Commander Hossein Hamedani said, ''We definitely see them as enemies of the revolution and spies, and we will confront them with force.'';

Whereas, before the planned protest on February 14, 2011, the Government of Iran placed Mehdi Karroubi and Mir Hossein Moussavi under house arrest and interrupted Internet, text message, satellite, and cell phone service inside Iran;

Whereas, on February 14, 2011, the people of Iran held demonstrations protesting the Iranian regime in Tehran, Rasht, Isfahan, Mashhad, Shiraz, Kermanshah, and Ahwaz;

Whereas, on February 15, 2011, members of the parliament of Iran called for the execution of opposition leaders Mir Hossein Moussavi, Mehdi Karroubi, and Mohammad Khatami;

Whereas, on the same day, speaker of the Parliament in Iran Ali Larijani said, ''The parliament condemns the Zionist, American, anti-revolutionary and anti-national actions of the misled seditionists.'';

Whereas, on February 14, 2011, Secretary of State Hillary Clinton said, ''What you see happening in Iran today is a testament to the courage of the Iranian people and an indictment of the hypocrisy of the Iranian regime, a regime which over the last three weeks has constantly hailed what went on in Egypt. And now when given the opportunity to afford their people the same rights as they called for on behalf of the Egyptian people, once again, illustrate their true nature.'';

Whereas, on February 15, 2011, President Barack Obama saluted the ''courage'' of the Iranian people and said, ''We are going to continue to see the people of Iran have the courage to be able to express their yearning for greater freedoms and a more representative government.'';

Whereas, on February 15, 2011, European Union High Representative Catherine Ashton called ''on the Iranian authorities to fully respect and protect the rights of their citizens, including freedom of expression and the right to assemble peacefully'';

Whereas, on February 3, 2011, the Senate passed Senate Resolution 44, 112th Congress, reaffirming the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expressed strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights; and

Whereas the people of Iran also deserve support from the United States in their peaceful struggle for a representative and responsive democratic government that respects their universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet: Now, therefore, be it

*Resolved,* That the Senate—

(1) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones;

(2) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet;

(3) expresses strong support for the people of Iran in their peaceful calls for a representative and responsive democratic government that respects these rights;

(4) calls on the Government of Iran to release all Iranians detained or imprisoned solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief;

(5) calls on the United Nations Human Rights Council to establish an independent human rights monitor for Iran; and

(6) affirms the universality of individual rights and the importance of democratic and fair elections.

S. RES. 74

Designates February 28, 2011, as ''Rare Disease Day''

Whereas rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States;

Whereas as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 Americans and their families;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious, life-threatening, and lack an effective treatment;

Whereas rare diseases and conditions include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with rare diseases experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding physicians or treatment centers with expertise in their disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049) and amendments made by that Act;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event occurring annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is anticipated to be observed globally in years to come, providing hope and information for rare disease patients around the world; Now, therefore, be it

*Resolved,* That the Senate—

(1) designates February 28, 2011, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to, and developing new treatments, diagnostics, and cures for, rare diseases and disorders.

S. RES. 75

Designating March 25, 2011, as ''National Cerebral Palsy Awareness Day''

Whereas the term ''cerebral palsy'' refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairment, and blindness;

Whereas the Centers for Disease Control and Prevention has released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates March 25, 2011, as ''National Cerebral Palsy Awareness Day'';

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

S. RES. 76

Recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm

Whereas 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve, stationed in Greensburg, Pennsylvania, were killed, and 43 wounded, in Dhahran, Saudi Arabia, while supporting operations to liberate the people of Kuwait and defend the Kingdom of Saudi Arabia;

Whereas Specialist Steven E. Atherton, 14th Quartermaster Detachment, of Nurmine, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist John A. Boliver, Jr., 14th Quartermaster Detachment, of Monongahela, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Joseph P. Bongiorni III, 14th Quartermaster Detachment, of Hickory,

Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant John T. Boxler, 14th Quartermaster Detachment, of Johnstown, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Beverly S. Clark, 14th Quartermaster Detachment, of Armagh, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Sergeant Allen B. Craver, 14th Quartermaster Detachment, of Penn Hills, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Frank S. Keough, 14th Quartermaster Detachment, of North Huntington, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Anthony E. Madison, 14th Quartermaster Detachment, of Monessen, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Christine L. Mayes, 14th Quartermaster Detachment, of Rochester Mills, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Specialist Steven J. Siko, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Thomas G. Stone, 14th Quartermaster Detachment, of Falconer, New York, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Frank J. Walls, 14th Quartermaster Detachment, of Hawthorne, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Richard V. Wolverton, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm; and

Whereas this year marks the twentieth anniversary of the meritorious service of these Pennsylvanians, and others in Pennsylvania-based units, which contributed to the liberation of the people of Kuwait and the defense of the Kingdom of Saudi Arabia: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the service and sacrifice of Pennsylvanians during Operation Desert Shield and Operation Desert Storm;

(2) honors the 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed in action on February 25, 1991, in Dhahran, Saudi Arabia;

(3) pledges its gratitude and support to the families of these soldiers; and

(4) encourages the people of the United States to commemorate and honor the role and contribution of Pennsylvanians and Pennsylvania-based units of the Army National Guard, Army Reserve, Marine Corps Reserve, Naval Reserve, Air National Guard, and Air Force Reserve who supported Operation Desert Shield and Operation Desert Storm.

## ADJOURNMENT AND/OR RECESS OF THE HOUSE AND SENATE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 17, the adjournment resolution, which was received from the House and is at the desk; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 17) was agreed to, as follows:

H. CON. RES. 17

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, February 17, 2011, Friday, February 18, 2011, or Saturday, February 19, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 28, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, February 17, 2011, through Friday, February 25, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 28, 2011, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. ROCKEFELLER. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 12; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence.

Mrs. FEINSTEIN. Mr. President, I rise to support the nomination of Ms. Stephanie O'Sullivan to be the Principal Deputy Director of National Intelligence or PDDNI.

The Senate Intelligence Committee has carefully considered her nomination and stands strongly in favor of her nomination.

As is the case with many deputies to principals, the Principal Deputy DNI is an extremely important position that has two main responsibilities: To assist the DNI, and to act on behalf of the DNI in his absence or due to a vacancy in the position.

In broader terms, the role of the Principal Deputy DNI is a key one to the functioning of the Office of the DNI and in the effective and efficient operation of the Intelligence Community.

If confirmed, Ms. O'Sullivan will be the fourth Principal Deputy DNI since Congress created the position in 2004. Like the past Directors of National Intelligence before him, DNI Clapper has made clear the need to have this position filled. The tasks of managing the Intelligence Community, running the Office of the DNI, and serving as the primary intelligence advisor to the President is more than any one official can fulfill. It is, at minimum, two full time jobs—hence the need to confirm a deputy.

Furthermore, it is a significant and welcome development that Director Clapper recommended and that the President nominated Ms. O'Sullivan to serve in this role. As the current Associate Deputy Director of the CIA and long-serving CIA official, Ms. O'Sullivan's confirmation to the Principal Deputy DNI position should help end the disputes between the Office of the DNI and the CIA that we have seen in the past.

Ms. O'Sullivan was nominated to be the Principal Deputy DNI on January 5, 2011. Ms. O'Sullivan completed the committee's standard questionnaire and responded to a large number of prehearing questions. She appeared before the committee on February 3 and answered all questions put to her. On February 15, 2011, the Intelligence Committee voted unanimously to recommend Ms. O'Sullivan's confirmation to the Senate.

It is clear from her background that Ms. O'Sullivan has the experience necessary to be an effective Principal Deputy DNI. She has been the Associate Deputy Director of the CIA since December 2009. Prior to that position, Ms. O'Sullivan headed CIA's Directorate of Science and Technology for 4 years. In that role, she managed CIA's technological innovation and support to case officer operations. In all, Ms. O'Sullivan spent over 14 years combined in the Directorate of Science and Technology. Before the CIA, she worked in the Office of Naval Intelligence, and at TRW, which is now part of Northrop Grumman.

Her current role in the CIA is akin to that of chief operating officer—similar to her position if confirmed to be Principal Deputy DNI. She has acquitted herself well in her current capacity and I am confident she will do so in the position to which she has been nominated.

In sum, Ms. O'Sullivan will be a great asset to the Office of the Director of National Intelligence and the intelligence community as a whole because

of her experience in the community and the management skills she developed in her leadership roles at the CIA.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## UNANIMOUS CONSENT AGREEMENT—S. 23

Mr. ROCKEFELLER. I ask unanimous consent that on Monday, February 28, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 6, S. 23, the Patent Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that on Monday, February 28, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 2 and Calendar No. 9; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, Calendar No. 2 be confirmed and the Senate proceed to vote, without intervening action or debate, on Calendar No. 9, 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 any of 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 PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT AUTHORITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SIGNING AUTHORITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, Senator ROCKEFELLER, and Senator WEBB be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR MONDAY, FEBRUARY 28, 2011

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 17 until 2 p.m. on Monday, February 28; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and Senator ISAKSON then deliver Washington's Farewell Address to the Senate; that following the address, there be a period of morning business until 3:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; further, at 3:30, the Senate proceed to the consideration of Calendar No. 6, S. 23, the Patent Reform Act of 2011; and, finally, I ask that at 4:30 p.m., the Senate proceed to executive session to debate the nominations of Amy Totenberg and Steve Jones, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROCKEFELLER. Mr. President, Senators should expect rollcall votes at approximately 5:30 on Monday, February 28 on confirmation of Executive Calendar No. 9, the nomination of Steve Jones, of Georgia, to be U.S. District Judge for the Northern District of Georgia; the nomination of Amy Totenberg of Georgia, to be U.S. District Judge for the Northern District of Georgia, which will be confirmed by a voice vote.

## ADJOURNMENT UNTIL MONDAY, FEBRUARY 28, 2011

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:19 p.m., adjourned until Monday, February 28, 2011, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARI CARMEN APONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

THOMAS M. COUNTRYMAN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON—PROLIFERATION), VICE JOHN C. ROOD.

MICHELLE D. GAVIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARA E. RUDMAN, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SEAN R. MULVANEY.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

RYAN C. CROCKER, OF WASHINGTON, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012, VICE PENNE PERCY KORTH, TERM EXPIRED.

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012, VICE JOHN E. OSBORN, TERM EXPIRED.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012. (REAPPOINTMENT)

ANNE TERMAN WEDNER, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2013, VICE JAY T. SNYDER, TERM EXPIRED.

DEPARTMENT OF JUSTICE

THOMAS M. HARRIGAN, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT, VICE MICHELE M. LEONHART.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. THOMAS L. CONANT

## CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, February 17, 2011:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

STEPHANIE O'SULLIVAN, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 16, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Mr. McGOVERN. Mr. Chair, I rise today in strong opposition to any cuts to the Low-Income Home Energy Assistance Program, or LIHEAP, in this misguided Republican CR.

Mr. Chair, cutting LIHEAP would literally leave thousands of families and seniors in the cold.

My constituents in the 3rd congressional district and people across the country, are experiencing one of the coldest winters on record.

The number of households served by LIHEAP has skyrocketed in recent years, jumping from 5.8 million in fiscal year 2008 to a projected 8.9 million in fiscal year 2011.

In just this year alone, Massachusetts expects to see a 21 percent increase in the number of eligible applications.

And, to make matters worse, the cost of home heating oil continues to go up this winter. Since November, the cost of heating oil has gone from $3.11 to $3.58 a gallon.

This means that the average family living in New England is now paying about $30 more for home heating than they initially expected at the start of this winter.

It is unconscionable that we would even consider cutting heating assistance at a time like this.

My Republican colleagues seem to have no problem supporting tax breaks for millionaires and billionaires but, when it comes to families and seniors struggling to heat their homes, they have no problem saying "so be it."

I understand that we need to reduce our deficit and long-term debt but doing so by literally leaving thousands of Americans out in the cold is exactly the wrong approach.

Mr. Chair, I urge my colleagues to oppose cuts to LIHEAP and oppose this CR.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 16, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Ms. SLAUGHTER. Mr. Chair, I rise in opposition to this amendment.

NEA funding is an investment in the arts, but it's also an investment in communities and jobs. The arts have an incredible ability to enrich our communities and strengthen our cultural diversity, while positively impacting local economies and spurring billions in economic activity.

A strong arts sector is an economic engine that stimulates businesses, generating $166.2 billion annually in economic activity, supports 5.7 million full-time jobs, and returns $12.6 billion in Federal income taxes.

The NEA provides grants to communities across the country, supporting our national progress and scholarship in the arts. For each Federal dollar spent on the arts, it creates 9 dollars in economic activity for local communities.

The arts creates jobs in every Congressional District across the country. In Representative GARRETT's district alone, there are 2,042 arts-related businesses that employ 8,473 people, according to Americans for the Arts. And yet, Representative GARRETT is proposing to completely eliminate funding for the NEA, which will threaten jobs and businesses in his district.

The arts also generates tourism revenue. Arts audiences spend more than $100 billion annually boosting local economies. Every year, 78-percent of U.S. travelers take arts and heritage trips with their families, contributing more than $192 billion annually to the U.S. economy.

In my district, the 28th District of New York, we have impressive institutions that attract tourists from far and wide, like the Shea's Performing Arts Center in Buffalo and the Memorial Art Gallery in Rochester.

Americans embrace the arts on a personal level. Both military and civilian populations have long relied on the arts for inspiration, to raise morale, to fight anxiety, and to express our democratic values.

This amendment represents the Republicans' commitment to killing jobs and stifling economic activity. It's flawed ideas like this one that have created zero jobs with a Republican Majority.

I strongly urge my colleagues to oppose this job killing, economy stifling amendment.

## HONORING DR. USHA VARANASI ON THE OCCASION OF HER RETIREMENT

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. McDERMOTT. Mr. Speaker, today I rise to offer special recognition to my constituent, Doctor Usha Varanasi, on the occasion of her retirement as the Science and Research Director of the National Oceanic and Atmospheric Administration's Northwest Fisheries Science Center, a position Dr. Varanasi has held since 1994, when she became the first woman to lead a National Marine Fisheries Service Science Center.

During Dr. Varanasi's 35 years of federal service as a research chemist and marine scientist, the Northwest Fisheries Science Center has made potent advances in the fields of ecotoxicology, molecular biology, genetics, and microbiology. Dr. Varanasi's multidisciplinary approach has produced innovative research and established the Center as a high-performing and internationally-renowned research institution. Throughout her remarkable career, Dr. Varanasi has furthered science and technology essential to wise fisheries management and marine resource preservation.

Dr. Varanasi began her career at NOAA pursuing breakthrough research on the effects of chemical contamination on marine organisms. Dr. Varanasi's research revolutionized the field. Her work led to the development of techniques to assess the impacts of oil-related pollution on fisheries resources. As a result, Dr. Varanasi and her team provided invaluable seafood safety evaluation during the Exxon Valdez oil spill, Hurricane Katrina, and the Deepwater Horizon oil spill.

Dr. Varanasi's research is recognized nationally and internationally. She has authored more than 150 peer-reviewed articles in journals including Nature and Science. She has edited two acclaimed books and her seafood safety editorial, The Seafood "Dilemma"—A Way Forward, has influenced policymakers broadly.

Dr. Varanasi's ongoing efforts have ensured that the Center's science is of the highest quality, providing the scientific underpinning for complex decisions that guide management of the Nation's marine resources. From careful monitoring of the West Coast ground fishery, to salmon recovery, to protection of the endangered Southern Resident Killer Whales, and, finally, to crucial regional ocean governance structures, Dr. Varanasi has led the way. Her foresight and dedication have made possible new collaborations and effective partnerships that changed the way we approach fisheries management and marine resources preservation.

A generous colleague and mentor, Dr. Varanasi has served for many years on the faculties of Seattle University and the University of Washington. She has been instrumental in helping countless students to understand that the wisest policies come from the best science.

Mr. Speaker, Dr. Varanasi's remarkable career has advanced substantially our understanding of marine life and its vital connections to our own existence. Her legacy of leadership and breakthrough research will inspire students, scientists, researchers, and policymakers for decades. I extend to Dr. Varanasi my congratulations on her outstanding

achievements, my appreciation for her many years of exceptional public service, and my best wishes for her future endeavors.

## IN HONOR OF IMMACULATA UNIVERSITY WOMEN'S BASKETBALL

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. GERLACH. Mr. Speaker, I rise today, along with my colleague Rep. PATRICK MEEHAN (PA–7), to congratulate the Immaculata University women's basketball team on its record of outstanding accomplishment.

Immaculata University, located in Chester County, Pennsylvania, is considered to be the birthplace of modern college women's basketball. Known as the Mighty Macs, the Immaculata women's basketball team won three consecutive national college women's basketball championships in 1972, 1973 and 1974. These championships were the first college women's basketball championships played in the United States. The Mighty Macs also have the distinction of playing in the first nationally televised college women's basketball game as well as being the first college women's basketball team to compete outside the United States.

The Immaculata women's basketball team produced four All-Americans, Marianne Crawford Stanley, Rene Muth Portland, Mary Scharff and Theresa Shank Grentz. All members of the team are trailblazers and true American heroes who set the highest standards both academically and athletically, for not only women's basketball, but for women's and men's sports alike.

Mr. Speaker, I ask, along with Rep. PATRICK MEEHAN (PA–7), that my colleagues join me today in recognizing the Immaculata women's basketball team and, for bringing both tremendous pride to the citizens of Pennsylvania and inspirational change to American intercollegiate sport, ask that March 29, 2011 be known as Immaculata University Mighty Macs Day.

## HONORING THE RETIREMENT OF JOSEPHINE ''JOSIE'' AVILES

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the retirement of a dedicated civil servant, Ms. Josephine ''Josie'' Aviles. Josie has been committed to Homestead Air Reserve Base since 1984, working relentlessly to support and maintain the mission of the 482d Fighter Wing.

Josie has demonstrated genuine dedication as a Protocol officer, providing extraordinary assistance to each Group, Squadron, and Tenant organization. She is well known and admired amongst her peers for her expertise, excellent work ethic and selfless attitude.

Throughout her unwavering leadership, Josie directed the command staff after Hurricane Andrew destroyed Homestead Air Force Base in 1992; served as Administrative Team Chief for the fighter wing's first Operational Readiness Exercise; and arranged events and conferences as the first Protocol officer. She has demonstrated a level of commitment to her country, community, and colleagues that deserves our sincere admiration and respect.

Mr. Speaker, I am truly honored to pay tribute to my friend Josie, a true leader who has dedicated her life to public service. As her colleagues, friends and family gather together to celebrate the next chapter of her life, I ask my colleagues to join me in saluting this outstanding civil servant on this very special occasion. I wish Josie continued success and happiness in all of her future endeavors.

## IN RECOGNITION OF FREESE AND NICHOLS

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Freese and Nichols, an engineering, architecture, and environmental science firm, and the recipient of the prestigious 2010 Malcolm Baldrige National Quality Award in the small business category.

Overseen by the National Institute of Standards and Technology, NIST, the Baldrige Award is the highest level of national recognition granted to organizations for performance excellence. Since its establishment in 1987, 86 organizations have received this prestigious award.

Freese and Nichols, Inc., FNI, traces its historical roots in Texas back to 1894, and has always been dedicated to the spirit of innovation. FNI's emphasis on approaching projects with a fresh and unique perspective allows them to push the boundaries with avant-garde solutions and to stay at the forefront of their field. From designing the first ever LEED certified building to their restoration projects to being conscious of their impact on our environment and striving to make the world a better and cleaner place for future generations, their commitment to responsible and sustainable development is evident. Their community service efforts and partnership with nonprofit organizations speak loudly of their belief in giving back and being good stewards of our local community.

I commend Freese and Nichols for their dedication to innovation and performance excellence; they are truly deserving of this great honor. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Freese and Nichols.

## HONORING THE LIFE OF CECIL L. ANCHORS, SR.

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of Northwest Florida's beloved Cecil L. Anchors, Sr.

Mr. Anchors was a pivotal community leader in the Northwest Florida community for decades. He grew up in Niceville, Florida and graduated from Niceville High School in 1936. After high school Mr. Anchors attended the University of Florida. His passion for the Florida Gators' storied athletic program was unrivaled.

Mr. Anchors was also a devoted patriot. After graduating from college, he returned to Northwest Florida to work at the Air Proving Ground at Eglin Air Force Base. When the United States entered World War II, Mr. Anchors volunteered for Army service. He served his country with honor and distinction in the European Theater, including at the famous Battle of the Bulge.

In 1948, Mr. Anchors was elected Clerk of the Circuit Court of Okaloosa County, a position that he held until his retirement in 1976. Mr. Anchors was a leader in the community, and an innovator at the courthouse. He established the first computer system in Okaloosa County public offices and oversaw the construction of a new courthouse in Crestview, Florida.

A true local leader, Mr. Anchors was a charter member of the Choctawhatchee Rotary Club, the Rocky Bayou Country Club, and the Air Force Museum Board of Directors. He also served as the first elected Post Commander of the Niceville Chapter of the American Legion in 1945, as well as president of the Crestview Kiwanis Club.

Mr. Anchors played an active role in local, state, and national politics. He served as the Okaloosa County leader during President Kennedy's 1960 Presidential campaign; however, his fondest memories were of his time serving the people of Okaloosa County as the Clerk of the Circuit Court.

To some Cecil Anchors will be remembered as a patriot and a leader in the civic community. To others he will be remembered as a lifelong Florida Gator. To his friends and family, he will most fondly be remembered as a loving and devoted family man. His tireless work and immense contributions to Northwest Florida cannot be overstated.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of Cecil Anchors, Sr., and his living legacy.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

### HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 16, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Mr. CARSON. Mr. Chair, as we continue to debate the Continuing Resolution and slowly whittle away funds for important programs, I rise to express my sincere regret over cuts to Community Health Centers.

In my State of Indiana, these health centers serve nearly half a million Hoosiers, and at a time when American families continue to struggle to afford basic healthcare, I believe this is not the time to defund this valuable program.

Not only will patients lose access to care, but jobs will be lost, as well. It will have a devastating impact on communities and patients who need the care most—patients with diabetes, heart disease, HIV/AIDS, pregnant women, and children—and leave them with literally nowhere to turn for care.

This is no way to treat our Nation's most vulnerable populations.

## HONORING HAROLD OSTROW

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. DEUTCH. Mr. Speaker, I rise today to honor Harold Ostrow and his selfless dedication to his community for over a quarter of a century. Appropriately nicknamed ''Mr. Civic,'' Harold has provided leadership, guidance, and true heart to the community through his volunteer work over the years.

Harold's involvements vary in interest from being the Chairman of the Health Care District where he oversaw the management of the trauma program, the school nursing program, and a program to provide health coverage to the working poor. In addition, as a member of the Judicial Nominating Commission, Harold held the responsibility of providing the Governor with names of candidates for judges.

Mr. Civic did not stop there, though. Harold has also held the position of Chairman of the nonpartisan Voter's Coalition and the citizen's Advisory Committee for the Solid Waste Authority, gaining him the respect of government officials on both sides of the aisle. Harold's activism continues today as a member of the advisory board for the Fire-Rescue Agency.

No matter what the needs of his community was, Harold has been there, lending his open hand without asking for anything in return. Of course, none of this would have been possible without the love and support of Harold's wife, Lenore, by his side. His dedication to participating in every area of community life, helping wherever he could, and mentoring members of the community, has made Harold Ostrow a beacon of volunteer involvement, and I am proud to have this opportunity to recognize him.

I would like to congratulate Harold and his family for this tremendous honor. It is truly an honor to have Harold as a part of the South Florida community and as a friend.

## IN DEFENSE OF THE GOVERNMENT OF PUERTO RICO

### HON. PEDRO R. PIERLUISI

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. PIERLUISI. Mr. Speaker, I rise to address the chamber this morning with disappointment, sadness, and a deep resolve to set the record straight. I am compelled to respond to remarks delivered yesterday on this floor by my colleague, the gentleman from Illinois, in which he harshly criticized the duly-elected government of Puerto Rico, the officers who serve honorably in its police force, and the chief judge of the U.S. district court for the District of Puerto Rico. The speech was inappropriate and insulting to the people of Puerto Rico. I hope such action will not be repeated. But if it is, make no mistake: I will return to this floor again to defend my constituents—and the government they chose in free and fair elections—from all unwarranted attacks. I will rise then in the same capacity that I rise now: as Puerto Rico's only elected representative in Congress and the only member of this chamber who can make any claim to speak on behalf of the Island's nearly four million American citizens. I will fight for my people because it is my privilege, my honor, and my duty to do so.

To compare Puerto Rico to an authoritarian country is beyond the pale. It demeans not merely my constituents, but also the millions of men and women around the world who suffer under real dictatorships, who are truly oppressed, and who lack the dignity that comes only with genuine freedom. Puerto Rico is a rich and vibrant democracy, with strong institutions, governed by the rule of law. Fundamental rights protected by the U.S. Constitution—including the right to free speech, free assembly and due process of law—apply fully in Puerto Rico. So does federal civil rights law. This is not to suggest that violations of individual liberties never take place in Puerto Rico. On occasion they may, just as they do in every jurisdiction. And I would be the first person to condemn such conduct if it occurs. But, in Puerto Rico, unlike in a dictatorship, there are legal remedies available to citizens who claim to have been deprived of their rights. Those who fail to grasp this basic distinction do not understand Puerto Rico or appreciate its strengths.

Moreover, I believe it is wrong for a member of this body to insult a federal judge simply because that judge ruled in a way the member finds objectionable. To use an enlarged photo of that judge as a prop is, in my view, particularly unfortunate. Such theatrics undermine, rather than strengthen, the argument being made. Judge Fusté, a man who has devoted over 25 years of his life to public service, does not deserve such treatment.

Yesterday, a great disservice was done to the good name and reputation of the people of Puerto Rico. I regret that it occurred. I hope—and expect—that it will not happen again.

## IN SUPPORT OF AMERICAN COMMERCIAL SPACEFLIGHT INDUSTRY

### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Ms. BERKLEY. Mr. Speaker, I rise today to speak in support of the American commercial spaceflight industry.

Investing in private industry is an effective way to cut federal spending while spurring meaningful job growth and innovation. This is why I am a strong advocate for developing the commercial spaceflight program proposed by President Obama. The President's plan will help lower NASA launch costs by shifting this role to competitive private businesses, while fostering American economic competitiveness and leadership in cutting-edge research and technology. This plan will also end our reliance on Russia to transport NASA astronauts to the International Space Station by utilizing the technology and services of private companies on American soil.

Bigelow Aerospace has been a model of American entrepreneurship and innovation. This company has developed its own spacecraft and created hundreds of much-needed jobs in the Las Vegas Valley. If we follow President Obama's common-sense plan of winding down NASA's Constellation Program and transferring the launch program to private industry, Bigelow Aerospace and many other cutting-edge spaceflight companies will create countless more jobs in the vital science and engineering industry.

The American people have told us emphatically that our top priorities must be jobs and the economy, and leveraging commercial spaceflight capabilities addresses both of these goals. I encourage my colleagues to join me in supporting fiscally responsible, job-creating investments in the commercial spaceflight industry.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 16, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Ms. HIRONO. Mr. Chair, it is sad to see that amendments like this are being proposed based on no knowledge nor any serious evaluation of the institutions involved.

Anyone who has been involved with the East-West Center would understand that it is exactly the kind of activity that most cost-effectively promotes U.S. foreign policy and security interests in a critically important, fast-growing region of more than 3.5 billion people. Since its creation as a national institution 50 years ago, the Center has impacted more than 58,000 people in its region.

It operates our country's largest outreach program to Asia-Pacific region's journalists, the largest outreach program to the region's teachers, particularly in Muslim countries of Asia, and the only sustained U.S. program for engagement with the leaders of Pacific island nations. Both presidents Bush met Pacific island leaders through the East-West Center.

The Center is not a foreign aid program, but a public diplomacy program. The secret of the Center's effectiveness is that its programs bring together Americans with Asia-Pacific counterparts—American teachers with Asia and Pacific teachers, American youth leaders with their counterparts, etc. This is the very best way to show off American values and interests. If the U.S. had created a similar center for the Middle East, bringing young Israelis, Egyptians, and other Middle Easterners together with Americans for cooperative exchange and research at a location on American soil, our world may be a little different today. We would not see misguided amendments like that offered by Congressman RON

PAUL that would eliminate funding for important allies like Israel, Egypt, and Jordan.

It is a hard to imagine a program that is more fiscally conservative. The cost is minimal compared to most government programs because the Center, because of its size, operates far more efficiently and flexibly and because, unlike government departments, it leverages significant amounts of non-appropriated sources for its national mission. This figure is 40 percent in last year's budget.

The Center originally was supported fully by the U.S. government and at much higher levels of appropriations during the Reagan and Bush 41 administrations. It has been repositioning itself as a public-private partnership. The amendment to zero out its funding would have a devastating impact on its ability to continue to increase private funding and leverage public funding. It also would have a devastating impact on U.S. public diplomacy in East, Southeast, and South Asia and the Pacific islands just at a time that other countries, especially China, are ramping up their public diplomacy programs in that region that is so important to our future.

Under the successful leadership of Charles Morrison, the East-West Center chaired the committee that developed the Hawaii hosting proposal for the 2011 Asia-Pacific Economic Cooperation (APEC) Leaders Summit.

The Center supports and leads the official APEC Pacific Economic Cooperation Council on behalf of the United States. It has provided essential research support for several APEC activities, including an assessment requested by the APEC Business Advisory Council of the U.S.-proposed Free Trade Area of Asia and the Pacific and studies in the area of energy security. I know that President Morrison and the East-West Center are integral to a successful U.S. hosting APEC year. This Congress needs to continue to support the East-West Center in these efforts.

Mahalo nui loa (thank you very much).

## CELEBRATING 25TH ANNIVERSARY OF MORRIS HABITAT FOR HUMANITY, MORRIS COUNTY, NEW JERSEY

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Morris Habitat for Humanity, Morris County, New Jersey, celebrating its 25th Anniversary this year.

The Morris Habitat for Humanity was established in 1985 and its presence in Morris County has been growing ever since. However, attaining the permission from Habitat International to start a Habitat for Humanity in one of New Jersey's wealthiest counties was no easy accomplishment. With the help of many individuals, including Millard Fuller, the founder of Habitat for Humanity International, and former President Jimmy Carter, the Morris County Chapter of Habitat for Humanity was founded. This organization has worked alongside 190 families building over 45 homes and preserving 42 houses in Morris County. Habitat for Humanity's achievements have not only spanned across the great state of New Jersey but all around the world having built 103 houses to date in other countries.

I had the good fortune of working with the Morris Habitat on ''The House that Congress Built'' and experienced firsthand the dedication of the volunteers and staff. The advancement of this inspirational organization is credited in large part to its volunteers. Over 45,000 people have given their time to help others achieve home ownership. Habitat for Humanity provides a vast number of opportunities to its volunteers. With the opening of the ReStore Outlet in Mine Hill, New Jersey, Morris Habitat has expanded its services by offering reusable and spare building materials to the public at discounted prices, making home improvements attainable for families.

The Morris Habitat for Humanity has continuously provided steadfast dedication to home ownership. The valuable support they have provided to those in need in Morris County and surrounding counties is remarkable.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Morris Habitat for Humanity as they celebrate 25 dedicated years of service.

## RECOGNIZING STEPHANIE THETFORD AS THE 2011 OKALOOSA COUNTY TEACHER OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mrs. Stephanie Thetford as the 2011 Okaloosa County Teacher of the Year. For 17 years Mrs. Thetford has been an inspiration to her students, motivating them to realize their true potential and achieve excellence, and I am honored to recognize her achievements.

Mrs. Thetford is a proud product of the Okaloosa County, Florida, school system. She is a graduate of Crestview High School, and her passion for serving the students of Northwest Florida led her to pursue a teaching career in Okaloosa County.

Mrs. Thetford has spent the past 11 years teaching at Fort Walton Beach High School, where she has taught numerous math courses. She has had the opportunity to teach students at all levels, including Algebra IA, Algebra IB, Geometry, Math Analysis and Informal Geometry. For the past six years she has also had the opportunity to teach students at the highest levels, serving as the teacher for AP Calculus AB and BC. When she took over the class, there were 25 students enrolled in the AP Calculus curriculum. Today, through her hard work and dedication, there are 62 students enrolled in these courses.

Quantity, however, is hollow without quality results. Mrs. Thetford has delivered these results year after year. Last year, 66 of her students took the AP Calculus AB exam, with 60 of these students receiving a passing score. She also had 6 students take the AP Calculus BC exam; all of these students passed the test, and five out of six received the highest possible score.

Mrs. Thetford realizes that the key to achieving success is hard work and dedication. She offers daily tutoring before school, starting at 6 a.m., to ensure that students are prepared to achieve their goals. Mrs. Thetford takes every possible measure to identify any problems or confusion that students may have, and she is always available to her students to answer questions and help them work through their difficulties so that they are not left behind when a new concept is introduced.

Her dedication to the students of Okaloosa County does not end when school is on summer break. In the summer, she has conducted county-wide math in-service training for Pre-Algebra, Algebra, and Algebra II teachers, where she teaches methods to integrate technology to help students who are struggling with these mathematical concepts. This ensures that the primary level math classes help build the foundational skills necessary to succeed in upper-level courses. She serves as the Vertical Team Trainer for Okaloosa County and as an AP Calculus mentor for other Calculus teachers in the county, ensuring that other schools can replicate the success of her students in Advanced Placement courses.

Great teachers are an invaluable asset to our nation's students. To be honored as Teacher of the Year is an immense honor, and it is a reflection of her indefatigable dedication to the students of Okaloosa County. She has proven herself to be among the many exceptional teachers in our nation, and I am proud to have her as a constituent in Florida's First Congressional District.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Stephanie Thetford for her accomplishments and her continuing commitment to excellence at Fort Walton Beach High School and in the Okaloosa County School District. Her passion for her students is laudable, and her dedication to her profession is exemplary. My wife Vicki joins me in congratulating Mrs. Thetford, and we wish her all the best.

## HONORING THE HEROICS OF DAVID BENKE

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, I rise today to honor an American hero, Mr. David Benke, an ordinary man who through extraordinary courage saved the lives of an innumerable number of children. His valor, daring, and selflessness are a compelling reminder of the strength and virtue of the American spirit.

It was a chilly afternoon on February 23, 2010, when Mr. Benke's mettle was tested. He heard nearby gunshots on the grounds of the Littleton school where he teaches. 60 feet away a 32-year-old man was taking shots with a hunting rifle at a group of students. Heedless of the danger to himself, Mr. Benke tore towards the assailant and in an instant had wrestled him to the pavement and the rifle from his grasp. Two students had been wounded, but countless others were saved by his heroic efforts.

In recognition and in honor of this selfless act, the Carnegie Hero Fund Commission has awarded him the Carnegie Medal, a high honor ''given to those who risk their lives to an extraordinary degree while saving or attempting to save the lives of others.'' Today, I too

would like to recognize Mr. Benke's valor and selflessness and do honor to one of Colorado's most distinguished heroes. I am extremely proud to have David as a constituent and know that his bravery and courage will shine as a beacon of magnanimity that others will aspire to.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT 2011

SPEECH OF

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 16, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Mrs. CAPPS. Mr. Chair, I rise to speak in strong support of Mr. BLUMENAUER's amendment to restore funding to the Corporation for Public Broadcasting.

The Republican move to gut funding for public broadcasting in this Omnibus spending bill is an incredibly bad idea.

Millions of Americans rely on public broadcasting for their news, entertainment, and local programming.

Public broadcasting provides programs and services that inform, enlighten, and enrich our society.

And in a world enlightened by all too often ill-informed and sensationalist cable ''news'' shows, public broadcasting provides thoughtful, even handed analysis of the issues of the day.

Simply put, public broadcasting helps educate our society and celebrates the arts, education, respectful debate and civil discourse.

The CPB enables nearly 1,300 public radio and television stations—like KCBX, KCLU, and KOCE, in my district—to stay on the air and broadcast quality, commercial-free news and educational programming.

These stations reach 260 million Americans in every corner of this country—bringing ''All Things Considered'' and ''Car Talk'' into our cars and Sesame Street, Frontline, the Newshour and NOVA into our living rooms.

I know that my district is a far richer place because of these important public broadcasting outlets.

The CPB also promotes public-private partnerships.

And as we look for ways to reduce our spending, we ought to look to agencies and programs that have the most bang for the buck.

By providing essential foundational money, the CPB enables public stations to leverage funds to raise the additional resources they need to fully cover operating costs.

Ending CPB funding would undeniably punish these successful partnerships.

Finally, the public radio and TV stations supported by CPB are locally owned and consistently broadcast content important to their communities.

In rural areas, these stations are frequently the only source of free local, national, and international news.

Public broadcasting is often a lifeline for Americans in times of natural disasters, providing up-to-date information on evacuation routes and evacuation center locations.

CPB funds are vital to the success of public broadcasting.

You know, some years ago Newt Gingrich went after Big Bird and the results weren't pretty.

The American people made it clear that they like their local NPR stations and other public broadcasters.

They believed that supporting public broadcasting was a worthwhile use of their tax dollars.

I don't think that sentiment has changed.

I urge my colleagues to restore funding to the CPB by supporting Mr. BLUMENAUER'S commonsense amendment.

## RECOGNIZING THE ACCOMPLISHMENTS OF MARK DYER AND THE VOLUNTEERS OF SHELTERBOX USA

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. ROSKAM. Mr. Speaker, I rise today to recognize Mark Dyer, a resident of Elmhurst, Illinois. Mark was recently recognized along with other volunteers for their efforts in furthering disaster relief efforts through ShelterBox USA. ShelterBox USA is a worldwide relief organization that specializes in providing emergency shelter to those displaced by natural disasters.

As the horrific events unfolded in the wake of Haiti's devastating earthquake, many watched as news reports flashed images of human tragedy and suffering, but Mark Dyer was moved to action. Through Mr. Dyer's hard work to raise awareness and funds, ShelterBox was able to provide more than 28,000 ShelterBoxes full of cooking sets, tents, water purification supplies, and other essential items to the survivors in Haiti. Mark's determination is reflected in the fact that those 28,000 ShelterBoxes accounted for one-quarter of all the tented shelters in Haiti.

Mark is also a ShelterBox Response Team member who volunteers his time all over the world. In the past two years Mark has deployed to Somaliland, Niger, Columbia, and Haiti to deliver much needed assistance following disasters.

Few are willing to heed the call to service following devastating natural disasters, and even fewer are willing to commit to such a level, and with as much passion, as Mark Dyer. His efforts were recently recognized with The President's Volunteer Service Award, a special recognition presented on behalf of President Barack Obama for those who contribute a significant amount of time to volunteer activities. Mr. Speaker and Distinguished Colleagues, Mark Dyer deserves our recognition and commendation.

Please join me in recognizing the impressive work of Mark Dyer and the volunteers of ShelterBox USA while wishing them every success in their future endeavors.

## HONORING THE VILLAGE OF PALMETTO BAY

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the Village of Palmetto Bay on the grand opening of the new Village Hall, the first ''Platinum'' LEED-Certified Municipal Center and Emergency Operations Center in the State of Florida. This state-of-the-art facility will provide much needed services and support for the residents and Council members of Palmetto Bay. Located on E. Hibiscus Street, this new 26,005 square-foot Municipal Center is easily accessible and welcomes all residents.

The facility was internationally recognized as a green building by its ''Platinum'' LEED-Certification. The design and construction of the building aims at energy savings, water efficiency, improved indoor environmental quality, and carbon dioxide emissions reduction. The framework used reflects environmental awareness and economic responsibility.

The Municipal Center provides a center for government and serves as the emergency operating center for the Village designed to withstand category 5 hurricanes. I commend Mayor Shelley Stanczyk and her staff for finalizing the move and creating a smart and conservative community to engage the residents of Palmetto Village.

Mr. Speaker, I ask my colleagues to join me on this special occasion and commend those who have worked relentlessly to make the opening of the Municipal Center a reality.

## A TRIBUTE TO DR. ELLIN LIEBERMAN

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to pay tribute to the extraordinary leadership of Dr. Ellin Lieberman. Through her unwavering commitment to service, she has transformed the lives of many and made profound contributions to our community and country.

Dr. Lieberman, born and raised in New York City, began her professional career of service after receiving her B.A. from Harvard University and her medical degree, specializing in Internal Medicine & Pediatrics with a subspecialty in Pediatric Nephrology, from Boston University School of Medicine. She joined the USC faculty in 1963, then headed the Division of Nephrology at Children's Hospital Los Angeles from 1967–1995. After retiring from an outstanding medical career in 1998, Ellin continued her work in medical education by advancing medicine around the world. In 2001, she was a Senior Visiting Scholar of the International Society of Nephrology in Russia, started a postgraduate pilot program in St. Petersburg, and later founded the Los Angeles-St. Petersburg Sister City Medical Committee.

After returning to her home in South Pasadena, California, Ellin, turned her energy to community activism, championing a plethora of local and national causes. Ellin and her

husband Harry, both longtime supporters of the arts, host an annual arts benefit that has supported victims of Hurricane Katrina, the New Orleans National Kidney Foundation, and the Louisiana Children's Hospital. In addition to opening up their home for charitable functions, the Liebermans have also hosted educational forums on issues such as climate change, health care reform, sustainable/green living, as well as speaker sessions with Muslim community leader, Dr. Reza Asian, to foster community understanding of Muslim Americans.

Ellin has been a tireless advocate and a humble role model. Her exuberance and passion inspire us. And I ask all Members to join me in thanking Dr. Ellin Lieberman for her many years of selfless, dedicated service to the community.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 16, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Ms. RICHARDSON. Mr. Chair, I rise today in strong opposition to Sections 2202 through 2214 of the bill, which cuts funding for needed investments in transportation and infrastructure. These are reckless cuts to important programs and place our country's economic recovery in jeopardy.

Specifically, the cuts to transportation and infrastructure funding will not only cut jobs, but will curtail investment in our country's long-term economic growth.

Mr. Chair, the best way to reduce the deficit is to put Americans back to work. The Republican CR is a job-killing bill that would do nothing more than wreak havoc on the American economy and will put us at an overall competitive disadvantage.

The Republican CR cuts almost $18 billion from transportation and infrastructure investments alone. Investing in our crumbling infrastructure keeps our economy moving forward and puts Americans back to work by creating desperately needed jobs in the hard-hit construction industry.

Adopting the GOP Continuing Resolution would result in the loss of nearly 300,000 private-sector jobs a figure that is in stark contrast to the GOP's commitment to keep job creation their number one priority.

These reckless cuts to investments in roads, bridges, transit and rail will have tremendous consequences to our economic recovery and will render us uncompetitive in the global market.

The cuts to transportation and infrastructure projects include: a cut of $1.4 billion in the Clean Water State Revolving Loan Fund program; a $6.3 billion cut in high-speed/intercity rail; a cut of $613 million in the Tiger II program; and a cut of $75 million in the Tigger II program.

These draconian cuts to the transportation and infrastructure budget will have a tremendous impact on the health and stability of our economy. Democrats and Republicans both agree that the Federal Government needs to tighten its belt when it comes to spending.

However, cutting funding to transportation and infrastructure programs will curtail the investments that are desperately needed to sustain our long-term economic recovery.

These divisive cuts to critical transportation and infrastructure projects will compromise programs that are invaluable to increasing efficiency of commerce, reducing fuel consumption, and creating jobs.

The Republican proposal to cut key funding from the transportation and infrastructure budget will undermine the stability that is required of long-term transportation projects that require a steady source of funding and will eliminate key investments in roads and bridges that foster private sector job growth.

The job-killing Republican Continuing Resolution will rescind $2.5 billion for high-speed rail projects that have already been awarded. These are critical investments for our future.

Creating efficient and affordable high speed rail line in popular transportation corridors, such as the Los Angeles to San Francisco will create thousands of jobs, protect our environment and reduce our dependence on foreign oil. In California alone, the GOP CR rescinds over $1 billion in funding for high-speed/intercity rail. This is absolutely unacceptable.

In addition, the GOP Continuing Resolution would cancel 76 projects in 40 states and would cut $234 million that would be used to improve our nation's air traffic control system. The Republican proposal also threatens adequate funding to wastewater treatment facilities and sewer lines putting 40,000 American jobs in jeopardy.

In California alone, the Republican CR would cut over 40,000 transportation related jobs. Hundreds, if not thousands, of those jobs are sure to be lost in my district.

This Continuing Resolution would also cut almost $100 million in funding to keep our water clean and would reduce funding to the state of California for transportation projects by over $1.2 billion.

This bill does not create jobs, stifles long-term economic growth, and puts our country at a competitive disadvantage. This is not what the American people want.

I urge my colleagues to stand with me in opposition to this bill.

## HONORING DAVID GREENBAUM

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I am honored to recognize my constituent David Greenbaum as he celebrates his 100th birthday.

Like many Jews who escaped Europe on the eve of the Holocaust, Mr. Greenbaum can attribute his survival to a combination of keen perception, perseverance, luck, and the compassion of strangers.

His extraordinary journey began in Starachowice, Poland in 1939 as Hitler invaded Poland. At the time, Mr. Greenbaum was 28 years old and living with his mother and three younger siblings. His father had passed away two years earlier. With German planes overhead bombing nearby towns, the Greenbaum family left their home and took refuge in the nearby countryside on a farm of a family friend. As German soldiers approached, Mr. Greenbaum left his family and headed north-east with a deserter from the Polish Army.

The two were shortly joined by others seeking to avoid German capture. The group walked without rest on unfamiliar roads to unknown destinations. Mr. Greenbaum walked for 1,100 miles, arriving in Vilnius, Lithuania. Granted shelter for the night by a local tailor, Mr. Greenbaum had a chance meeting with his brother Zack, who had joined the Polish Army. The two then parted, with David Greenbaum planning to continue on to Kaunas (then the capital of Lithuania) in order to ultimately join their sister, Diana, in Washington, D.C.

David Greenbaum may not have survived the Nazi invasion were it not for the assistance of the Jewish social service organization. While in Kaunas, Mr. Greenbaum was informed by the organization that all Jewish refugees were to be jailed. With its help, he obtained a visa to the U.S. Visa in hand, he begged in the streets for money in order to accumulate the $225 he needed to travel by train to Moscow and then Vladivostok, Russia, a port on the Pacific Ocean. By feigning injury, Mr. Greenbaum evaded the scrutiny of undercover agents patrolling the train. Once he reached his destination, Mr. Greenbaum purchased a ticket to Japan with money again provided by a Jewish social service organization. On December 13, 1940, Mr. Greenbaum boarded The Cleveland, a ship sent to Japan by President Roosevelt, for a trans-Pacific journey to San Francisco.

One year after his journey began, Mr. Greenbaum arrived in Washington, D.C., where he quickly sought to integrate himself into his new surroundings. After completing English lessons, Mr. Greenbaum began work at Berman's, a clothier located in the Pentagon. Mr. Greenbaum learned the trade and became known as an outstanding tailor. In fact, Mr. Greenbaum was chosen to be the personal tailor of Vice President Hubert Humphrey.

Mr. Greenbaum will be celebrating his 100th birthday on February 18, 2011. With Pearl, his wife of 63 years, he shares the joy of two children, six grandchildren and two great-grandchildren.

Mr. Speaker, I am honored to celebrate David Greenbaum's 100th birthday and wish him a year of health and happiness.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 15, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Mr. PRICE of North Carolina. Mr. Chair, as Ranking Member of the Homeland Security

Appropriations Subcommittee, rise to discuss the impact this bill will have on our Nation's security.

I am talking, in part, about its impact on the efforts directly managed by the Department of Homeland Security. But I am also talking about our security in a broader sense: about what makes us strong, secure, and prosperous as a Nation.

As for the bill's Homeland Security title, I want to commend Chairman ADERHOLT for doing what he could to shield several critical programs from the ill-advised cuts throughout this bill. Our border security, disaster relief, immigration enforcement, and transportation security efforts—for the most part—are protected.

Unfortunately, these investments offer little consolation when we look at other areas of the DHS budget. This bill would severely cut federal support for state and local first responders, which is particularly troubling when we consider the fiscal restraints that state and local governments are facing right now.

The elimination of firefighter grants is especially galling. That cut is guaranteed to result in thousands of firefighter layoffs across the United States.

But while I am concerned about the problems with the homeland security section of this bill, I know that these cuts pale in comparison to other critical domestic services and investments.

And that is exactly my point: the strength and security of our country are about so much more than how much we spend on weapons systems or how thoroughly we police the border. They are about the investments we make in our people, in our Nation's ability to recover from the current economic downturn and compete in the global economy.

By this measure, this Republican proposal would dangerously weaken our security by undermining the things that make us strong—from education to scientific research to infrastructure—in an effort to achieve an arbitrary level of cuts dictated by the most extreme elements of the Republican Conference.

As an illustration, look no further than my own congressional district, the Research Triangle of North Carolina. In just a few decades, the Triangle has become one of the leading centers of research, education, and innovation in the world—an engine of economic growth whose impact extends well beyond state lines.

But now my Republican colleagues are threatening to undermine the very basis of our economic success

This bill would gut higher education by slashing the maximum Pell Grant award by 17 percent. In my district, over 27,000 students receive Pell Grants—over 249,000 students in North Carolina overall.

We cannot possibly ''out-educate'' our competitors by denying a college education to thousands of American students and allowing the most disadvantaged children to fall even further behind.

Nor can we ''out-build'' our competitors by slashing funding for high-speed rail, clean energy technologies, and other investments in the infrastructure that will be necessary to sustain the industries of the 21st Century—as this Republican proposal would do. Cuts to transportation and infrastructure in this bill would directly result in the loss of over 20,000 jobs in North Carolina alone.

Indeed, the enactment of this measure could sound the final death knell for any hope that the United States will become the global market leader in ''green'' technologies. Instead, we will only fall further behind as China and other countries develop the energy sources that will fuel our economy as the price of oil soars.

Finally, this Republican plan would eviscerate our investments in scientific research—in the source of so much of our economic success, especially in the Research Triangle.

It would cut cancer research and other NIH funding by nearly $1.6 billion. It would cut National Science Foundation research and education by over $800 million. And it would cut $400 million from agricultural research that keeps our farmers competitive in the global market.

These are just a few of the dozens of initiatives which have built the foundation for our Nation's economic prosperity—and, by extension, our Nation's security. To take a wrecking ball to this foundation at a time when we are struggling to recover from a financial crisis and compete again in the modern global economy would be both reckless and reprehensible.

We shouldn't even be calling this bill a Continuing Resolution. The ''CR'' could more accurately stand for ''Continuing the Recession'', or ''Choking the Recovery''—because that's exactly what this bill will do.

I urge my colleagues to oppose this dangerous measure.

## REMEMBERING AND HONORING THE LIFE OF RAYMOND R. ELLIOTT

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 17, 2011*

Mr. COURTNEY. Mr. Speaker, I rise today to honor Raymond R. Elliott of Canterbury who passed away on February 5, 2011. Ray served his country honorably in the Vietnam War and continued to serve his community in various capacities throughout his life.

Ray was a past Commander at the Veterans of Foreign Wars Post #10004 in Jewett City. Whether it was volunteering to work in the kitchen before a dinner or recognizing other veterans for their service, Ray was always ready and willing to give back. He regularly volunteered to drive disabled veterans to their appointments within the Veterans Affairs system and even oversaw the program for some time. In 2007, I had the honor of meeting Ray and working with him to help coordinate the van driving program. I will always remember the compassion and good humor Ray brought to this basic yet essential task.

While deeply dedicated to helping his fellow veterans, the scope of Ray's service within the community was much broader. He volunteered as a mentor at the Windham Center School, coached Willimantic Little League baseball and softball, and was an avid fan of UCONN athletics.

As a beloved husband, father, grandfather, veteran, coach, and mentor, I ask my colleagues to join me in honoring Ray Elliott's life of service to his country and community.

## FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

SPEECH OF

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 15, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Ms. BORDALLO. Mr. Chair, I rise in support of amendment #488 pre-printed in the CONGRESSIONAL RECORD. My amendment is simple and straightforward. It would fence off 24 million dollars for the ground-based augmentation system (GBAS) which is a critical component of the Federal Aviation Administration's (FAA) next generation air traffic control system.

GBAS is in the Federal Aviation Administration's (FAA) National Airspace System Enterprise Architecture and the Next Generation (NextGen) Implementation Plan and is a foundational operational capability for international aviation. Over time, as aircraft equipage increases, GBAS will allow the FAA to decommission other ground based precision landing aids. It also facilitates the publication of safer, more efficient and highly accurate terminal arrival, departure and approach procedures. These more efficient terminal procedures will help to reduce $CO_2$ emissions and fuel burn over the long run. Further, because of the operational flexibility of a system it will allow airports to quickly recover from natural disasters that can greatly deteriorate those airports landing approach vectors. But, we need to invest in this technology to get it to a Category 3 operational standard and this takes a commitment from the Congress, the FAA and the airlines.

Since we are passing a year-long Continuing Resolution this will give the FAA a considerable amount of discretion in how it obligates funding for its facilities and equipment account. The significant cuts of almost $400 million to the facilities and equipment account could greatly hamper any true investment in GBAS or other critical components of the NextGen system. It is important for us to invest in the future safety of our skies now rather than later. To date, the FAA has shown a poor track record of supporting this critical part of the NextGen program and we want to ensure that the FAA knows Congress supports this important part of the program. I commend Congressman TOM LATHAM and Congressman JOHN OLVER, Chairman and Ranking Member of the Subcommittee on Transportation, Housing and Urban Development and Related Agencies for their support of this program in the Omnibus bill. I look forward to working with them to ensure GBAS gets the support it deserves from the FAA.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed S. 223, FAA Air Transportation Modernization and Safety Improvement Act, as amended.**

**Senate agreed to H. Con. Res. 17, Adjournment Resolution.**

# Senate

## *Chamber Action*

*Routine Proceedings, pages S807–S927*

**Measures Introduced:** Forty-two bills and eighteen resolutions were introduced, as follows: S. 374–415, and S. Res. 59–76. **Pages S870–71**

**Measures Reported:**

S. Res. 59, authorizing expenditures by the Committee on Armed Services.

S. Res. 61, authorizing expenditures by the Committee on the Judiciary.

S. Res. 62, authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

S. Res. 64, authorizing expenditures by the Committee on Commerce, Science, and Transportation.

S. Res. 66, authorizing expenditures by the Committee on Small Business and Entrepreneurship.

S. Res. 67, authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

S. Res. 68, authorizing expenditures by the Senate Committee on Indian Affairs.

S. Res. 69, authorizing expenditures by the Committee on Finance.

S. Res. 70, authorizing expenditures by the Committee on Rules and Administration.

S. Res. 71, authorizing expenditures by the Committee on Veterans' Affairs. **Page S868**

**Measures Passed:**

***Real Estate Investment Trusts 50th Anniversary:*** Senate agreed to S. Res. 60, recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States. **Page S809**

***FAA Air Transportation Modernization and Safety Improvement Act:*** By 87 yeas to 8 nays (Vote No. 25), Senate passed S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, after taking action on the following amendments proposed thereto: **Pages S809–35**

Adopted:

Hutchison Further Modified Amendment No. 93 (to Modified Amendment No. 7), of a perfecting nature. **Pages S809, S814**

Inhofe Modified Amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport. **Pages S809, S814**

Coburn/Begich Amendment No. 64, to rescind unused earmarks. **Pages S825–26**

Rockefeller (for Brown (OH)/Portman) Amendment No. 105 (to Amendment No. 32), to improve the provisions relating to integrating unmanned aerial systems into the National Airspace System. **Pages S827–28**

Rockefeller (for Ensign) Amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System. **Pages S809, S828**

Reid Modified Amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes. **Pages S809, S825**

Udall (NM) Modified Amendment No. 49, to authorize Dona Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes. **Pages S809, S828**

Udall (NM) Further Modified Amendment No. 51, to require that all advanced imaging technology

used as a primary screening method for passengers be equipped with automatic target recognition software. **Pages S809, S828**

Coburn Modified Amendment No. 80, to limit essential air service to locations that are 100 or more miles away from the nearest medium or large hub airport. (By 34 yeas to 65 nays (Vote No. 23), Senate earlier failed to table the amendment.) **Pages S826, S828**

Coburn Amendment No. 81, to limit essential air service to locations that average 10 or more enplanements per day. **Pages S826, S828**

Schumer Amendment No. 71, to control helicopter noise pollution in residential areas. **Page S828**

Rockefeller (for Leahy) Amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit. **Pages S809, S828**

Rockefeller (for Lautenberg) Modified Amendment No. 10, to change the effective date for certain noise level amendments. **Page S830**

Rockefeller (for Pryor/Boozman) Amendment No. 22, to cap the local cost share under the contract air traffic control tower program at 20 percent. **Page S830**

Rockefeller (for Klobuchar) Modified Amendment No. 37, to clarify the allowable costs standards for public-use airport projects. **Page S830**

Rockefeller (for Cantwell) Modified Amendment No. 46, to allow the IRA rollover of amounts received in airline carrier bankruptcy. **Pages S830–31**

Hutchison (for Murkowski/Begich) Amendment No. 53, to require the Administrator of the Federal Aviation Administration to improve the inspection, mounting, and retention of emergency locator transmitters. **Page S831**

Hutchison/Cornyn Amendment No. 57, to authorize the Administrator of the Federal Aviation Administration to authorize general aviation airport sponsors to allocate mineral revenues not needed to carry out 5-year projected airport maintenance needs for other transportation infrastructure projects. **Pages S831–32**

Hutchison (for Cochran/Wicker) Amendment No. 59, to require a report on the use of explosive pest control devices. **Page S832**

Rockefeller (for Cantwell) Amendment No. 65, to accelerate the implementation of required navigation performance procedures. **Page S832**

Hutchison (for Inhofe) Amendment No. 86, to provide for use of model aircraft for recreational and other purposes. **Page S832**

Rockefeller (for Boxer/Snowe) Amendment No. 94, to require the disclosure of the dimensions of seats on aircraft to enable parents to determine if their child safety seats will fit in those seats. **Pages S832–34**

Rejected:

McCain Amendment No. 4, to repeal the essential air service program. (By 61 yeas to 38 nays (Vote No. 21), Senate tabled the amendment.) **Pages S809, S823**

Paul Amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. (By 52 yeas to 47 nays (Vote No. 22), Senate tabled the amendment.) **Pages S809, S823–24**

Coburn Amendment No. 91, to decrease the Federal share of project costs under the airport improvement program for non-primary airports. (By 59 yeas to 40 nays (Vote No. 24), Senate tabled the amendment.) **Pages S826–27, S828**

Withdrawn:

Rockefeller (for Wyden) Amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands. **Page S809**

A unanimous-consent agreement was reached providing that the vote on the motion to invoke cloture on Inhofe Modified Amendment No. 7 (listed above), be vitiated. **Page S819**

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 2 nays (Vote No. 20), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S819**

A unanimous-consent agreement was reached providing that the bill be held at the desk, when the Senate receives the House companion to S. 223, as determined by the two Leaders, it be in order for the Majority Leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 223, as passed by the Senate, in lieu thereof; that the companion bill, as amended, be read a third time, the statutory PAYGO statement be read and the bill be passed; that upon passage, 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 a ratio of 5–4; all with no intervening action or debate. **Page S824**

***Education Sciences Reform Act:*** Senate passed S. 365, to make a technical amendment to the Education Sciences Reform Act of 2002. **Page S924**

*W. Craig Broadwater Federal Building and United States Courthouse:* Committee on Environment and Public Works was discharged from further consideration of S. 307, to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse", and the bill was then passed. **Page S924**

*Sam D. Hamilton Noxubee National Wildlife Refuge:* Committee on Environment and Public Works was discharged from further consideration of S. 266, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge, and the bill was then passed. **Page S924**

*Alvin Ailey American Dance Theater:* Senate agreed to S. Res. 72, recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey's masterwork, "Revelations". **Page S924**

*Supporting Iranian Democracy:* Senate agreed to S. Res. 73, supporting democracy, universal rights, and the Iranian people in their peaceful call for a representative and responsive democratic government. **Page S925**

*Rare Disease Day:* Senate agreed to S. Res. 74, designating February 28, 2011, as "Rare Disease Day". **Page S925**

*National Cerebral Palsy Awareness Day:* Senate agreed to S. Res. 75, designating March 25, 2011, as "National Cerebral Palsy Awareness Day". **Page S925**

*Soldiers of the 14th Quartermaster Detachment of the Army Reserve:* Senate agreed to S. Res. 76, recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm. **Pages S925–26**

*Adjournment Resolution:* Senate agreed to H. Con. Res. 17, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S926**

**Authorizing Leadership To Make Appointments—Agreement**: A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S927**

**Signing Authority—Agreement**: A unanimous-consent agreement was reached providing that during the adjournment of the Senate, the Majority Leader, Senator Rockefeller and Senator Webb be authorized to sign duly enrolled bills or joint resolutions. **Page S927**

**Washington's Farewell Address—Agreement:** A unanimous-consent agreement was reached providing that at approximately 2:00 p.m., on Monday, February 28, 2011, Senator Isakson will deliver Washington's Farewell Address to the Senate; that following the address, there be a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each. **Page S927**

**Patent Reform Act—Agreement:** A unanimous-consent agreement was reached providing that at 3:30 p.m., on Monday, February 28, 2011, Senate begin consideration of S. 23, to amend title 35, United States Code, to provide for patent reform. **Page S927**

**Totenberg and Jones Nominations—Agreement:** A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Monday, February 28, 2011, Senate begin consideration of the nominations of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, and Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia; that there be one hour for debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the nomination of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, be confirmed, and Senate vote without intervening action or debate on confirmation of the nomination of Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia. **Page S927**

**Nomination Confirmed:** Senate confirmed the following nomination:

Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence. **Pages S926–27**

**Nominations Received:** Senate received the following nominations:

Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador.

Thomas M. Countryman, of Washington, to be an Assistant Secretary of State (International Security and Non-Proliferation).

Michelle D. Gavin, of the District of Columbia, to be Ambassador to the Republic of Botswana.

Mara E. Rudman, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

Ryan C. Crocker, of Washington, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2013.

Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement.

1 Marine Corps nomination in the rank of general.

Page S927

**Messages from the House:** Page S865

**Measures Held at the Desk:** Page S865

**Executive Communications:** Pages S865–68

**Executive Reports of Committees:** Pages S868–69

**Additional Cosponsors:** Pages S871–72

**Statements on Introduced Bills/Resolutions:** Pages S872–S919

**Additional Statements:** Pages S863–65

**Amendments Submitted:** Pages S919–22

**Authorities for Committees to Meet:** Pages S922–23

**Record Votes:** Six record votes were taken today. (Total—25) Pages S819, S823–24, S828, S834

**Adjournment:** Senate convened at 9:30 a.m. and adjourned, pursuant to the provisions of H. Con. Res. 17, at 9:19 p.m., until 2 p.m. on Monday, February 28, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S927.)

# *Committee Meetings*

*(Committees not listed did not meet)*

### AGRICULTURE AND GROWING AMERICA'S ECONOMY

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine agriculture and growing America's economy, after receiving testimony from Thomas Vilsack, Secretary of Agriculture; Keith Creagh, Michigan Department of Agriculture and Rural Development, Lansing; Fred Yoder, Ohio Corn and Wheat Growers Association, Plain City; Joe L. Outlaw, Texas A&M University Agricultural and Food Policy Center, College Station; and Thomas M. Hoenig, Federal Reserve Bank of Kansas City, Kansas City, Kansas.

### BUSINESS MEETING

*Committee on Agriculture, Nutrition, and Forestry:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

### DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

*Committee on Armed Services:* Committee concluded a hearing to examine the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Robert M. Gates, Secretary, Admiral Michael G. McMullen, USN, Chairman, Joint Chiefs of Staff, and Robert S. Hale, Under Secretary, Comptroller, all of the Department of Defense.

### BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee, and 670 nominations in the Army, Navy, Air Force, and Marine Corps.

### BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:

*Subcommittee on Financial Institutions and Consumer Protection:* Senators Brown (OH) (Chair), Reed, Schumer, Menendez, Akaka, Tester, Kohl, Merkley, Hagan, Corker, Moran, Crapo, Johanns, Toomey, DeMint, and Vitter.

*Subcommittee on Housing, Transportation, and Community Development:* Senators Menendez (Chair), Reed, Schumer, Akaka, Brown (OH), Tester, Kohl, Merkley, Bennet, DeMint, Crapo, Corker, Toomey, Kirk, Moran, and Wicker.

*Subcommittee on Securities, Insurance, and Investment:* Senators Reed (Chair), Schumer, Menendez, Akaka, Kohl, Warner, Merkley, Bennet, Hagan, Johnson (SD), Crapo, Toomey, Kirk, Corker, DeMint, Vitter, Moran, and Wicker.

*Subcommittee on Economic Policy:* Senators Tester (Chair), Warner, Hagan, Johnson (SD), Vitter, Wicker, and Johanns.

*Subcommittee on Security and International Trade and Finance:* Senators Warner (Chair), Brown (OH), Bennet, Johnson (SD), Johanns, and Kirk.

*Senators Johnson (SD) and Shelby are ex officio members of each subcommittee.*

## DODD-FRANK IMPLEMENTATION

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded an oversight hearing to examine the Dodd-Frank implementation, focusing on a progress report by the regulators at the half-year mark, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System; Sheila C. Bair, Chairman, Federal Deposit Insurance Corporation; Mary L. Schapiro, U.S. Securities and Exchange Commission; Gary Gensler, Chairman, Commodity Futures Trading Commission; and John Walsh, Acting Comptroller of the Currency, Office of the Comptroller of the Currency.

## BUDGET

*Committee on the Budget:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012 and Revenue Proposals, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury.

## BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

## BUSINESS MEETING

*Committee on Finance:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

## U.S. POLICY TOWARD LATIN AMERICA

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine United States policy toward Latin America, after receiving testimony from Arturo A. Valenzuela, Assistant Secretary of State for Western Hemisphere Affairs; Mark Feierstein, Assistant Administrator for Latin America and the Caribbean, United States Agency for International Development; Frank O. Mora, Deputy Assistant Secretary of Defense for Western Hemisphere Affairs; and Robert N. Kaplan, Inter-American Foundation, Washington, D.C.

## DEPARTMENT OF HOMELAND SECURITY BUDGET

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012 for the Department of Homeland Security, after receiving testimony from Janet Napolitano, Secretary of Homeland Security.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

An original resolution authorizing expenditures by the committee; and

The nominations of Sue E. Myerscough, and James E. Shadid, both to be a United States District Judge for the Central District of Illinois, Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, and Michael H. Simon, to be United States District Judge for the District of Oregon.

Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:

*Subcommittee on Administrative Oversight and the Courts*: Senators Klobuchar (Chair), Leahy, Kohl, Whitehouse, Coons, Sessions, Grassley, Lee, and Coburn.

*Subcommittee on Antitrust, Competition Policy and Consumer Rights*: Senators Kohl (Chair), Schumer, Klobuchar, Franken, Blumenthal, Lee, Grassley, and Cornyn.

*Subcommittee on The Constitution, Civil Rights and Human Rights*: Senators Durbin (Chair), Leahy, Whitehouse, Franken, Coons, Blumenthal, Graham, Kyl, Cornyn, Lee, and Coburn.

*Subcommittee on Crime and Terrorism*: Senators Whitehouse (Chair), Kohl, Feinstein, Durbin, Klobuchar, Coons, Kyl, Hatch, Sessions, and Graham.

*Subcommittee on Immigration, Refugees and Border Security*: Senators Schumer (Chair), Leahy, Feinstein, Durbin, Franken, Blumenthal, Cornyn, Grassley, Hatch, Kyl, and Sessions.

*Subcommittee on Privacy, Technology and the Law*: Senators Franken (Chair), Schumer, Whitehouse, Blumenthal, Coburn, Hatch, and Graham.

## BUSINESS MEETING

*Committee on Rules and Administration:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

### REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine reauthorization of the SBIR and STTR programs, after receiving testimony from Charles W. Wessner, National Research Council, Jere W. Glover, National Small Business Association (NSBA), and Joe Hernandez, Signal Genetics, on behalf of the Biotechnology Industry Organization (BIO), all of Washington, D.C.; Irwin Mark Jacobs, Qualcomm, San Diego, California; and Matthew R. Silver, Cambrian Innovation LLC, Somerville, Massachusetts.

### BUSINESS MEETING

*Committee on Small Business and Entrepreneurship:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

### BUSINESS MEETING

*Committee on Veterans' Affairs:* Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 43 public bills, H.R. 751–793; 1 private bill, H.R. 794; and 9 resolutions, H.J. Res. 41; H. Con. Res. 19; and H. Res. 97–103 were introduced. **Pages H1176–80**

**Additional Cosponsors:** **Page H1180**

**Reports Filed:** There were no reports filed today.

**Chaplain:** The prayer was offered by the guest Chaplain, Rev. Mark Williamson, Federal Intercessors, Houston, Texas. **Page H1073**

**FISA Sunsets Extension Act of 2011:** The House concurred in the Senate amendment to H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, by a yea-and-nay vote of 279 yeas to 143 nays, Roll No. 66. **Pages H1075–80**

H. Res. 93, the rule providing for consideration of the Senate amendment, was agreed to yesterday, February 16th.

**Full-Year Continuing Appropriations Act, 2011:** The House resumed consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011. Consideration is expected to resume tomorrow, February 18th. **Pages H1080–S1174**

Agreed to:

Walberg amendment (No. 196 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for the National Foundation on the Arts and the Humanities, National Endowment for the Arts, Grants and Administration by $20,594,000 (by a recorded vote of 217 ayes to 209 noes, Roll No. 68); **Page H1081**

Canseco amendment (No. 249 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for National Capital Arts and Cultural Affairs by $4,500,000 (by a recorded vote of 248 ayes to 177 noes, Roll No. 69); **Pages H1081–82**

Reed amendment (No. 381 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that eliminates the Presidio Trust Fund (by a recorded vote of 239 ayes to 186 noes, Roll No. 70); **Pages H1082–83**

McMorris Rodgers amendment (No. 276 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that increases IDEA state grants to FY 2010 levels and reduce school improvement grants and teacher quality grants by necessary amounts to fully offset outlays (by a recorded vote of 249 ayes to 179 noes, Roll No. 73); **Pages H1084–85**

Young (AK) amendment (No. 532 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that restores the education funding authority for Alaskan and Hawaiian Native Americans (by a recorded vote of 313 ayes to 117 noes, Roll No. 74); **Page H1085**

Weiner amendment (No. 100 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for the United States Institute of Peace by $42,676,000 (by

a recorded vote of 268 ayes to 163 noes, Roll No. 76); **Pages H1086–87**

Canseco amendment (No. 248 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for the East-West Center by $10,716,000 (by a recorded vote of 274 ayes to 155 noes, Roll No. 77); **Page H1087**

Lowey amendment (No. 334 printed in the Congressional Record of February 14, 2011) that prohibits the use of funds to be used to provide grants under the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) to more than 25 high-risk urban areas; **Pages H1102–03**

Cole amendment (No. 208 printed in the Congressional Record of February 14, 2011) that prohibits the use of funds to be used to carry out chapter 95 or chapter 96 of the Internal Revenue Code of 1986 (by a recorded vote of 247 ayes to 175 noes, Roll No. 81); **Pages H1138–39**

Price (NC) amendment (No. 514 printed in the Congressional Record of February 15, 2011) that prohibits the use of funds to be used to enforce the requirements in section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974; section 34(a)(1)(B) of such Act; section 34(c)(1) of such Act; section 34(c)(2) of such Act; and section 34(c)(4)(A) of such Act (by a recorded vote of 267 ayes to 159 noes with 1 voting "present", Roll No. 82); **Pages H1095–96 H1139**

Walden amendment (No. 404 printed in the Congressional Record of February 15, 2011) that prohibits the use of funds to be used to implement the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10–201, adopted by the Commission on December 21, 2010) (by a recorded vote of 244 ayes to 141 noes, Roll No. 83); **Pages H1096–H1102, H1139–40**

Lummis amendment (No. 195 printed in the Congressional Record of February 14, 2011) that prohibits the use of funds for the payment of fees and other expenses under section 504 of title 5, United States Code, or section 2412(d) of title 28, United States Code (by a recorded vote of 232 ayes to 197 noes, Roll No. 85); **Pages H1111–14, H1141–42**

Carter amendment (No. 165 printed in the Congressional Record of February 14, 2011) that prohibits funds from being used to implement, administer, or enforce the rule entitled "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants" published by the Environmental Protection Agency on September 9, 2010 (by a recorded vote of 250 ayes to 177 noes, Roll No. 86); **Pages H1115–21 H1142**

Scalise amendment (No. 204 printed in the Congressional Record of February 14, 2011) that prohibits funds from being used to pay the salaries and expenses for specified Federal agency positions and their offices (by a recorded vote of 249 ayes to 179 noes with 1 voting "present", Roll No. 87); **Pages H1121–25, H1142–43**

Fortenberry amendment (No. 424 printed in the Congressional Record of February 15, 2011) that prohibits the use of funds to provide any of the following types of assistance to Chad: international military education and training, foreign military financing, provision of excess defense articles, foreign military forces capacity assistance, and direct commercial sales of military equipment; and **(See next issue.)**

Hastings (FL) amendment (No. 23 printed in the Congressional Record of February 14, 2011) that increases, by offset, the amount made available for Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services by $42,000,000. **(See next issue.)**

Rejected:

Pompeo amendment (No. 85 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that sought to reduce funding for the Department of Agriculture, Forest Service, State and Private Forestry by $7,400,000 (by a recorded vote of 171 ayes to 256 noes, Roll No. 67); **Pages H1080–81**

Bass (NH) amendment (No. 565 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that sought to reduce funding for Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services by $98,000,000 (by a recorded vote of 104 ayes to 322 noes with 2 voting "present", Roll No. 71); **Page H1083**

Flake amendment (No. 457 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that sought to reduce funding for making payments under the Community Service Block Grant Act by $100,000,000 (by a recorded vote of 115 ayes to 316 noes, Roll No. 72); **Page H1084**

Price (GA) amendment (No. 410 printed in the Congressional Record of February 15, 2011) that was debated on February 16th that eliminates funding for the National Labor Relations Board (by a recorded vote of 176 ayes to 250 noes, Roll No. 75); **Page H1086**

Heller amendment (No. 29 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding under Title XI—State, Foreign Operations, and Related Programs by $211,244,700 (by a recorded vote of 190 ayes to 241 noes, Roll No. 78); (See next issue.)

Sessions amendment (No. 43 printed in the Congressional Record of February 14, 2011) that was debated on February 16th that reduces funding for Amtrak by $446,900,000 (by a recorded vote of 176 ayes to 250 noes, Roll No. 79); Pages H1088–95

Woolsey amendment (No. 189 printed in the Congressional Record of February 14, 2011) that sought to prohibit the use of funds available by division A of this Act to research, develop, test, evaluate, or procure any the following: (1) Expeditionary Fighting Vehicle; (2) V–22 Osprey aircraft (by a recorded vote of 91 ayes to 339 noes, Roll No. 80); Pages H1091–95, H1137–38

Camp amendment (No. 516 printed in the Congressional Record of February 15, 2011) that sought to prohibit funds from being used for the opening of the locks at the Thomas J. O'Brien Lock and Dam or the Chicago River Controlling Works (by a recorded vote of 137 ayes to 292 noes with 1 voting "present", Roll No. 84); Pages H1103–06, H1140

Frank (MA) amendment (No. 458 printed in the Congressional Record of February 15, 2011) that sought to reduce the amounts made available to the Department of the Treasury, Internal Revenue and the General Services Administration and to increase the amount made available to the Independent Agencies, Securities and Exchange Commission, Salaries and Expenses by $131,000,000 (by a recorded vote of 160 ayes to 270 noes, Roll No. 88); and Pages H1125–31, H1143

Holt amendment (No. 506 printed in the Congressional Record of February 15, 2011) that sought to reduce the amount made available for Department of the Treasury, Internal Revenue Service, Enforcement, and increase the amounts provided in section 1517(a) for transfer from the Federal Reserve to the Bureau of Consumer Financial Protection for activities authorized to be carried out by such Bureau under title X of the Dodd-Frank Wall Street Reform Consumer Protection Act (by a recorded vote of 163 ayes to 265 noes, Roll No. 89). Pages H1131–37, H1144

Withdrawn:

Fortenberry amendment (No. 483 printed in the Congressional Record of February 15, 2011) that was offered and subsequently withdrawn that would have prohibited the use of funds for, or in, sterilization campaigns. (See next issue.)

Point of Order sustained against:

Woolsey amendment (No. 413 printed in the Congressional Record of February 15, 2011) that sought to prohibit the use of funds in the Department of Defense overseas contingency operations budget for military operations in Afghanistan until the President seeks to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan; Page H1103

Eshoo amendment (No. 576 printed in the Congressional Record of February 15, 2011) that sought to prohibit the use of funds to enter into any contract with a corporation or other business entity that does not disclose its political contributions; Pages H1106–11

Lee amendment (No. 222 printed in the Congressional Record of February 14, 2011) that sought to prohibit the use of funds for any account of the Department of Defense (except Military personnel, reserve personnel, National Guard personnel, and the Defense Health Program account) in excess of the amount made available for such account for fiscal year 2010, unless the financial statements of the Department for fiscal year 2010 are validated as ready for audit within 180 days after the date of the enactment of this Act; and Pages H1114–15

Wasserman Schultz amendment (No. 211 printed in the Congressional Record of February 14, 2011) that sought to increase the amount made available to the Department of Justice, Office of Justice Programs, Justice Assistance for carrying out title I of the PROTECT Our Children Act of 2008 by $30,000,000. Page H1115

Proceedings Postponed:

McCollum amendment (No. 50 printed in the Congressional Record of February 14, 2011) that seeks to prohibit funds from being used for the Department of Defense sponsorship of NASCAR race cars; Pages H1144–45

Nadler amendment (No. 232 printed in the Congressional Record of February 14, 2011) that seeks to limit the use of funds for the United States military operations in Afghanistan to no more than $10,000,000,000; Pages H1145–49

Kline amendment (No. 214 printed in the Congressional Record of February 14, 2011) that seeks to prohibit funds for the use of the "Program Integrity: Gainful Employment-New Programs" section of the bill; Pages H1149–55

Pence amendment (No. 11 printed in the Congressional Record of February 14, 2011) that seeks to prohibit the use of funds for Planned Parenthood Federation of America, Inc.; Pages H1155–74

Young (AK) amendment (No. 533 printed in the Congressional Record of February 15, 2011) that seeks to prohibit the use of funds by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for

Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)); **(See next issue.)**

Nadler amendment (No. 524 printed in the Congressional Record of February 14, 2011) that seeks to prohibit the use of funds to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists; and **(See next issue.)**

Poe amendment (No. 466 printed in the Congressional Record of February 14, 2011) that seeks to prohibit the use of funds by the EPA to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of greenhouse gases. **(See next issue.)**

H. Res. 92, the rule providing for consideration of the bill, was agreed to on February 15th.

**Order of Procedure:** Agreed by unanimous consent that during further consideration of H.R. 1 in the Committee of the Whole pursuant to H. Res. 92, no further amendment to the bill may be offered except: (1) pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations for the purpose of debate; (2) amendments 8, 13, 19, 23, 38, 42, 46, 47, 48, 49, 51, 54, 55, 79, 80, 83, 88, 89, 94, 99, 101, 109, 117, 120, 126, 127, 137, 141, 144, 145, 146, 149, 151, 154, 159, 164, 166, 172, 174, 177, 185, 199, 200, 207, 216, 217, 233, 241, 246, 251, 255, 261, 263, 266, 267, 268, 274, 280, 281, 296, 323, 329, 330, 331, 333, 336, 342, 344, 345, 348, 367, 369, 377, 392, 396, 400, 401, 405, 408, 409, 414, 424, 429, 430, 439, 445, 448, 463, 464, 465, 467, 471, 480, 482, 483, 495, 496, 497, 498, 504, 507, 515, 519, 524, 525, 526, 533, 534, 536, 543, 548, 552, 560, 563, 566, 567, 569, 570, 577, 578, and 583; amendments 27, 278, 466, and 545, each of which shall be debatable for 20 minutes; amendments 104 and 540, each of which shall be debatable for 30 minutes; and amendment 273, which shall be debatable for 40 minutes; amendment 575, which shall be debatable for 60 minutes; and that each such printed amendment: (1) may be offered only by the Member who caused it to be printed in the Record, or a designee; (2) shall not be subject to amendment, except that the chair and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and (3) shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and that except as otherwise specified in this order, each printed amendment shall be debatable for 10 minutes, and all specified periods of debate shall be equally divided and controlled by the proponent and an opponent. **Pages H1174–75**

**NATO Parliamentary Assembly—Appointment:** The Chair announced the Speaker's appointment of the following Members of the House to the NATO Parliamentary Assembly: Representatives Ross (AR), Chandler, Scott (GA), and Schwartz. **(See next issue.)**

**Commission on Security and Cooperation in Europe—Appointment:** The Chair announced the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe: Representatives Hastings (FL), Slaughter, McIntyre, and Cohen. **(See next issue.)**

**Senate Message:** Message received from the Senate today appears on pages H1080 and H1162.

**Senate Referrals:** S. Con. Res. 6 was referred to the Committee on the Judiciary. **Page H1080**

**Quorum Calls—Votes:** One yea-and-nay vote and twenty-three recorded votes developed during the proceedings of today and appear on pages H1079–80, H1080–81, H1081, H1082, H1082–83, H1083, H1084, H1084–85, H1085, H1086, H1086–87, H1087, H1088, H1088–89, H1138, H1138–39, H1139, H1140, H1140–41, H1141, H1142, H1142–43, H1143 and H1144. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 1:10 a.m. on Friday, February 18th.

# *Committee Meetings*

## FARM ECONOMY STATE

*Committee on Agriculture:* Held a hearing to review the state of the farm economy. Testimony was heard from Tom Vilsack, Secretary of Agriculture.

## DEFENSE AUTHORIZATION—AIR FORCE

*Committee on Armed Services:* Held a hearing on the Fiscal Year 2012 national defense authorization budget request from the Department of the Air Force. Testimony was heard from the following officials of the U.S. Air Force, Department of Defense: Michael B. Donley, Secretary; and Gen. Norton A. Schwartz, Chief of Staff.

## CONSUMER PRODUCT SAFETY LAWS' BURDENS ON BUSINESS

*Committee on Energy and Commerce:* Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "A Review of CPSIA and CPSC Resources." Testimony was heard from the following Consumer Product Safety Commission officials: Inez Tenenbaum, Chairman; Anne Northrup, Commissioner; and public witnesses.

### MEDICAL DEVICE REGULATION

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled "Impact of Medical Device Regulation on Jobs and Patients." Testimony was heard from Jeffrey E. Shuren, M.D., Director, Center for Devices and Radiological Health, FDA; and public witnesses.

### FEDERAL RESERVE INTERCHANGE FEE PROPOSAL

*Committee on Financial Services:* Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "Understanding the Federal Reserve's Proposed Rule on Interchange Fees: Implications and Consequences of the Durbin Amendment." Testimony was heard from Sarah Bloom Raskin, Governor, Federal Reserve Board, Federal Reserve System; and public witnesses.

### LAWFUL ELECTRONIC SURVEILLANCE

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security hearing on the Going Dark: Lawful Electronic Surveillance in the Face of New Technologies. Testimony was heard from Valerie E. Caproni, General Counsel, FBI, Department of Justice; Chief Mark A. Marshall, President, International Association of Chiefs of Police; and a public witness.

### FEDERAL SPENDING BINGE

*Committee on Oversight and Government Reform:* Held a hearing on Waste and Abuse: The Refuse of the Federal Spending Binge. Testimony was heard from Senator McCaskill; Gene L. Dodaro, Comptroller General., GAO; and public witnesses.

### FEDERAL RESEARCH AND DEVELOPMENT BUDGET

*Committee on Science. Space, and Technology:* Held a hearing on an Overview of the Administration's Federal Research and Development Budget for Fiscal Year 2012. Testimony was heard from John P. Holdren, Director, Office of Science and Technology Policy.

### REHABILITATING AND IMPROVING THE NATION'S RAIL INFRASTRUCTURE

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads, Pipelines, and Hazardous Materials hearing on Sitting on Our Assets: Rehabilitating and Improving Our Nation's Rail Infrastructure. Testimony was heard from John D. Porcari, Deputy Secretary of Transportation; and public witnesses.

### VETERANS' AFFAIRS FY12 BUDGET REQUEST

*Committee on Veterans' Affairs:* Held a hearing on Department of Veterans Affairs Budget Request for Fiscal Year 2012. Testimony was heard from Eric K. Shinseki, Secretary of Veterans Affairs; and representatives of veterans organizations.

Prior to the hearing, the Committee met for organizational purposes.

### MISCELLANEOUS MEASURES

*Committee on Ways and Means:* Ordered reported the following bills: H.R. 4, Small Business Paperwork Mandate Elimination Act of 2011; and H.R. 705, amended, Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011.

### FY11 BUDGET OVERVIEW

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on FY 2011 Budget Overview.

## *Joint Meetings*

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 18, 2011

*(Committee meetings are open unless otherwise indicated)*

**Senate**

No meetings/hearings scheduled.

**House**

No committee meetings are scheduled.

*Next Meeting of the* **SENATE**

**2 p.m., Monday, February 28**

**Senate Chamber**

**Program for Monday:** Senator Isakson will deliver Washington's Farewell Address, to be followed by a period of morning business until 3:30. Following which, Senate will begin consideration of S. 23, Patent Reform Act. At 4:30 p.m., Senate will begin consideration of the nominations of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, and Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia, with a voice vote on confirmation of the nomination of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia, and a roll call vote on confirmation of the nomination of Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia, at approximately 5:30 p.m.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**9 a.m., Friday, February 18**

**House Chamber**

**Program for Friday:** Continue consideration of H.R. 1—Full-Year Continuing Appropriations Act, 2011.

## Extensions of Remarks, as inserted in this issue

HOUSE



**Congressional Record** The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.