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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 1, 2012.

I hereby appoint the Honorable CHIP CRAVAACK to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

GOVERNMENT PERSECUTION OF CATHOLIC CHRISTIANS IN AMERICA

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

Mr. POE of Texas. Mr. Speaker, we hear about religious persecution throughout the Third World, but there is an anti-religious movement right here in the United States. The Catholic Church is being persecuted by this government.

Our great country was founded on the principle of religious liberty. This right is in the First Amendment, and the provisions of the First Amendment are listed first because they are the most important. Yet, the administration is chipping away at this cornerstone of our society by violating the religious liberty of those who hold fast to certain positions of their faith, in particular, those of the Catholic Church.

The Department of Health and Human Services recently announced that religious organizations will be forced to provide their employees with medical insurance that covers free contraceptives and sterilizations.

While houses of worship are exempt, religiously affiliated organizations such as hospitals, universities, and charities are mandated to comply with this government edict. This goes against the basic tenets of the Catholic religion, as well as other faiths, Christian and non-Christian.

The administration believes that it's enough to give religious organizations 1 year's notice to comply with this government oppression. But there will never be enough time for the church to change its core principles.

Timothy Dolan, president of the United States Council of Catholic Bishops and New York archbishop, said it best: ''In effect, the President is saying we have a year to figure out how to violate our consciences.''

Mr. Speaker, religious principles are not negotiable. They are not to be subject to bullying by any government, especially ours. No government has the legal or moral right to target any religions and make them violate their religious conscience.

The administration is violating two provisions of the First Amendment: the free exercise of religion clause and the establishment of religion clause. The government is prohibiting the free exercise of religion because it is punishing Catholics for exercising their religious beliefs.

Government is also violating the establishment clause by establishing a government religion, statism, because government is establishing its own moral standard that must be complied with or else. Regardless of where Americans stand on the issues of contraception, sterilization, or the abortion pill, this government oppression should be alarming for those who believe the government should not punish religions or substitute a religious doctrine for citizens. The government should stay out of the business of persecuting religions.

This recent anti-religious mandate is completely unacceptable, but it is only one example in a long line of new government actions that disregard freedom of conscience and religious liberty. This comes on the heels of the administration's denial of a grant to the United States Council of Catholic Bishops to aid victims of human trafficking. Not only have they been awarded this grant in the past, but their application has received the highest quality score.

Mr. Speaker, this money is used to help victims from the scourge of human slavery. But the church was denied this grant because their religious convictions do not provide contraceptives or refer women to abortions. Apparently, under this administration, in order to aid victims, it is necessary for religious groups to violate their religious convictions.

These are only two of the most recent assaults by government, our government, on religious liberty and conscience. As soon as this administration came into office, a proposal was submitted to rescind conscience regulations for medical professionals. Protections for medical professionals who would not violate their conscience by distributing emergency contraceptives was rescinded. This was just a glimpse of what was to come in deliberate disregard for the First Amendment.

This administration's attack on religious liberty is a strike at the core principles of our Nation. Government

is putting basic freedoms in jeopardy and bruising the U.S. Constitution. No government should force its citizens to violate their religious beliefs.

Who would have thought that this Nation, founded on religious liberty, would now be engaged in religious persecution against certain citizens and against certain churches?

This ought not to be. But that's just the way it is.

AMERICANS KNOW CONGRESS IS BROKEN

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

Mr. BLUMENAUER. Mr. Speaker, Americans know that Congress is broken, paralyzed by hyperpartisanship, fierce ideology, and unwillingness to respond to widely understood problems with broadly supported solutions.

Why, at a time of growth and increasing diversity in America, does Congress not represent that change?

Well, part of the answer is that's not how we're elected. Increasingly, we come from districts that are not just red or blue, but the colors are brighter, the divisions deeper. How can this be?

The answer is to be found in hallways and back rooms of State capitals all all across America right now. After the census every 10 years, the great re-balancing occurs, to adjust legislative districts to changes in populations. Some States will win or lose congressional seats. Every district in the 43 States that have multi-Member districts will see some adjustment to balance out changes in population growth.

But not all voters are equal. Some are more, some are less inclined to support the party in power or to support a particular incumbent.

One thing that politicians can all agree upon is that their district should be safer, their party should be favored. The process of redistricting has been refined to a high art with the computer, very sophisticated survey research, a treasure trove of data on voter behavior. In short, the politicians are hard at work picking their voters in a way that will make it harder for voters, over the next 10 years, to pick their politicians.

Now, Exhibit A is a grotesque district that has been created in the State of North Carolina, District Four, currently represented by our colleague, Congressman DAVID PRICE, that looks like somebody had just taken an egg and thrown it at the blackboard. But this effort, where a 50/50 State that went for Obama, that has a Democratic Senator, a Democratic Governor, and a 7–6 advantage for Democrats in Congress now, has been at work with the Republicans and their legislature to try to turn it into a 10–3 advantage for Republicans going forward after the next election.

But I could have taken an example in Illinois, where there Democrats are sort of reverse engineering those districts to Democratic advantages.

There is a bright spot for years, and that has been Iowa, where the process has been driven by an independent agency that draws districts without partisan logrolling, and simply is referred to the legislature for an up-or-down vote.

This year, all four districts in Iowa are competitive. One even features two incumbent senior Members of Congress that are running against each other.

□ 1010

There are other bright spots in California and Arizona where voters have determined that there will be independent commissions. There is even some hope in Florida where there are more constraints on the politicians in the redistricting. But make no mistake, it is not just one party losing when another party takes unfair advantage. In truth, everybody loses.

There is less representative behavior in Congress. We have districts drawn without integrity. It is hard to represent people. It is hard for people to understand who is representing them, and it shatters local interests.

Most damaging, I think, is it just reveals a naked power grab that further undermines people's confidence in the political process. We shouldn't have to wait decades for reform at the State level. We saw in Arizona where Governor Brewer tried to fire the head of the independent redistricting commission because the commission produced some districts that were fair and competitive, not tilted partisan.

These reforms can actually be sabotaged. I'm proposing H.R. 3846 to establish a national independent redistricting commission headed by Statespeople, if you will, people who are appointed by legislative leadership like retired judges or former Presidents. These people would oversee a professional agency like they have in Iowa to make sure that we have national uniform standards that are fair, maybe even some competitive districts, and stop the political log rolling, to prepare a national set of maps that would be subjected to an up-or-down vote by Congress.

A lot of this seems beyond our control in the political process. This bill is something we could do to make the process better 10 years from now. I urge my colleagues to look at House bill 3846.

CHESTER A. ''CHET'' FOULKE

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

Mr. HECK. Mr. Speaker, I rise today to honor a great man, Chester A. ''Chet'' Foulke.

Chet was a member of the Greatest Generation, born on July 19, 1922, and God called him home on December 31, 2011.

Chet grew up in Quakertown, Pennsylvania, during the Great Depression of the 1930s. The hard times forced him to leave school after the 10th grade and to work in an aircraft plant near Philadelphia before the United States became involved in World War II.

He enlisted in the United States Marine Corps in September of 1943 and attended recruit training at Parris Island, South Carolina, and advanced training at Camp Pendleton, California, and Camp Tarawa, Hawaii, in preparation for one of the war's toughest battles, Iwo Jima.

As a demolition expert with Company C of the 5th Engineering Battalion, Chet fought on the front lines for 36 days. ''It was an awful battle the way we got slaughtered,'' he said during a 2006 interview. ''Some days you would make it 100 or 200 yards, some days 500 yards.'' Chet was at Mount Suribachi when the first U.S. flag went up. ''I was standing there looking up when that flag went up and tears ran down my face,'' he said in another interview. ''I was just so happy to see that flag that I knew they were not going to push us off or do away with us. I felt so happy.''

When the war ended, he was sent to Japan for 7 months of occupational duty before returning to the United States where he received his discharge from the Marine Corps in May of 1946 as a corporal.

He became a Nevadan when he moved to Las Vegas in 1972. In 1986, Chet helped found the Greater Nevada Detachment, No. 186, of the Marine Corps League where he served as commandant from 1992–1995 and then as chaplain for several years thereafter. He was greatly admired by members of the Marine Corps League for his bravery at Iwo Jima and his involvement in the Marine Corps League.

Mr. Foulke is survived by his wife of 29 years, Martha; his daughter, Mary; her husband, Ed; three stepsons, David, William and Jeffery; and several nieces and nephews. He will be greatly missed by all. Semper Fi.

TENETS OF FAITH

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Mr. Speaker, I came to this empty Chamber to discuss the issues of jobs and also the unemployment compensation extension, as well as taxes.

As I neared the well, I heard one of our esteemed Members condemning the President for persecuting religion in a very broad and general way and then later more specifically in talking about the Roman Catholic Church. It would seem to me in a place like the United States of America, which was actually formed on the basis of freedom of religion, that such a serious accusation against the President of these United States should not be to an empty Chamber.

This is such a serious allegation that it would seem to me that it requires

and demands a bipartisan view to see exactly what the churches' or religious leaders' complaints are because I have one, too; and that is, at a time when this country is facing a fiscal, as well as moral, obligation to the most vulnerable people among us, I see the battle between the haves and the have-nots, the 1 percent and the 99 percent.

I hear the disputes as to whether or not the capitalistic system is fair, but I always took the position that the capitalistic system is an invitation of how Americans and others can invest and make money; and the question of compassion, the question of taking care of your own, the question of illness and jobs and the social issues of today, that it was the Congress that had the responsibility to deal with that rather than to be condemning those who seek to get returns on their investments.

Having said that, let's take a look and see what issues are biblical, what issues are in the Mormon faith, the Muslim faith, the Buddhist faith, the Jewish faith, Protestant and Catholic. It seems to me that throughout every one of these texts, there are things that say that we have a responsibility as human beings and God-fearing people to protect the vulnerable. It is abundantly clear, even in the story about the Good Samaritan. It is also a mandate that when someone is sick that we have a responsibility to assist them.

Certainly, when we talk about Jesus Christ in Matthew where these wealthy people are attempting to get into Heaven and Jesus tells them he was hungry, thirsty, unclothed, in jail, and they didn't do anything to assist him and they said that they don't remember Jesus ever coming asking for anything. Then of course the international world-famous biblical expression is that it wasn't how you treated Jesus, the Son of God, but it was how you treated the lesser of our brothers and sisters.

I think everyone would agree that whether you want to accuse the President of being the food-stamp President or saying he wants to bring socialism to the United States, all of that rhetoric doesn't hide the fact that the poorest of the poor now are suffering more than the people that caused this fiscal crisis.

If we are going to do something about the deficit, we just can't say we've got to cut spending, especially when that spending is exactly for the people that the spiritual leaders have made vows to protect.

□ 1020

Oh, we don't call it the sick and the disabled and the uneducated, but we do call it Medicaid; we do call it Medicare; we do call it Social Security; we do call it education; and we do call it the ability to get a job so that a person can have not only the income for his family to be able to have the dignity and respect it deserves, but we also have to recognize that from an economic point of view, it is the people who are in the middle class who are slipping into poverty that makes the difference. I hope that people will give serious thought to the accusation.

CELEBRATING THE 100TH ANNIVERSARY OF THE GIRL SCOUTS OF THE USA

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the Girl Scouts of the USA, which will be celebrating its 100th anniversary on March 12, 2012.

For 100 years, the Girl Scouts have fostered an environment that has created generations of women with sound character and strong leadership skills. Founded by Juliette Gordon Low in Savannah, Georgia, the first troop consisted of just 18 Girl Scouts. Today, there are more than 3.7 million Girl Scouts and more than 100 councils across our Nation. Since its start, more than 50 million women have been a part of this extraordinary organization.

The Girl Scouts of America teaches young women the importance of leadership and of community service. This past Sunday, I proudly participated in Troop 21292's Girl Scout Gold Award ceremony in honoring seven young women from Bucks County, Pennsylvania. It pleases me to recognize these Girl Scouts for their exceptional accomplishment: Christine DiPierro, Catherine Silvernail, Charlotte Triebl, Emily Kraeck, Emily Nowalinski, Kimberly Wodzanowski, and Margaret Zelin. These young ladies exemplify courage, confidence, and character, and have made the world a better place, which has been the mission of the Girl Scouts of the USA for 100 years.

Mr. Speaker, on March 16, 1950, the United States Congress chartered the Girl Scouts of the USA. Today, as the Member of the United States Congress representing Pennsylvania's Eighth District, it is my privilege to congratulate the Girl Scouts of the USA as they commemorate 100 years of building girls of courage, confidence, and character who have truly made the world a better place. Best wishes for success in the next 100 years.

CATHOLIC SCHOOLS WEEK

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

Mr. LIPINSKI. Mr. Speaker, as a proud graduate of St. Symphorosa Grammar School and St. Ignatius College Prep, and as a strong supporter of Catholic education, I have again this year introduced a resolution in honor of Catholic Schools Week to highlight the contributions Catholic schools make, not only to the students who attend them, but to our entire Nation.

Since 1974, the National Catholic Educational Association and the United States Conference of Catholic Bishops have provided leadership in planning and organizing Catholic Schools Week. This year, it is celebrated from January 29 through February 5. The theme, ''Faith, Academics, Service,'' celebrates the broad educational experience Catholic school students receive. Catholic school students are not only focused on academic excellence but also on enriching the spiritual character and moral development of young Americans.

America's Catholic schools produce graduates with the skills and integrity needed by our businesses, governments, and communities, emphasizing a well-rounded education and instilling the values of giving back to the community and helping others. Nearly every Catholic school has a community service program, and their students volunteer half-a-million hours every year to their parishes and communities. My own decision to pursue a career in teaching and then in public service was fostered in part by the dedicated teachers throughout my years in Catholic schools.

Today, over 2 million elementary and secondary students are enrolled in nearly 7,000 Catholic schools, where these students typically excel. They surpass their peers in math, science, reading, history, and geography in NAEP tests. The graduation rate for Catholic high school students is 99 percent, and 85 percent of the graduates of these schools attend a 4-year college. As we continue to hear disturbing reports about our national test scores, these statistics are truly remarkable and should be commended.

Notably, the success of Catholic schools does not depend on selectivity. These academic achievements are realized by students from all walks of life. Catholic schools accept 9 out of every 10 students who apply, and are highly effective in providing a quality education to students from every socioeconomic group, especially disadvantaged youths in underserved urban communities. Over the past 30 years, the percentage of minority students enrolled in Catholic schools has more than doubled, and today they constitute almost one-third of all Catholic school students. In times of economic hardship, Catholic schools provide an affordable alternative to other forms of private education.

In addition to producing well-rounded students, Catholic schools save taxpayers billions of dollars each year by lowering the number of students in already overburdened public schools. It is estimated that taxpayers save over $1 billion from students attending Catholic schools in the Chicago area alone and approximately $20 billion nationwide. The importance of these savings is undeniable as we in Congress and as lawmakers across the country struggle with deficits.

I was born and raised and live in the Chicago Archdiocese, home to one of the most successful Catholic school

systems in the Nation, and my parish school at St. John of the Cross has one of the best schools in the archdiocese. Right next-door, the Joliet Diocese also has a thriving Catholic school system. The focus of this year's Catholic Schools Week, ''Faith, Academics, Service,'' reflects my own Catholic education. The knowledge, discipline, desire to serve, and love of learning it instilled in me enabled me to earn my doctorate and to become a teacher before being elected to Congress.

In recognizing Catholic Schools Week, we pay a special tribute to dedicated teachers and administrators who sacrifice so much, in most cases working for less than they could earn elsewhere. I have many fond memories of my teachers, including those of many nuns, who taught me the value of faith, learning, and service. Throughout the United States, millions of others have similar memories of dedicated sisters, priests, and lay teachers who gave their hearts and souls to their students.

This week, I had the honor of celebrating Catholic Schools Week at a number of schools, including St. Andrew School in Romeoville, Everest Academy in Lemont, St. Michael School in Orland Park, Cardinal Joseph Bernadine School in Orland Hills, and my alma mater, St. Symphorosa in Chicago. I also joined St. Linus School in Oak Lawn in celebrating, not only Catholic Schools Week, but also the school's prestigious Blue Ribbon award.

Mr. Speaker, I ask my colleagues to join me in supporting the outstanding education Catholic schools provide to Americans across the country as we celebrate Catholic Schools Week.

SUSAN G. KOMEN RACE FOR THE CURE

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

Ms. SPEIER. Mr. Speaker, today I rise quite saddened by the news that the Susan G. Komen Race for the Cure has made a political decision—a fine nonprofit that I have been associated with for years. I've run in the Susan G. Komen Race for the Cure. I've walked in the Race for the Cure. I have been the emcee of a number of events locally that they have held. So I have been a big booster of the Susan G. Komen organization. But not anymore.

Their announcement yesterday that they are no longer going to fund any organization that is being investigated by a Federal, State, or local body means that Planned Parenthood is no longer going to receive $600,000 a year. Now, ironically, yesterday, the Komen organization also announced, and with great concern in a statement, that the dismal rate of breast cancer screening with women who do not have insurance is something like 38.2 percent.

□ 1030

Last year, the Planned Parenthood organization was responsible for over 700,000—700,000—breast cancer screenings for women who are poor, for women who don't have insurance, for women who seek to get the health care they get through Planned Parenthood. So over the last 5 years, there have been 4 million breast cancer screenings by Planned Parenthood. Komen has funded about 170,000 of them through Planned Parenthood.

So what does this mean? Well, I guess it means that Susan G. Komen has decided to become a 501(c)(4), because no longer do they want to be providing nonprofits. They want to become a political advocacy group.

Last time I checked, we were all presumed innocent until proven guilty and we looked to investigations in the Federal judicial branch; we looked to investigations by the U.S. Attorney or the district attorney. Far be it from us to rely on the House of Representatives holding a hearing as being emblematic of justice, because oftentimes it's a political sandbox.

Now, this ostensible investigation is one that has been called on by Mr. STEARNS, who is the subcommittee chair of Energy and Commerce on Oversight. The hearing has never been held. So why would Susan G. Komen take the remarkable step of saying they are no longer going to fund Planned Parenthood?

I suppose when we review NIH and bring them under some investigation that they will stop funding NIH to the tune of a million dollars, or I suppose that when we have a pharmaceutical company that we bring to the Hill to ask them questions about a particular activity that they will stop accepting sponsor money from that particular pharmaceutical company.

All of you across this country that feel that Susan G. Komen should stick to what it knows, and that is breast cancer research, breast cancer screening, and support and promote those activities by organizations that do the research and do the screening, I ask you to call them at 1–877–465–6636 and tell them that you want them to stick to what they know.

Let's not make this a race to the political bottom.

POVERTY

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

Ms. LEE of California. Mr. Speaker, as the founder of the Congressional Out of Poverty Caucus, I rise today to continue talking about the tide of poverty sweeping across this country.

Americans who are struggling to find work cannot wait. Americans whose homes are underwater cannot wait, and the nearly 50 million Americans who are living in poverty cannot wait.

We must act, and we must act now to extend vital unemployment benefits and the temporary payroll tax reduction while our economy continues to recover. We should be coming together now to enact bold programs and policies that provide equal opportunity and equal access for every single American, no matter their race, no matter their employment status, and no matter their humble beginnings. Instead, Mr. Speaker, unfortunately, this Tea Party-led Congress continues to do nothing but distract from the real issues and waste the American people's time.

The Republican caucus failed to pass a single jobs bill last year, and by the looks of this week's calendar, it looks like they might be committed to doing more of the same. This Nation cannot afford any more of this do-nothing Tea Party Republican House. Instead of passing a jobs bill, Republicans in the House today are attacking American families in need.

This bill that's coming up today, H.R. 3567, is really a distasteful and misleading bill that tries to make it seem to like every low-income family is somehow criminal. Nothing could be further from the truth. Very few people want to qualify for welfare. They don't want to be distressed enough to meet these qualifications. This is the Temporary Assistance for Needy Families Act which is being attacked today. That's what it's called today. Actually, it's called TANF.

TANF recipients are struggling through the most difficult time of their lives, and they want nothing more than a good job to support their families. This bill that's coming up again today is really a sad attempt to re-create the Ronald Reagan era about the Cadillac-driving welfare queen. It wasn't true then nor is it true today. TANF benefits did not pay for Cadillacs to fund lavish lifestyles.

Mr. Speaker, as a single young mother who once relied on food stamps and public assistance during a very difficult period, I'm really appalled to see Republican politicians attack these families just because they are facing hard times and need a helping hand. TANF benefits keep children in homes and in schools. They keep American families from suffering abject poverty.

What we should be doing is helping these families by creating jobs, by removing these obstacles and barriers, and we should be helping them to reignite the American Dream, not insulting them, which is what this bill does. This Congress should be working together to create more opportunity for the long-term unemployed and the millions of Americans suffering in poverty.

We should at least extend unemployment benefits for the chronically unemployed who have hit the 99-week limit, can't apply anymore because they are ineligible, and we should be voting, for example, for the bill, which Congressman SCOTT of Virginia and myself have written to help those looking for a job and who can't find a job. We have to remember now that there is only one job for every four individuals looking for a job.

But, unfortunately, instead of working together to make economic justice a reality for every American, this Republican Tea Party will waste another year without a jobs bill, without extending any help to the millions of Americans in need, and without helping American retirees.

So we should be putting our Nation before our party. Americans can't wait and neither should this Congress.

RECESS

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

Accordingly (at 10 o'clock and 36 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Karen Hallett, United States Army, New Windsor, New York, offered the following prayer:

Reading from the book of Exodus, Moses said to the Lord, ''You have been telling me, 'Lead these people,' but You have not let me know whom You will send with me . . . If You are pleased with me, teach me Your ways so I may know You and continue to find favor with You. Remember that this nation is Your people.''

The Lord replied, ''My presence will go with you, and I will give you rest.''

Then Moses said to him, ''If Your presence does not go with us, do not send us up from here. How will anyone know that You are pleased with me and with Your people unless You go with us? What else will distinguish me and Your people from all the other people on the face of the Earth?''

And the Lord said to Moses, ''I will do the very thing you ask because I am pleased with you and I know you by name.''

Then Moses said, ''Now show me Your glory.''

And this, O Lord, is our prayer:

We do not come seeking Your blessing. Today, Lord, we come seeking You. We invite You to truly be present with us here today. Show us Your glory, Lord, that we might be changed and set apart upon the Earth once again as a people of faith, a Nation that knows You. Make Your face to shine upon us that we might reflect Your grace. And grant us Your peace we pray.

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 Indiana (Mr. BUCSHON) come forward and lead the House in the Pledge of Allegiance.

Mr. BUCSHON 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.

WELCOMING REVEREND KAREN HALLETT

The SPEAKER. Without objection, the gentleman from New Jersey (Mr. GARRETT) is recognized for 1 minute.

Mr. GARRETT. Mr. Speaker, I thank the words of the chaplain who says may we indeed know the Lord.

Mr. Speaker, I rise today to recognize Chaplain Karen Hallett on her selection as the 2012 Reserve Officers Association Chaplain of the Year. She is a resident of Vernon, New Jersey, which is a part of the Fifth Congressional District.

The chaplain enlisted in the Army in 1983 and completed basic combat training at Fort Dix, New Jersey. She went on from there to graduate from West Point and was commissioned as a second lieutenant in the United States Army Ordnance Corps in 1988.

After that and after fulfilling her enlistment obligations, she spent 18 years in the civilian sector, successfully managing businesses while remaining engaged in full-time ministry. In 2009, after completing her master's of divinity degree at Bethel Seminary, she returned to military service as a captain in the United States Army Reserves. She currently serves as a brigade chaplain for the 411th Engineer Brigade.

Throughout her more than 20 years of ministerial service and missionary work, and now through her military service to our country, she has dedicated herself to ministering to the spiritual needs of others. It is her selflessness and her service that exemplify the mandate to esteem others better than ourselves.

I thank her for her service. I congratulate her on receiving this recognition as Chaplain of the Year.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER. The Chair announces the Speaker's appointment pursuant to 10 U.S.C. 4355(a) and the order of the House of January 5, 2011, of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. SHIMKUS, Illinois

Mr. WOMACK, Arkansas

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, January 27, 2012:

H.R. 3800, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes;

H.R. 3801, to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

PRESIDENT'S DEFENSE STRATEGY ENDANGERS NATIONAL DEFENSE

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

Mr. WILSON of South Carolina. Mr. Speaker, Baker Spring of the prestigious Heritage Foundation recently warned:

''It is clear that the fiscal year 2013 defense budget will not provide the U.S. military with the resources it needs. Even more problematic is that all reductions to the defense budget are front-loaded, and, therefore will have significant and immediate implication for readiness, modernization programs, and research and development.''

Our servicemembers, their families, and veterans have dedicated their lives to this country. House Republicans understand that in order to keep American families safe, we must fight to stop these reductions. I look forward to working with House Armed Services Committee Chairman BUCK MCKEON to find ways to promote the proven path of peace through strength.

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

Welcome Episcopal Father Carroll McGee of West Columbia to Washington for the National Prayer Breakfast.

ANNIVERSARY OF ARMENIAN POGROMS

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

Ms. CHU. Between 1988 and 1990, the Armenian population was the target of racially motivated pogroms in Azerbaijan. Hundreds of Armenians were murdered and more wounded during three violent attacks in Sumgait, Kirovabad, and Baku.

Though the ethnic cleansing programs occurred over 20 years ago, they were atrocious acts of cruelty. We cannot forget them.

I worry the sentiments that sparked this violence still remain in the Nagorno-Karabakh. Just last month, Azerbaijan began buying up weapons to regain control of the region. The President of Azerbaijan declared this is, ''not a frozen conflict, and it's not going to be one.''

America must remain committed to a peaceful and democratic resolution to the Nagorno-Karabakh conflict, not one that relives the past.

□ 1210

AUTO MANUFACTURING RETURNS TO INDIANA'S EIGHTH DISTRICT

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

Mr. BUCSHON. Madam Speaker, I rise today to commemorate some great news for manufacturing in Indiana's Eighth Congressional District, my home. On January 17, the 3 millionth vehicle rolled off the line at the Toyota Motor Manufacturing plant in Princeton, Indiana. Approximately 80 percent of the parts for these vehicles were made here in America within a 300-mile radius of the plant. These vehicles are then shipped and sold both across this country and around the world thanks to the free trade agreements that Congress passed this year.

This plant began operations in 1996 and employs 4,149 people. I had the pleasure of meeting many of the Princeton team members last February, and I want to commend each of these employees for their hard work and dedication. I congratulate them on a job well done. I have no doubts that it won't be long until we celebrate another millionth vehicle made right here in the U.S.A. in my district in Indiana.

STOP PUTTING POLITICS OVER PEOPLE

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

Mr. CONNOLLY of Virginia. Madam Speaker, for those who believe in the Mayan end of days and the prophecy of the end of the world in 2012, the fact that our Republican friends have finally met a tax cut they don't like surely must be a sign of the apocalypse. Republicans fought tooth and nail opposing the middle class tax cut, only relenting at the 11th hour to a 2-month extension. But in the more than 40 days since then, they've ignored almost every attempt to enact a full-year extension. Why?

Perhaps because it's primarily a middle class tax cut, saving 160 million Americans almost an average of $1,000 a year. Perhaps it's because President Obama proposed it, and in an election year, they'd rather defeat the President than, in fact, support initiatives designed to help the American people. Whatever the reason, Republican opposition, once again, threatens to raise taxes on millions of Americans, deny unemployment insurance to 2.3 million Americans, and risk Medicare access for 48 million Americans.

It's long past time the Republicans stopped putting politics over people and instead extend those tax cuts for 160 million fellow citizens without making Americans wait until judgment day.

FEDERAL PAY FREEZE

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

Mr. CHAFFETZ. Madam Speaker, the numbers are in. Once again, the Federal Government is going to achieve an annual deficit of more than $1 trillion.

Now, how much is $1 trillion? Because we throw around that number far too often. If you spend $1 million a day every day, it would take you almost 3,000 years to get to $1 trillion, and our Federal Government is approaching $16 trillion in debt. We're spending more than $733 million a day as just interest on the debt.

We have to change the trajectory. We can no longer borrow and spend the kind of money that we are. Please, ladies and gentlemen, we have to have systemic changes; and one of those things that we're going to talk about today is putting a freeze on pay.

We have to understand that there are a lot of good Federal employees out there doing great, great work, but your Federal Government has more than 450,000 people earning a base pay of at least $100,000. These are going to have to change.

THE STOCK ACT

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

Mrs. CAPPS. Madam Speaker, I rise today to urge the Republican leadership of the House to bring the STOCK Act to the floor. This commonsense legislation would ensure that Members of Congress and their staffs are not able to profit from nonpublic information obtained through their official duties. President Obama has called on Congress to pass this bill, and it has even advanced in the Senate this week with 93 ''yes'' votes. Meanwhile, the House has not acted on the bill, and a markup on it in December was quashed by the Republican leadership.

Madam Speaker, Members of Congress need to play by the same rules as everyone else, and our constituents need to have confidence that is the case. Right now, they don't have a lot of confidence in Congress on anything. Congressional approval ratings are at record lows, and reports that Members could possibly profit from nonpublic information is no doubt one more reason for that. Now we can take a step to address this gap by enacting the STOCK Act.

Madam Speaker, this is the people's House, and the American people deserve to know that the men and women they send here are working for them.

VALENTINES FOR VETERANS

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

Mr. SAM JOHNSON of Texas. Every February, Americans across the country open their hearts to the country's hospitalized veterans by sending valentine cards to VA medical centers in conjunction with the National Salute to Hospitalized Veterans Week.

For several years, students in our Third District of Texas have participated in the annual Valentines for Veterans program as a creative way to thank our brave men and women in uniform for something we love so much—our freedom. Last year, 19 area schools in our district participated, and this year, I encourage all our schools, families, and businesses to take part in making this day special for our Nation's veterans.

Every year, I look forward to delivering these cards to the veterans at the Dallas VA Medical Center, showing them a Texas-size thank you from our schoolkids. You should see the look in their eyes when they read, our veterans, words of appreciation. After all, they are the true reason we remain the land of the free and the home of the brave.

COMMEMORATING THE 100TH ANNIVERSARY OF THE NEWPORT ART MUSEUM

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

Mr. CICILLINE. Madam Speaker, I rise to commemorate the 100th anniversary of the founding of the Newport Art Museum and Art Association.

Founded in 1912 for the purpose of promoting and exhibiting fine arts and fostering art education within the community, the Newport Art Museum continues to enhance community life as a shared place for the arts and culture.

One hundred years after its founding, the Newport Art Museum is, without question, one of our great museums. The museum has received full accreditation from the American Association of Museums, the highest national recognition of a museum's commitment to accountability, public service, professional museum standards, and excellence in education and stewardship.

This valuable community resource inspires passion for the arts in diverse

audiences in Rhode Island and other localities through exhibitions and collections, arts education, historic preservation, and arts and cultural programming.

It's a true honor to recognize the 100th anniversary of the founding of the Newport Art Museum.

MORE PROOF WE CAN'T TAX OUR WAY TO PROSPERITY

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

Mr. HULTGREN. Madam Speaker, a recent report from a respected Illinois think tank found that within 5 years the State of Illinois will have amassed an incredible $34.8 billion in unpaid bills. This, of course, comes only 1 year after an allegedly temporary tax hike that they were told would help restore the State to fiscal health, but instead has made the State's economy much worse.

Yesterday, the CBO reported that, for the 4th consecutive year, the Federal budget deficit will once again exceed $1 trillion. This is a mind-boggling number, and it underlines the need for serious fiscal reforms such as the Cut, Cap, and Balance Act that we passed last year.

But, Madam Speaker, I'd like everyone in this Chamber to learn a lesson from my home State of Illinois. We need to learn from the mistakes that they've made. Despite what some people here believe, we can never tax our way to prosperity. Let's heed the warning of the Land of Lincoln and make the tough decisions to break Washington's spending addiction.

RESTORE UNEMPLOYMENT BENEFITS

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

Ms. EDWARDS. Madam Speaker, with another deadline approaching, we're reminded again of the debacle that was the end of the last session when Members on the other side stood in the way of extending tax cuts for 160 million Americans and unemployment benefits for millions more. This is really unacceptable.

Madam Speaker, I want to share with you the sentiments of Mary Hill of Maryland. I received a letter from her this week. She's a single mother. She's a construction worker, and she's a member of Laborers' Local 657. She writes to me that she's been out of work for most of the last 3 years. In her first year here, she writes:

I went through all my savings as well as my children's savings. I went from visions of having my skills, education, vocation, certifications, and ethics embraced to receiving food stamps, a medical card, and watching my unemployment run out. I want to work. I need to work. I work every day as a volunteer organizer. My passion is for myself and others to achieve and live the American Dream. Hard work should be rewarded, and it is rewarding. Nevertheless, my rent is due. I owe credit cards and a student loan. I thought I would own a house by now.

Madam Speaker, we have to restore unemployment benefits for millions of Americans like Mary Hill.

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TIME FOR THE SENATE TO GET TO WORK

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

Ms. FOXX. Madam Speaker, the American people are rightfully fed up. The Obama Presidency has meant only more power for Washington and more debt for our children and grandchildren, while the Obama economy produces only less confidence for job creators and too few jobs for Americans.

When it comes to fostering job growth, the difference between House Republicans and Senate Democrats for more than a year now has been the difference between action and inaction. Following the House Republican Plan for America's Job Creators, the House has already passed more than 30 bipartisan jobs bills to restore the freedom and confidence of our Nation's job creators to do their job. Unfortunately, 27 of these bipartisan jobs bills are still being ignored or blocked in the do-nothing Democrat Senate.

It's time for Washington Democrats to join our fight to put Americans back to work and get to work enacting those jobs bills.

CALLING ON GOVERNMENT OF VIETNAM TO RESPECT FREEDOM OF EXPRESSION

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, we can see that Vietnam's communist government's escalation of crackdowns has targeted the voices of the conscience such as Paulus Le Son and many other Vietnamese patriots for exercising their rights of free speech and expression.

Recently, I received disturbing reports that another youth activist and Vietnamese songwriter, Viet Khang Tri Minh Vo, was detained and imprisoned by the Vietnamese police and government. Viet Khang's songs question the conscience of the Vietnam police, who have brutally assaulted and arrested demonstrators at peaceful gatherings. It is time for the Government of Vietnam to respect the freedom of expression through the arts and stop these arbitrary arrests and recognize the basic human rights of the individual.

I urge my colleagues to cosponsor House Resolution 484, calling on the Vietnamese Government to cease the abuse of vague national security provisions in the Vietnamese penal code, which are used to justify the detention and the abuse of their own citizens.

MEDICAL AND CANCER RESEARCH

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

Mr. HIGGINS. Madam Speaker, earlier this week I had the opportunity to participate in a roundtable discussion in western New York on innovations in health care. Health and Human Services Deputy Secretary Bill Corr was in attendance, as were many innovation leaders from my community. My community of Buffalo and western New York has been a real leader in embracing health care innovations to promote the efficient and cost-effective delivery of quality health care services.

Buffalo was the Nation's largest recipient of the Federal Government's Beacon Grant for comprehensive integration of electronic medical records. Buffalo's Roswell Park Cancer Institute, the Nation's first comprehensive cancer center, was recently designated to conduct clinical trials for promising new therapies using vaccines to bolster the body's immune system to fight cancer. The successful result of this clinical trial could fundamentally change the science of cancer research and treatment.

Innovation in health care must be sustained by the Federal Government. Today, the National Institutes of Health rejects nine of 10 applications for promising research due to lack of funding. Ten years ago, 25 percent of the National Cancer Institute's research grants were funded; today, it's 8 percent. The only failure in cancer research is when you quit or you're forced to quit because of lack of funding.

Mr. Speaker, I urge my colleagues to support fully cancer funding.

EXTEND THE AMERICAN DREAM

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

Ms. JACKSON LEE of Texas. Madam Speaker, I continue to wear a yellow ribbon to remind us of the wonderful troops who were able to come home finally from Iraq.

I want to congratulate the city of St. Louis that introduced and held the first Welcome Home the Troops from Iraq parade on January 28. I look forward to communities around this Nation raising up their voices to say thank you to those who worked and dedicated their lives and their commitment to the freedom of this country. That's why, Madam Speaker, it's so important that we do our work. Not a

minute should we wait to pass the payroll tax extension, unemployment extension, and the ability of our seniors to see their doctors with the Medicare fix for our doctors.

What we say to our soldiers by welcoming them home is all in our acts and our deeds, how we treat their relatives, their friends, and extended family members and community. It's time for Congress to wait not one minute to extend the American Dream to all and provide this benefit to those who are in need.

STOP CUTS IN PUBLIC SPENDING

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

Mr. MORAN. Madam Speaker, this is a wealthy country. Corporate profits are at record highs. By the end of last year, the private sector was expanding at a healthy 4.5 percent annualized pace. But why, then, wasn't economic growth in the most recent quarter even better than the 2.8 percent that the Commerce Department reported last week? As David Leonhardt of The New York Times explains, the answer is because the economy is the combination of the private and public sectors. The public sector has been shrinking for the last 1½ years because of cuts in State and local governments and some Federal cuts, especially to the military.

In the fourth-quarter government shrank at an annual rate of 4.5 percent. Over the last 2 years, the private sector grew at an average annual rate of 3.2 percent while the government shrank at an annual rate of 1.4, and the combined result was that economic growth was 2.3%. That's a lot of numbers. But the fact is economic growth and employment growth would have been significantly stronger over the last 2 years without those government cuts.

And that's why we shouldn't be continuing to discourage Federal employment by continuing to freeze their pay, as the majority wants to do today. And it's why we shouldn't be letting unemployment benefits expire for 6 million people. It's why we should let the Bush tax cuts expire. It's a far better alternative than cutting trillions of dollars more in public spending.

IS GOVERNMENT REALLY THE SOURCE OF ALL OUR PROBLEMS?

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

Mr. YARMUTH. You know, we've heard for many years now from the other side the notion that government is the source of all of our problems, government never does anything right, it ought to stop regulating and get out of the way of a very free and open society.

Well, the authors of a new book called ''Gardens of Democracy'' have a compelling and undeniable point to make. They write: ''There is not a stable, prosperous society on Earth without activist government, extensive regulation, and high, progressive taxation. If less were always better, then the least regulated economies would be the most successful economies. The opposite is true. If minimalist government worked, Somalia would be rich, stable and secure, and Canada would be a hellhole; Afghanistan would be a coveted destination, and Denmark would be like a leper colony.''

Now, to be fair, the authors say that our government is often too slow to react, it has all the answers, and it needs to be more flexible and more effective. We all agree with that. What we need to do is find a way to create a government that is efficient, that sets the right direction for our country, and then lets the innovative spirit of this country take hold and find the answers to our problems.

GETTING AMERICA BACK TO WORK

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

Mr. RANGEL. Recently, the President of the United States indicated that he will be sending legislation to the Congress in order to get America back to work. He also indicated that he would use the powers of the executive branch where there was no cooperation from the Congress in what he was trying to do. There's an old African saying, that is, when two elephants fight, only the grass gets hurt. I would certainly hope that the leadership in the House and the Senate take the President up on some of the offers that he has made to educate our young people, to make certain that those people that are about to lose their homes are able to keep them, and to see that we get the type of incentives from manufacturers to have jobs here rather than overseas.

I am certain that those people who watched the Republican debates were missing one thing, and that is jobs. America wants to get back to work. It wants its dignity, it wants its kids to be able to get an education, and it wants to restore the middle class.

CONFERENCE REPORT ON H.R. 658, FAA REAUTHORIZATION AND REFORM ACT OF 2012

Mr. MICA submitted the following conference report and statement on the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes:

CONFERENCE REPORT (H. REPT. 112–381)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658), to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Modernization and Reform Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended to read as follows:

''§ 48103. Airport planning and development and noise compatibility planning and programs

''(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c) $3,350,000,000 for each of fiscal years 2012 through 2015.

''(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended in the matter preceding paragraph (1) by striking ''After'' and all the follows before ''the Secretary'' and inserting ''After September 30, 2015,''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (8) and inserting the following:

''(1) $2,731,000,000 for fiscal year 2012.
''(2) $2,715,000,000 for fiscal year 2013.
''(3) $2,730,000,000 for fiscal year 2014.
''(4) $2,730,000,000 for fiscal year 2015.''.

(b) SET-ASIDES.—Section 48101 is amended—

(1) by striking subsections (c), (d), (e), (h), and (i); and

(2) by redesignating subsections (f) and (g) as subsections (c) and (d), respectively.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (H) and inserting the following:

''(A) $9,653,000,000 for fiscal year 2012;
''(B) $9,539,000,000 for fiscal year 2013;
''(C) $9,596,000,000 for fiscal year 2014; and
''(D) $9,653,000,000 for fiscal year 2015.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A), (B), (C), and (D);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively; and

(3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2012 through 2015''.

(c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k) is amended by adding at the end the following:

''(3) ADMINISTERING PROGRAM WITHIN AVAILABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2012 through 2015, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1).''.

SEC. 104. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year pursuant to sections 48101, 48102, 48103, and 106(k) shall—

''(i) in fiscal year 2013, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(ii) in fiscal year 2014 and each fiscal year thereafter, be equal to the sum of—

''(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for the aviation investment programs listed in subsection (b)(1).''.

(b) TECHNICAL CORRECTION.—Section 48114(a)(1)(B) is amended by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

(c) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking ''2007'' and inserting ''2015''.

(d) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking ''LEVEL'' and inserting ''ESTIMATED LEVEL''; and

(2) by striking ''level of receipts plus interest'' and inserting ''estimated level of receipts plus interest''.

(e) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2007'' and inserting ''2015''.

SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) in paragraph (3) by striking ''and'' after the semicolon;

(2) in paragraph (4)(B) by striking ''defense.'' and inserting ''defense; and''; and

(3) by adding at the end the following:

''(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a).''.

Subtitle B—Passenger Facility Charges

SEC. 111. PASSENGER FACILITY CHARGES.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

''(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.''.

(b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking ''**fees**'' and inserting ''**charges**'';

(B) in the heading for subsection (e) by striking ''FEES'' and inserting ''CHARGES'';

(C) in the heading for subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(D) in the heading for paragraph (5) of subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(E) in the heading for subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(F) in the heading for paragraph (1) of subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(G) by striking ''fee'' each place it appears (other than the second sentence of subsection (g)(4)) and inserting ''charge''; and

(H) by striking ''fees'' each place it appears and inserting ''charges''.

(2) OTHER REFERENCES.—

(A) Subtitle VII is amended by striking ''fee'' and inserting ''charge'' each place it appears in each of the following sections:

(i) Section 47106(f)(1).
(ii) Section 47110(e)(5).
(iii) Section 47114(f).
(iv) Section 47134(g)(1).
(v) Section 47139(b).
(vi) Section 47521.
(vii) Section 47524(e).
(viii) Section 47526(2).

(B) Section 47521(5) is amended by striking ''fees'' and inserting ''charges''.

(3) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges.''.

SEC. 112. GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of alternative means of collecting passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In conducting the study, the Comptroller General shall consider, at a minimum—

(1) collection options for arriving, connecting, and departing passengers at airports;

(2) cost sharing or allocation methods based on passenger travel to address connecting traffic; and

(3) examples of airport charges collected by domestic and international airports that are not included in ticket prices.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

SEC. 113. QUALIFICATIONS-BASED SELECTION.

It is the sense of Congress that airports should consider the use of qualifications-based selection in carrying out capital improvement projects funded using passenger facility charges collected under section 40117 of title 49, United States Code, with the goal of serving the needs of all stakeholders.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

''(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered.

''(2) SERVICES FOR WHICH COSTS MAY BE RECOVERED.—Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.

''(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review:

''(A) The establishment or adjustment of a fee by the Administrator under this section.

''(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.

''(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.

''(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(5) COSTS DEFINED.—In this subsection, the term 'costs' includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services.''.

(b) ADJUSTMENT OF FEES.—Section 45301 is amended by adding at the end the following:

''(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.''.

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

''§ 45305. Registration, certification, and related fees

''(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:

''(1) Registering an aircraft.

''(2) Reregistering, replacing, or renewing an aircraft registration certificate.

''(3) Issuing an original dealer's aircraft registration certificate.

''(4) Issuing an additional dealer's aircraft registration certificate (other than the original).

''(5) Issuing a special registration number.

''(6) Issuing a renewal of a special registration number reservation.

''(7) Recording a security interest in an aircraft or aircraft part.

''(8) Issuing an airman certificate.

''(9) Issuing a replacement airman certificate.

''(10) Issuing an airman medical certificate.

''(11) Providing a legal opinion pertaining to aircraft registration or recordation.

''(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

''(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and

''(C) remain available until expended.

''(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

''(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

''45305. Registration, certification, and related fees.''.

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking ''A fee'' and inserting the following:

''(1) IN GENERAL.—A fee''; and

(2) by adding at the end the following:

''(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.''.

Subtitle D—Airport Improvement Program Modifications

SEC. 131. AIRPORT MASTER PLANS.

Section 47101(g)(2) is amended—

(1) in subparagraph (B) by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) consider passenger convenience, airport ground access, and access to airport facilities; and''.

SEC. 132. AIP DEFINITIONS.

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking ''20'' and inserting ''9'';

(2) in subparagraph (G) by inserting ''and including acquiring glycol recovery vehicles,'' after ''aircraft,''; and

(3) by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

''(N) terminal development under section 47119(a).

''(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, nonexclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.''.

(b) AIRPORT PLANNING.—Section 47102(5) is amended to read as follows:

''(5) 'airport planning' means planning as defined by regulations the Secretary prescribes and includes—

''(A) integrated airport system planning;

''(B) developing an environmental management system; and

''(C) developing a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

''(A) does not have scheduled service; or

''(B) has scheduled service with less than 2,500 passenger boardings each year.''.

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

''(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.''.

(e) TERMINAL DEVELOPMENT.—Section 47102 (as amended by subsection (c) of this section) is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

''(i) an airport passenger terminal building, including terminal gates;

''(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

''(iii) walkways that lead directly to or from an airport passenger terminal building; and

''(B) the cost of a vehicle described in section 47119(a)(1)(B).''.

SEC. 133. RECYCLING PLANS FOR AIRPORTS.

Section 47106(a) is amended—

(1) in paragraph (4) by striking ''and'' at the end;

(2) in paragraph (5) by striking ''proposed.'' and inserting ''proposed; and''; and

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses issues relating to solid waste recycling at the airport, including—

''(A) the feasibility of solid waste recycling at the airport;

''(B) minimizing the generation of solid waste at the airport;

''(C) operation and maintenance requirements;

''(D) the review of waste management contracts; and

''(E) the potential for cost savings or the generation of revenue.''.

SEC. 134. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking ''patterns of air service,'';

(2) by inserting ''and'' before ''whether''; and

(3) by striking '', and airfare levels'' and all that follows before the period.

SEC. 135. GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: '', except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)''.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''purpose—'' and inserting ''purpose (including land serving as a noise buffer either by being undeveloped or developed in a way that is compatible with using the land for noise buffering purposes)—'';

(ii) in clause (iii) by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''; and

(B) in subparagraph (B)(iii) by striking ''reinvested, on application'' and all that follows before the period at the end and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

''(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(A)(iii) or (2)(B)(iii), the Secretary shall give preference, in descending order, to the following actions:

''(A) Reinvestment in an approved noise compatibility project.

''(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

''(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

''(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.

''(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986.

''(5)(A) A lease at fair market value 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 an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

''(C) The Secretary 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 enactment of this paragraph.''.

SEC. 136. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

''(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to or near the airport access to the airfield of the airport for the following:

''(A) Aircraft of the person.

''(B) Aircraft authorized by the person.

''(2) THROUGH-THE-FENCE AGREEMENTS.—

''(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor's relationship with the property owner.

''(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall require the property owner, at minimum—

''(i) to pay airport access charges that, as determined by the airport sponsor, are comparable to those charged to tenants and operators on-airport making similar use of the airport;

''(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to or near the airport access to the airfield of the airport;

''(iii) to maintain the property for residential, noncommercial use for the duration of the agreement;

''(iv) to prohibit access to the airport from other properties through the property of the property owner; and

''(v) to prohibit any aircraft refueling from occurring on the property.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner (or an association representing such property owner) entered into before, on, or after the date of enactment of this Act.

SEC. 137. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking ''provided in subsection (b) or subsection (c) of this section'' and inserting ''otherwise provided in this section''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years after such change in hub status.

''(f) SPECIAL RULE FOR ECONOMICALLY DISTRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

''(1) is receiving essential air service for which compensation was provided to an air carrier under subchapter II of chapter 417; and

''(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.''.

SEC. 138. 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 because the airport has a shortened construction season due to climactic conditions in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

''(iv) the sponsor has an alternative funding source available to fund the project; and

''(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

(b) INCLUSION OF MEASURES TO IMPROVE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.—Section 47110(b) is amended—

(1) in paragraph (5) by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) if the cost is incurred on a measure to improve the efficiency of an airport building (such as a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13))) and—

''(A) the measure is for a project for airport development;

''(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and

''(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.''.

(c) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''.

(d) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting ''construction'' before ''costs of revenue producing''; and

(2) by striking '', including fuel farms and hangars,''.

(e) BIRD-DETECTING RADAR SYSTEMS.—Section 47110 is amended by adding at the end the following:

''(i) BIRD-DETECTING RADAR SYSTEMS.—The Administrator of the Federal Aviation Administration, upon the conclusion of all planned research by the Administration regarding avian radar systems, shall—

''(1) update Advisory Circular No. 150/5220–25 to specify which systems have been studied; and

''(2) within 180 days after such research is concluded, issue a final report on the use of avian radar systems in the national airspace system.''.

SEC. 139. VETERANS' PREFERENCE.

Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking ''separated from'' and inserting ''discharged or released from active duty in''; and

(B) by adding at the end the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presidential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.

''(D) 'Persian Gulf veteran' means an individual who served on active duty in the armed forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions.''; and

(2) in paragraph (2) by striking ''Vietnam-era veterans and disabled veterans'' and inserting ''Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans''.

SEC. 140. MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.

(a) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These continuing barriers merit the continuation of the airport disadvantaged business enterprise program.

(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This testimony and documentation shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport-related business in the public and private markets.

(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.

(b) STANDARDIZING CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.—Section 47113 is amended by adding at the end the following:

''(e) MANDATORY TRAINING PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

''(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

''(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) of this section or section 47107(e)(1), as the case may be; or

''(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).''.

(c) INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For each of fiscal years 2013 through 2015, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

(2) NEW SMALL BUSINESS CONCERNS.—For purposes of subsection (a), a new small business concern is a small business concern that did not participate in the programs and activities described in subsection (a) in a previous fiscal year.

(3) CONTENTS.—The report shall include—

(A) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act;

(B) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(C) recommendations to the Administrator of the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

SEC. 141. SPECIAL APPORTIONMENT RULES.

(a) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Section 47114(d) is amended by adding at the end the following:

''(7) ELIGIBILITY TO RECEIVE PRIMARY AIRPORT MINIMUM APPORTIONMENT AMOUNT.—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—

''(A) received scheduled or unscheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) in the calendar year used to calculate the apportionment; and

''(B) had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2012 AND 2013.—Section 47114(c)(1) is amended—

(1) by striking subparagraphs (F) and (G); and

(2) by inserting after subparagraph (E) the following:

''(F) SPECIAL RULE FOR FISCAL YEARS 2012 AND 2013.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar year 2009 or 2010, or in both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in each of fiscal years 2012 and 2013 to the sponsor of such airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''.

SEC. 142. UNITED STATES TERRITORIES MINIMUM GUARANTEE.

Section 47114 is amended by adding at the end the following:

''(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO AND UNITED STATES TERRITORIES.—The Secretary shall apportion amounts for airports in Puerto Rico and all other United States territories in accordance with this section. This subsection does not prohibit the Secretary from making project grants for airports in Puerto Rico or other United States territories from the discretionary fund under section 47115.''.

SEC. 143. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of a charge of $3.00 or less—

''(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; or

''(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

''(I) the amount that otherwise would be apportioned under this section; over

''(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

''(B) in the case of a charge of more than $3.00—

''(i) except as provided in clause (ii), 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section; or

''(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of—

''(I) the amount that otherwise would be apportioned under this section; over

''(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers.''.

SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''For fiscal years'' and all that follows before ''the sponsors'' and inserting ''For fiscal years 2012 through 2015,''.

SEC. 145. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) by striking ''35 percent'' in the first sentence and inserting ''35 percent, but not more than $300,000,000,'';

(2) by striking ''and'' after ''47141,'';

(3) by striking ''et seq.).'' and inserting ''et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.''; and

(4) by striking ''such 35 percent requirement is'' in the second sentence and inserting ''the requirements of the preceding sentence are''.

SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) CONSIDERATIONS.—Section 47118(c) is amended—

(1) in paragraph (1) by striking ''or'' after the semicolon;

(2) in paragraph (2) by striking ''delays.'' and inserting ''delays; or''; and

(3) by adding at the end the following:

''(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations—

''(A) within United States jurisdiction or control; and

''(B) where there is a demonstrable lack of diversionary airports within the distance or flight-time required by regulations governing transoceanic flights.''.

(b) DESIGNATION OF GENERAL AVIATION AIRPORTS.—Section 47118(g) is amended—

(1) in the subsection heading by striking ''AIRPORT'' and inserting ''AIRPORTS''; and

(2) by striking ''one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation'' and inserting ''3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations''.

(c) SAFETY-CRITICAL AIRPORTS.—Section 47118 is amended by adding at the end the following:

''(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding any other provision of this chapter, a grant under section 47117(e)(1)(B) may be made for a federally owned airport designated under subsection (a) if the grant is for a project that is—

''(1) to preserve or enhance minimum airfield infrastructure facilities described in subsection (c)(3); and

''(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.''.

SEC. 147. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) The Secretary'' and inserting the following:

''(1) CONTRACT TOWER PROGRAM.—

''(A) CONTINUATION.—The Secretary''; and

(B) by adding at the end the following:

''(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).''; and

(2) in paragraph (2) by striking ''(2) The Secretary'' and inserting the following:

''(2) GENERAL AUTHORITY.—The Secretary''.

(b) FUNDING; USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended by striking subparagraph (E) and inserting the following:

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k)(1), not more than $10,350,000 for each of fiscal years 2012 through 2015 may be used to carry out this paragraph.

''(F) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).''.

(c) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking ''$1,500,000'' and inserting ''$2,000,000''.

(d) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for regular safety assessments of air traffic control towers that receive funding under this section.''.

SEC. 148. RESOLUTION OF DISPUTES CONCERNING AIRPORT FEES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

''§ 47129. Resolution of disputes concerning airport fees'';

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102)''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of disputes concerning airport fees.''.

SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPONSORS.

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

''(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this subchapter for any portion of the public sponsor's acquisition of airport land; and

''(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

''(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.''.

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 150. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to section 49108 in the analysis for chapter 491, are repealed.

SEC. 151. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''for fiscal years'' and all that follows before ''from amounts'' and inserting ''for fiscal years 2012 through 2015''.

SEC. 152. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking ''each airport to—'' and inserting ''the airport system to—'';

(B) in paragraph (1) by striking ''system in the particular area;'' and inserting ''system, including connection to the surface transportation network; and'';

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,''; and

(3) in subsection (d) by striking ''status of the''.

(b) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) TERMINAL DEVELOPMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

''(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

''(i) all the safety equipment required for certification of the airport under section 44706;

''(ii) all the security equipment required by regulation; and

''(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

''(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

''(C) under terms necessary to protect the interests of the Government.

''(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

''(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

''(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.'';

(3) in subsection (b)(4)(B) (as redesignated by paragraph (1) of this subsection) by striking ''Secretary of Transportation'' and inserting ''Secretary'';

(4) in subsections (b)(3) and (b)(4)(A) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(5) in subsection (b)(5) (as redesignated by paragraph (1) of this subsection) by striking ''subsection (b)(1) and (2)'' and inserting ''subsections (c)(1) and (c)(2)'';

(6) in subsections (c)(1), (c)(2)(A), (c)(3), and (c)(4) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d) of this title'' and inserting ''subsection (a)'';

(7) in subsections (c)(2)(B) and (c)(5) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(8) by adding at the end the following:

''(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated;

''(4) the allocation of appropriations; and''.

(d) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking ''47102(3)(F),''; and

(2) in subsection (b)—

(A) by striking ''47102(3)(F),''; and

(B) by striking ''47103(3)(F),''.

(e) CONFORMING AMENDMENTS.—

(1) Section 40117(a)(3)(B) is amended by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(2) Section 47108(e)(3) is amended—

(A) by striking ''section 47110(d)(2)'' and inserting ''section 47119(a)''; and

(B) by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property'' and all that follows through ''(10 U.S.C. 2687 note))''.

(g) DEFINITIONS.—

(1) CONGESTED AIRPORT.—Section 47175(2) is amended by striking ''2001'' and inserting ''2004 or any successor report''.

(2) JOINT USE AIRPORT.—Section 47175 is amended by adding at the end the following:

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

SEC. 153. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended to read as follows:

''(f) SUNSET.—This section shall not be in effect after September 30, 2015.''.

SEC. 154. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration, to the extent practicable, shall schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 155. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall begin a study to evaluate the formulation of the national plan of integrated airport systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.

(b) CONTENTS OF STUDY.—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs as shown in the 2005–2009 and 2007–2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) An analysis on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year.

(6) A documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold, including whether such airports subsidize commercial flights to reach such threshold, at every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent calendar years for which such data is available.

(7) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date that the Secretary begins the study under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the issues described in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 156. AIRPORT PRIVATIZATION PROGRAM.

Section 47134(b) is amended in the matter preceding paragraph (1) by striking ''5 airports'' and inserting ''10 airports''.

TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.

(2) ADS–B.—The term ''ADS–B'' means automatic dependent surveillance-broadcast.

(3) ADS–B OUT.—The term ''ADS–B Out'' means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

(4) ADS–B IN.—The term ''ADS–B In'' means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft as well as the ability of the aircraft to receive information from other transmitting aircraft and the ground infrastructure.

(5) RNAV.—The term ''RNAV'' means area navigation.

(6) RNP.—The term ''RNP'' means required navigation performance.

SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.

In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following NextGen activities:

(1) Next Generation Transportation System—Demonstrations and Infrastructure Development.

(2) Next Generation Transportation System—Trajectory Based Operations.

(3) Next Generation Transportation System—Reduce Weather Impact.

(4) Next Generation Transportation System—Arrivals/Departures at High Density Airports.

(5) Next Generation Transportation System—Collaborative ATM.

(6) Next Generation Transportation System—Flexible Terminals and Airports.

(7) Next Generation Transportation System—Safety, Security, and Environment.

(8) Next Generation Transportation System—Systems Network Facilities.

(9) Center for Advanced Aviation System Development.

(10) Next Generation Transportation System—System Development.

(11) Data Communications in support of Next Generation Air Transportation System.

(12) ADS–B NAS-Wide Implementation.

(13) System-Wide Information Management.

(14) Next Generation Transportation System—Facility Consolidation and Realignment.

(15) En Route Modernization—D-Position Upgrade and System Enhancements.

(16) National Airspace System Voice System.

(17) Next Generation Network Enabled Weather.

(18) NextGen Performance Based Navigation Metroplex Area Navigation/Required Navigation Performance.

SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting ''with or'' before ''without reimbursement''.

SEC. 204. CHIEF NEXTGEN OFFICER.

Section 106 is amended by adding at the end the following:

''(s) CHIEF NEXTGEN OFFICER.—

''(1) IN GENERAL.—

''(A) APPOINTMENT.—There shall be a Chief NextGen Officer appointed by the Administrator, with the approval of the Secretary. The Chief NextGen Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

''(B) QUALIFICATIONS.—The Chief NextGen Officer shall have a demonstrated ability in management and knowledge of or experience in aviation and systems engineering.

''(C) TERM.—The Chief NextGen Officer shall be appointed for a term of 5 years.

''(D) REMOVAL.—The Chief NextGen Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation of NextGen.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief NextGen Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(2) COMPENSATION.—

''(A) IN GENERAL.—The Chief NextGen Officer shall be paid at an annual rate of basic pay to be determined by the Administrator. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief

NextGen Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief NextGen Officer were described in section 207(c)(2)(A)(i) of that title.

''(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief NextGen Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief NextGen Officer's performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).

''(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief NextGen Officer, in consultation with the Federal Aviation Management Advisory Council, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief NextGen Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

''(4) ANNUAL PERFORMANCE REPORT.—The Chief NextGen Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.

''(5) RESPONSIBILITIES.—The responsibilities of the Chief NextGen Officer include the following:

''(A) Implementing NextGen activities and budgets across all program offices of the Federal Aviation Administration.

''(B) Coordinating the implementation of NextGen activities with the Office of Management and Budget.

''(C) Reviewing and providing advice on the Administration's modernization programs, budget, and cost accounting system with respect to NextGen.

''(D) With respect to the budget of the Administration—

''(i) developing a budget request of the Administration related to the implementation of NextGen;

''(ii) submitting such budget request to the Administrator; and

''(iii) ensuring that the budget request supports the annual and long-range strategic plans of the Administration with respect to NextGen.

''(E) Consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress.

''(F) Developing an annual NextGen implementation plan.

''(G) Ensuring that NextGen implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into NextGen in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation.

''(H) Coordinating with the NextGen Joint Planning and Development Office with respect to facilitating cooperation among all Federal agencies whose operations and interests are affected by the implementation of NextGen.

''(6) EXCEPTION.—If the Administrator appoints as the Chief NextGen Officer, pursuant to paragraph (1)(A), an Executive Schedule employee covered by section 5315 of title 5, then paragraphs (1)(B), (1)(C), (2), and (3) of this subsection shall not apply to such employee.

''(7) NEXTGEN DEFINED.—For purposes of this subsection, the term 'NextGen' means the Next Generation Air Transportation System.''.

SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C); and

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

''(B) runway lighting and airport surface visual and other navigation aids;

''(C) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft;

''(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;'';

(4) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking ''another structure'' and inserting ''any structure, equipment,''; and

(B) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(F) buildings, equipment, and systems dedicated to the national airspace system.''.

SEC. 206. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting ''and'' after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting ''(whether public or private)'' after ''authorities''; and

(B) by striking ''safety.'' and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(l)(6).'';

(2) in paragraph (2) by adding at the end the following: ''The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears.''; and

(3) by striking paragraph (3) and inserting the following:

''(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall—

''(A) be credited to the appropriation current when the amount is received;

''(B) be merged with and available for the purposes of such appropriation; and

''(C) remain available until expended.''.

SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) REDESIGNATION OF JPDO DIRECTOR TO ASSOCIATE ADMINISTRATOR.—

(1) ASSOCIATE ADMINISTRATOR FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING, DEVELOPMENT, AND INTERAGENCY COORDINATION.—Section 709(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) The head of the Office shall be the Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination, who shall be appointed by the Administrator of the Federal Aviation Administration, with the approval of the Secretary. The Administrator shall appoint the Associate Administrator after consulting with the Chairman of the Next Generation Senior Policy Committee and providing advanced notice to the other members of that Committee.''.

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System planning and development activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the extent practicable in establishing the environmental goals;

''(J) working to ensure global interoperability of the Next Generation Air Transportation System;

''(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

''(L) overseeing, with the Administrator and in consultation with the Chief NextGen Officer, the selection of products or outcomes of research and development activities that should be moved to a demonstration phase; and

''(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation System enterprise architecture requirements.''.

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking ''(4)'' and inserting ''(4)(A)''; and

(B) by adding at the end the following:

''(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

''(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

''(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

''(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

''(C) The head of a Federal agency referred to in subparagraph (B) shall—

''(i) ensure that the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B);

''(ii) ensure that the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation;

''(iii) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

''(iv) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

''(D) Not later than 6 months after the date of enactment of this subparagraph, the head of

each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

''(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

''(B) The Director of the Office of Management and Budget, to the extent practicable, shall—

''(i) ensure that—

''(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

''(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

''(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System; and

''(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

''(7) The Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.''.

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''meets air'' and inserting ''meets anticipated future air''; and

(B) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'';

(2) at the end of paragraph (3) by striking ''and'';

(3) at the end of paragraph (4) by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

''(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

''(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

''(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

''(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

''(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

''(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

''(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

''(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.''.

(c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

''(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall develop and publish annually the document known as the NextGen Implementation Plan, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.''.

(d) CONTINGENCY PLANNING.—The Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 209. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following ''and shall meet at least twice each year''.

(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

''(e) ANNUAL REPORT.—

''(1) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

''(2) CONTENTS.—The report shall include—

''(A) a copy of the updated integrated work plan;

''(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

''(C) a detailed description of—

''(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

''(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

''(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

''(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.''.

SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) may construct and improve laboratories and other test facilities; and

''(3) may dispose of any interest in property for adequate compensation, and the amount so received shall—

''(A) be credited to the appropriation current when the amount is received;

''(B) be merged with and available for the purposes of such appropriation; and

''(C) remain available until expended.''.

SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contracts entered into by the Administration to provide ADS–B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how the Administration manages program risks;

(B) an assessment of expected benefits attributable to the deployment of ADS–B services, including the Administration's plans for implementation of advanced operational procedures and air-to-air applications, as well as the extent to which ground radar will be retained;

(C) an assessment of the Administration's analysis of specific operational benefits, and benefit/costs analyses of planned operational benefits conducted by the Administration, for ADS–B In and ADS–B Out avionics equipage for airspace users;

(D) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(E) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS–B services;

(F) an assessment of how security issues are being addressed in the overall design and implementation of the ADS–B system;

(G) identification of any potential operational or workforce changes resulting from deployment of ADS–B; and

(H) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall submit, periodically (and on at least an annual basis), to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

(b) RULEMAKING.—

(1) ADS–B IN.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS–B In technology that—

(A) identify the ADS–B In technology that will be required under NextGen;

(B) subject to paragraph (2), require all aircraft operating in capacity constrained airspace, at capacity constrained airports, or in any other airspace deemed appropriate by the Administrator to be equipped with ADS–B In technology by 2020; and

(C) identify—

(i) the type of avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(2) READINESS VERIFICATION.—Before the Administrator completes an ADS–B In equipage

rulemaking proceeding or issues an interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USE OF ADS–B TECHNOLOGY.—

(1) PLANS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee and industry groups, a plan for the use of ADS–B technology for surveillance and active air traffic control.

(2) CONTENTS.—The plan shall—

(A) include provisions to test the use of ADS–B technology for surveillance and active air traffic control in specific regions of the United States with the most congested airspace;

(B) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(C) identify procedures, to be developed in consultation with appropriate employee and industry groups, to conduct air traffic management in mixed equipage environments; and

(D) establish a policy in test regions referred to in subparagraph (A), in consultation with appropriate employee and industry groups, to provide incentives for equipage with ADS–B technology, including giving priority to aircraft equipped with such technology before the 2020 equipage deadline.

SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the NextGen.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) determine how risks with automation efforts for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review conducted pursuant to subsection (a).

SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OPERATIONAL EVOLUTION PARTNERSHIP (OEP) AIRPORT PROCEDURES.—

(1) OEP AIRPORTS REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, 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/RNAV OPERATIONS FOR OEP AIRPORTS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the fuel efficiency and airspace capacity of NextGen commercial operations at each of the 35 operational evolution partnership airports identified by the Administration and any medium or small hub airport located within the same metroplex area considered appropriate by the Administrator. The Administrator shall, to the maximum extent practicable, avoid overlays of existing flight procedures, but if unavoidable, the Administrator shall clearly identify each required navigation performance and area navigation procedure that is an overlay of an existing instrument flight procedure and the reason why such an overlay was used.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES FOR OEP AIRPORTS.—A description of the activities and operational changes and approvals required to coordinate and utilize the procedures at OEP airports.

(C) IMPLEMENTATION PLAN FOR OEP AIRPORTS.—A plan for implementing the procedures for OEP airports under subparagraph (A) that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) baseline and performance metrics for—

(I) measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and

(II) achieving measurable fuel burn and carbon dioxide emissions reductions compared to current performance;

(iv) expedited environmental review procedures and processes for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics under clause (iii);

(v) coordination and communication mechanisms with qualified third parties, if applicable;

(vi) plans to address human factors, training, and other issues for air traffic controllers surrounding the adoption of RNP procedures in the en route and terminal environments, including in a mixed operational environment; and

(vii) a lifecycle management strategy for RNP procedures to be developed by qualified third parties, if applicable.

(D) ADDITIONAL PROCEDURES FOR OEP AIRPORTS.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may provide operational benefits at OEP airports, and any medium or small hub airport located within the same metroplex area as the OEP airport, in the future.

(2) IMPLEMENTATION SCHEDULE FOR OEP AIRPORTS.—The Administrator shall certify, publish, and implement—

(A) not later than 18 months after the date of enactment of this Act, 30 percent of the required procedures at OEP airports;

(B) not later than 36 months after the date of enactment of this Act, 60 percent of the required procedures at OEP airports; and

(C) before June 30, 2015, 100 percent of the required procedures at OEP airports.

(b) NON-OEP AIRPORTS.—

(1) NON-OEP AIRPORTS REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, 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 FOR NON-OEP AIRPORTS.—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 fuel efficiency and airspace capacity of NextGen commercial operations at 35 non-OEP small, medium, and large hub airports other than those referred to in subsection (a)(1). The Administrator shall choose such non-OEP airports considered appropriate by the Administrator to produce maximum operational benefits, including improved fuel efficiency and emissions reductions that do not have public RNP procedures that produce such benefits on the date of enactment of this Act. The Administrator shall, to the maximum extent practicable, avoid overlays of existing flight procedures, but if unavoidable, the Administrator shall clearly identify each required navigation performance procedure that is an overlay of an existing instrument flight procedure and the reason why such an overlay was used.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES FOR NON-OEP AIRPORTS.—A description of the activities and operational changes and approvals required to coordinate and to utilize the procedures required by subparagraph (A) at each of the airports described in such subparagraph.

(C) IMPLEMENTATION PLAN FOR NON-OEP AIRPORTS.—A plan for implementation of the procedures required by subparagraph (A) that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) coordination and communications mechanisms with qualified third parties;

(iv) plans to address human factors, training, and other issues for air traffic controllers surrounding the adoption of RNP procedures in the en route and terminal environments, including in a mixed operational environment;

(v) baseline and performance metrics for—

(I) measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and

(II) achieving measurable fuel burn and carbon dioxide emissions reduction compared to current performance;

(vi) expedited environmental review procedures and processes for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics established under clause (v);

(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; and

(viii) lifecycle management strategy for RNP procedures to be developed by qualified third parties, if applicable.

(D) ADDITIONAL PROCEDURES FOR NON-OEP AIRPORTS.—A process for the identification, certification, and publication of additional required navigation performance procedures that may provide operational benefits at non-OEP airports in the future.

(2) IMPLEMENTATION SCHEDULE FOR NON-OEP AIRPORTS.—The Administrator shall certify, publish, and implement—

(A) not later than 18 months after the date of enactment of this Act, 25 percent of the required procedures for non-OEP airports;

(B) not later than 36 months after the date of enactment of this Act, 50 percent of the required procedures for non-OEP airports; and

(C) before June 30, 2016, 100 percent of the required procedures for non-OEP airports.

(c) COORDINATED AND EXPEDITED REVIEW.—

(1) IN GENERAL.—Navigation performance and area navigation procedures developed, certified, published, or implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(2) NEXTGEN PROCEDURES.—Any navigation performance or other performance based navigation procedure developed, certified, published, or implemented that, in the determination of the Administrator, would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace, shall be presumed to have no significant affect on the quality of the human environment and the Administrator shall issue and file a categorical exclusion for the new procedure.

(d) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for implementation of a nationwide data communications system. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(e) IMPROVED PERFORMANCE STANDARDS.—

(1) ASSESSMENT OF WORK BEING PERFORMED UNDER NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall clearly outline in the NextGen Implementation Plan document of the Administration the work being performed under the plan to determine—

(A) whether utilization of ADS–B, RNP, and other technologies as part of NextGen implementation will display the position of aircraft more accurately and frequently to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions; and

(B) the feasibility of reducing aircraft separation standards in a safe manner as a result of the implementation of such technologies.

(2) AIRCRAFT SEPARATION STANDARDS.—If the Administrator determines that the standards referred to in paragraph (1)(B) can be reduced safely, the Administrator shall include in the NextGen Implementation Plan a timetable for implementation of such reduced standards.

(f) THIRD-PARTY USAGE.—The Administration shall establish a program under which the Administrator is authorized to use qualified third parties in the development, testing, and maintenance of flight procedures.

SEC. 214. PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish and begin tracking national airspace system performance metrics, including, at a minimum, metrics with respect to—

(1) actual arrival and departure rates per hour measured against the currently published aircraft arrival rate and aircraft departure rate for the 35 operational evolution partnership airports;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced navigation procedures, including performance based navigation procedures;

(5) the average distance flown between key city pairs;

(6) the time between pushing back from the gate and taking off;

(7) continuous climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs;

(10) implementation of NextGen Implementation Plan, or any successor document, capabilities designed to reduce emissions and fuel consumption;

(11) the Administration's unit cost of providing air traffic control services; and

(12) runway safety, including runway incursions, operational errors, and loss of standard separation events.

(b) BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify baselines for each of the metrics established under subsection (a) and appropriate methods to measure deviations from the baselines.

(c) PUBLICATION.—The Administrator shall make data obtained under subsection (a) available to the public in a searchable, sortable, and downloadable format through the Web site of the Administration and other appropriate media.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(1) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen capabilities and operational results;

(2) information on any additional metrics developed; and

(3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).

SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.

(a) PROCESS FOR CERTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) establishment of updated project plans and timelines;

(2) identification of the specific activities needed to certify NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) identification of staffing requirements for the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging of assistance from third parties and designees;

(4) establishment of a program under which the Administration will use third parties in the certification process; and

(5) establishment of performance metrics to measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator shall ensure that equipment, systems, or services used in the national airspace system meet appropriate certification requirements regardless of whether the equipment, system, or service is publically or privately owned.

SEC. 216. SURFACE SYSTEMS ACCELERATION.

(a) IN GENERAL.—The Chief Operating Officer of the Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program referred to in paragraph (1); and

(4) carry out such additional duties as the Administrator of the Federal Aviation Administration may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground-Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 operational evolution partnership airports by December 31, 2012.

SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) PROCESS FOR EMPLOYEE INCLUSION.—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration impacted by the air traffic control modernization process to serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

(b) ADHERENCE TO DEADLINES.—Participants in these processes shall adhere, to the greatest extent possible, to all deadlines and milestones established pursuant to this title.

(c) NO CHANGE IN EMPLOYEE STATUS.—Participation in these processes by an employee shall not—

(1) serve as a waiver of any bargaining obligations or rights;

(2) entitle the employee to any additional compensation or benefits with the exception of a per diem, if appropriate; or

(3) entitle the employee to prevent or unduly delay the exercise of management prerogatives.

(d) WORKING GROUPS.—Except in extraordinary circumstances, the Administrator shall not pay overtime related to work group participation.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.

SEC. 218. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the NextGen Implementation Plan.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) New runways planned for the period of fiscal years 2011 and 2012 will not provide estimated capacity benefits without additional funds.

(b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.—

(1) MONITORING.—The Administrator of the Federal Aviation Administration, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, shall monitor the noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.

(2) REPORT.—Not later than 1 year following the first day of completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to monitoring conducted under paragraph (1).

SEC. 219. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guy-wire and free-standing tower obstructions.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with affected industries and appropriate Federal agencies.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the appropriate committees of Congress on the results of the study.

SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into an agreement, on a competitive basis, to assist in the establishment of a center of excellence for the research and development of NextGen technologies.

(b) FUNCTIONS.—The Administrator shall ensure that the center established under subsection (a)—

(1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and

(2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

SEC. 221. PUBLIC-PRIVATE PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may establish an avionics equipage incentive program for the purpose of equipping general aviation and commercial aircraft with communications, surveillance, navigation, and other avionics equipment as determined by the Secretary to be in the interest of achieving NextGen capabilities for such aircraft.

(b) NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.—The incentive program established under subsection (a) shall, at a minimum—

(1) be based on public-private partnership principles; and

(2) leverage and maximize the use of private sector capital.

(c) FINANCIAL INSTRUMENTS.—Subject to the availability of appropriated funds, the Secretary may use financial instruments to facilitate public-private financing for the equipage of general aviation and commercial aircraft registered under section 44103 of title 49, United States Code. To the extent appropriations are not made available, the Secretary may establish the program, provided the costs are covered by the fees and premiums authorized by subsection (d)(2). For purposes of this section, the term ''financial instruments'' means loan guarantees and other credit assistance designed to leverage and maximize private sector capital.

(d) PROTECTION OF THE TAXPAYER.—

(1) LIMITATION ON PRINCIPAL.—The amount of any guarantee under this program shall be limited to 90 percent of the principal amount of the underlying loan.

(2) COLLATERAL, FEES, AND PREMIUMS.—The Secretary shall require applicants for the incentive program to post collateral and pay such fees and premiums if feasible, as determined by the Secretary, to offset costs to the Government of potential defaults, and agree to performance measures that the Secretary considers necessary and in the best interest of implementing the NextGen program.

(3) USE OF FUNDS.—Applications for this program shall be limited to equipment that is installed on general aviation or commercial aircraft and is necessary for communications, surveillance, navigation, or other purposes determined by the Secretary to be in the interests of achieving NextGen capabilities for commercial and general aviation.

(e) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue such financial instruments under this section shall terminate 5 years after the date of the establishment of the incentive program.

SEC. 222. OPERATIONAL INCENTIVES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS–B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS–B technology pursuant to the rulemaking under section 211(b).

SEC. 223. EDUCATIONAL REQUIREMENTS.

The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 224. AIR TRAFFIC CONTROLLER STAFFING INITIATIVES AND ANALYSIS.

As soon as practicable, and not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) ensure, to the extent practicable, a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators to allow for an increase in the number of air traffic controllers at air traffic control facilities;

(2) distribute, to the extent practicable, the placement of certified professional air traffic controllers-in-training and developmental air traffic controllers at facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) initiate an analysis, to be conducted in consultation with the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of scheduling processes and practices, including overtime scheduling practices at those facilities;

(4) provide, to the extent practicable and where appropriate, priority to certified professional air traffic controllers-in-training when filling staffing vacancies at facilities;

(5) assess training programs at air traffic control facilities with below-average success rates to determine if training is being carried out in accordance with Administration standards, and conduct exit interview analyses with all candidates to determine potential weaknesses in training protocols, or in the execution of such training protocols; and

(6) prioritize, to the extent practicable, such efforts to address the recommendations for the facilities identified in the Department of Transportation's Office of the Inspector General Report Number: AV-2009-047.

SEC. 225. REPORTS ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and annually thereafter until the pilot program terminates, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product;

''(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate; and

''(iii) making such data available will enhance aviation safety.

''(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with

respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft, engine, propeller, or appliance.

''(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.''.

SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.

(a) IN GENERAL.—Section 44704(e) is amended to read as follows:

''(e) DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning January 1, 2013, the Administrator may issue a certificate to a design organization, production organization, or design and production organization to authorize the organization to certify compliance of aircraft, aircraft engines, propellers, and appliances with the requirements and minimum standards prescribed under section 44701(a). An organization holding a certificate issued under this subsection shall be known as a certified design and production organization (in this subsection referred to as a 'CDPO').

''(2) APPLICATIONS.—On receiving an application for a CDPO certificate, the Administrator shall examine and rate the organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the organization has adequate engineering, design, and production capabilities, standards, and safeguards to make certifications of compliance as described in paragraph (1).

''(3) ISSUANCE OF CERTIFICATES BASED ON CDPO FINDINGS.—The Administrator may rely on certifications of compliance by a CDPO when making determinations under this section.

''(4) PUBLIC SAFETY.—The Administrator shall include in a CDPO certificate terms required in the interest of safety.

''(5) NO EFFECT ON POWER OF REVOCATION.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.''.

(b) APPLICABILITY.—Before January 1, 2013, the Administrator of the Federal Aviation Administration may continue to issue certificates under section 44704(e) of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—Chapter 447 is amended—

(1) in the heading for section 44704 by striking ''**and design organization certificates**'' and inserting ''**, and design and production organization certificates**''; and

(2) in the analysis for such chapter by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.''.

SEC. 304. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MINIMUM LANGUAGE SKILLS.—

''(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

''(A) read material written in English and comprehend the information;

''(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

''(C) write incident reports and statements and log entries and statements; and

''(D) carry out written and oral instructions regarding the proper performance of their duties.

''(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to a flight attendant serving solely between points outside the United States.''.

(b) FACILITATION.—The Administrator of the Federal Aviation Administration shall work with air carriers to facilitate compliance with the requirements of section 44728(f) of title 49, United States Code (as amended by this section).

SEC. 305. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 306. SAFETY OF AIR AMBULANCE OPERATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Helicopter air ambulance operations

''(a) COMPLIANCE REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this section, a part 135 certificate holder providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.

''(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply if authorized by the Administrator of the Federal Aviation Administration.

''(b) FINAL RULE.—Not later than June 1, 2012, the Administrator shall issue a final rule, with respect to the notice of proposed rulemaking published in the Federal Register on October 12, 2010 (75 Fed. Reg. 62640), to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.

''(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:

''(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

''(2) Pilot training standards, including establishment of training standards in—

''(A) preventing controlled flight into terrain; and

''(B) recovery from inadvertent flight into instrument meteorological conditions.

''(3) Safety-enhancing technology and equipment, including—

''(A) helicopter terrain awareness and warning systems;

''(B) radar altimeters; and

''(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible.

''(4) Such other matters as the Administrator considers appropriate.

''(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:

''(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

''(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

''(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

''(C) requires the pilots of the certificate holder to use the checklist.

''(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

''(e) SUBSEQUENT RULEMAKING.—

''(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:

''(A) Pilot training standards, including—

''(i) mandatory training requirements, including a minimum time for completing the training requirements;

''(ii) training subject areas, such as communications procedures and appropriate technology use; and

''(iii) establishment of training standards in—

''(I) crew resource management;

''(II) flight risk evaluation;

''(III) operational control of the pilot in command; and

''(IV) use of flight simulation training devices and line-oriented flight training.

''(B) Use of safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

''(2) DEADLINES.—Not later than 180 days after the date of issuance of a final rule under subsection (b), the Administrator shall initiate the rulemaking under this subsection.

''(3) LIMITATION ON CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to propose or finalize any rule that would derogate or supersede the rule required to be finalized under subsection (b).

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) PART 135.—The term 'part 135' means part 135 of title 14, Code of Federal Regulations.

''(2) PART 135 CERTIFICATE HOLDER.—The term 'part 135 certificate holder' means a person holding an operating certificate issued under part 119 of title 14, Code of Federal Regulations, that is authorized to conduct civil helicopter air ambulance operations under part 135.

''§ 44731. Collection of data on helicopter air ambulance operations

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than 1 year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

''(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

''(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

''(3) The number of flight requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, organ transport, or ferry or repositioning flight).

''(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.

''(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing air ambulance services.

''(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.

''(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.

''(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

''(c) DATABASE.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

''(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

''(e) DEFINITIONS.—In this section, the terms 'part 135' and 'part 135 certificate holder' have the meanings given such terms in section 44730.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)(C) (as redesignated by this Act) is amended by inserting before the period the following: ''and the development and maintenance of helicopter approach procedures''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44730. Helicopter air ambulance operations.
''44731. Collection of data on helicopter air ambulance operations.''.

SEC. 307. PROHIBITION ON PERSONAL USE OF ELECTRONIC DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44732. Prohibition on personal use of electronic devices on flight deck

''(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember's duty station on the flight deck of such an aircraft while the aircraft is being operated.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.

''(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.

''(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.''.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking ''or'' after the semicolon in paragraph (8);

(2) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(3) by adding at the end the following:

''(10) violate section 44732 or any regulation issued thereunder.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''44732. Prohibition on personal use of electronic devices on flight deck.''.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44732 of title 49, United States Code (as added by this section), and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act.

(e) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the flight crewmembers on the flight deck of a commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations regarding how to reduce distractions for flight crewmembers on the flight deck of a commercial aircraft.

SEC. 308. INSPECTION OF REPAIR STATIONS LOCATED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44733. Inspection of repair stations located outside the United States

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

''(1) ensure that repair stations located outside the United States are subject to appropriate inspections based on identified risks and consistent with existing United States requirements;

''(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

''(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

''(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

''(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Administration's oversight of part 145 repair stations and implementation of the safety assessment system required under subsection (a). The report shall—

''(1) describe in detail any improvements in the Administration's ability to identify and track where part 121 air carrier repair work is performed;

''(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

''(3) describe the training provided to inspectors; and

''(4) include an assessment of the quality of monitoring and surveillance by the Administration of work performed by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement.

''(d) ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation, acting jointly, shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

''(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

''(e) ANNUAL INSPECTIONS.—The Administrator shall ensure that part 145 repair stations located outside the United States are inspected annually by Federal Aviation Administration safety inspectors, without regard to where the station is located, in a manner consistent with United States obligations under international agreements. The Administrator may carry out inspections in addition to the annual inspection required under this subsection based on identified risks.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''44733. Inspection of repair stations located outside the United States.''.

SEC. 309. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44734. Training of flight attendants

''(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide to flight attendants employed or contracted by such air carrier initial and annual training regarding—

''(1) serving alcohol to passengers;

''(2) recognizing intoxicated passengers; and

''(3) dealing with disruptive passengers.

''(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide to flight attendants situational training on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) AIR CARRIER.—The term 'air carrier' means a person, including a commercial enterprise, that has been issued an air carrier operating certificate under section 44705.

''(2) FLIGHT ATTENDANT.—The term 'flight attendant' has the meaning given that term in section 44728(g).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''44734. Training of flight attendants.''.

SEC. 310. LIMITATION ON DISCLOSURE OF SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44735. Limitation on disclosure of safety information

''(a) IN GENERAL.—Except as provided by subsection (c), a report, data, or other information described in subsection (b) shall not be disclosed to the public by the Administrator of the Federal Aviation Administration pursuant to section 552(b)(3)(B) of title 5 if the report, data, or other information is submitted to the Federal Aviation Administration voluntarily and is not required to be submitted to the Administrator under any other provision of law.

''(b) APPLICABILITY.—The limitation established by subsection (a) shall apply to the following:

''(1) Reports, data, or other information developed under the Aviation Safety Action Program.

''(2) Reports, data, or other information produced or collected under the Flight Operational Quality Assurance Program.

''(3) Reports, data, or other information developed under the Line Operations Safety Audit Program.

''(4) Reports, data, or other information produced or collected for purposes of developing and implementing a safety management system acceptable to the Administrator.

''(5) Reports, analyses, and directed studies, based in whole or in part on reports, data, or other information described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program (or any successor program).

''(c) EXCEPTION FOR DE-IDENTIFIED INFORMATION.—

''(1) IN GENERAL.—The limitation established by subsection (a) shall not apply to a report, data, or other information if the information contained in the report, data, or other information has been de-identified.

''(2) DE-IDENTIFIED DEFINED.—In this subsection, the term 'de-identified' means the process by which all information that is likely to establish the identity of the specific persons or entities submitting reports, data, or other information is removed from the reports, data, or other information.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

''44735. Limitation on disclosure of safety information.''.

(c) TECHNICAL CORRECTION.—Section 44703(i)(9)(B)(i) is amended by striking ''section 552 of title 5'' and inserting ''section 552(b)(3)(B) of title 5''.

SEC. 311. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by inserting after section 39 the following:

''§ 39A. Aiming a laser pointer at an aircraft

''(a) OFFENSE.—Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) LASER POINTER DEFINED.—As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

''(c) EXCEPTIONS.—This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

''(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

''(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training; or

''(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

''(d) AUTHORITY TO ESTABLISH ADDITIONAL EXCEPTIONS BY REGULATION.—The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended—

(1) by moving the item relating to section 39 after the item relating to section 38; and

(2) by inserting after the item relating to section 39 the following:

''39A. Aiming a laser pointer at an aircraft''.

SEC. 312. AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.

(b) CONTENTS.—In conducting the assessment, the Administrator shall consider—

(1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-year, 5-year, and 10-year periods following the date of enactment of this Act;

(2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion;

(3) the status of recommendations made in previous reports on the Administration's certification process;

(4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;

(5) methods for training the Administration's field office employees in the safety management system and auditing; and

(6) the status of updating airworthiness requirements, including implementing recommendations in the Administration's report entitled ''Part 23—Small Airplane Certification Process Study'' (OK–09–3468, dated July 2009).

(c) RECOMMENDATIONS.—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables the development of new products and technologies and the global competitiveness of the United States aviation industry.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall begin to implement the recommendations made under subsection (c).

SEC. 313. CONSISTENCY OF REGULATORY INTERPRETATION.

(a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—

(1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO–11–14); and

(2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.

(b) MATTERS TO BE CONSIDERED.—The advisory panel shall—

(1) determine the root causes of inconsistent interpretation of regulations by the Administration's Flight Standards Service and Aircraft Certification Service;

(2) develop recommendations to improve the consistency of interpreting regulations by the Administration's Flight Standards Service and Aircraft Certification Service; and

(3) develop recommendations to improve communications between the Administration's Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.

SEC. 314. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and long-term actions designed to reduce the severity, number, and rate of runway incursions, losses of standard separation, and operational errors;

(iii) time frames and resources needed for the actions described in clause (ii);

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(v) a review with respect to runway safety of every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and proposed action to improve airport lighting, provide better signs, and improve runway and taxiway markings at those airports; and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PROCESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall develop a process for tracking and investigating operational errors, losses of standard separation, and runway incursions that includes procedures for—

(1) identifying who is responsible for tracking operational errors, losses of standard separation, and runway incursions, including a process for lower level employees to report to higher supervisory levels and for frontline managers to receive the information in a timely manner;

(2) conducting periodic random audits of the oversight process; and

(3) ensuring proper accountability.

(c) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than June 30, 2012, the Administrator shall submit to Congress a report containing a plan for the installation and deployment of systems to alert air traffic controllers or flight crewmembers, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan of the Administration or any successor document.

SEC. 315. FLIGHT STANDARDS EVALUATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—

(1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and

(2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.

(b) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.

(c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term ''Flight Standards Evaluation Program'' means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.

SEC. 316. COCKPIT SMOKE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to the use of new technologies to prevent or mitigate the effects of dense, continuous smoke in the cockpit of a commercial aircraft.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 317. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

SEC. 318. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 319. MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations (or any successor regulation); or

(3) subject to subsection (c), a person that—

(A) provides contract maintenance workers, services, or maintenance functions to a part 121 air carrier or part 145 repair station; and

(B) meets the requirements of the part 121 air carrier or the part 145 repair station, as appropriate.

(c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

(1) The applicable part 121 air carrier shall be directly in charge of the covered work being performed.

(2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.

(3) The person shall carry out the covered work under the supervision and control of the part 121 air carrier directly in charge of the covered work being performed on its aircraft.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED WORK.—The term ''covered work'' means any of the following:

(A) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used.

(B) Regularly scheduled maintenance.

(C) A required inspection item (as defined by the Administrator).

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) PERSON.—The term ''person'' means an individual, firm, partnership, corporation, company, or association that performs maintenance, preventative maintenance, or alterations.

SEC. 320. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence, of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins; and

(5) identify the potential health risks to individuals exposed to toxic fumes during flight.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

SEC. 321. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue improved pilot licenses consistent with requirements under this section.

(b) TIMING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall—

(1) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(A) a timeline for the phased issuance of improved pilot licenses under this section that ensures all pilots are issued such licenses not later than 2 years after the initial issuance of such licenses under paragraph (2); and

(B) recommendations for the Federal installation of infrastructure necessary to take advantage of information contained on improved pilot licenses issued under this section, which identify the necessary infrastructure, indicate the Federal entity that should be responsible for installing, funding, and operating the infrastructure at airport sterile areas, and provide an estimate of the costs of the infrastructure; and

(2) begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(c) REQUIREMENTS.—Improved pilot licenses issued under this section shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued for identification purposes; and

(3) be smart cards that—

(A) accommodate iris and fingerprint biometric identifiers; and

(B) are compliant with Federal Information Processing Standards-201 (FIPS–201) or Personal Identity Verification-Interoperability Standards (PIV–I) for processing through security checkpoints into airport sterile areas.

(d) TAMPERING.—To the extent practicable, the Administrator shall develop methods to determine or reveal whether any component or security feature of an improved pilot license issued under this section has been tampered with, altered, or counterfeited.

(e) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent practicable in order to minimize the burdens on pilots.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

(2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator has issued improved pilot licenses under this section to all pilots.

Subtitle B—Unmanned Aircraft Systems

SEC. 331. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) ARCTIC.—The term ''Arctic'' means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

(2) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms ''certificate of waiver'' and ''certificate of authorization'' mean a Federal Aviation Administration grant of approval for a specific flight operation.

(3) PERMANENT AREAS.—The term ''permanent areas'' means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

(4) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102 of title 49, United States Code).

(5) SENSE AND AVOID CAPABILITY.—The term ''sense and avoid capability'' means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

(6) SMALL UNMANNED AIRCRAFT.—The term ''small unmanned aircraft'' means an unmanned aircraft weighing less than 55 pounds.

(7) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(8) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(9) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

SEC. 332. INTEGRATION OF CIVIL UNMANNED AIRCRAFT SYSTEMS INTO NATIONAL AIRSPACE SYSTEM.

(a) REQUIRED PLANNING FOR INTEGRATION.—

(1) COMPREHENSIVE PLAN.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.

(2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—

(A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—

(i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;

(ii) ensure that any civil unmanned aircraft system includes a sense and avoid capability; and

(iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including standards and requirements for registration and licensing;

(B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace system;

(C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system;

(D) a timeline for the phased-in approach described under subparagraph (C);

(E) creation of a safe

(F) airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

(G) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing;

(H) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and

(I) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.

(3) DEADLINE.—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the national airspace system as soon as practicable, but not later than September 30, 2015.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

(5) ROADMAP.—Not later than 1 year after the date of enactment of this Act, the Secretary shall approve and make available in print and on the Administration's Internet Web site a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update the roadmap annually.

(b) RULEMAKING.—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—

(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 333 of this Act;

(2) a notice of proposed rulemaking to implement the recommendations of the plan required under subsection (a)(1), with the final rule to be published not later than 16 months after the date of publication of the notice; and

(3) an update to the Administration's most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA–2006–25714.

(c) PILOT PROJECTS.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program to integrate unmanned aircraft systems into the national airspace system at 6 test ranges. The program shall terminate 5 years after the date of enactment of this Act.

(2) PROGRAM REQUIREMENTS.—In establishing the program under paragraph (1), the Administrator shall—

(A) safely designate airspace for integrated manned and unmanned flight operations in the national airspace system;

(B) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(C) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

(D) address both civil and public unmanned aircraft systems;

(E) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(F) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(3) TEST RANGE LOCATIONS.—In determining the location of the 6 test ranges of the program under paragraph (1), the Administrator shall—

(A) take into consideration geographic and climatic diversity;

(B) take into consideration the location of ground infrastructure and research needs; and

(C) consult with the National Aeronautics and Space Administration and the Department of Defense.

(4) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established.

(5) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 90 days after the date of the termination of the program under paragraph (1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report setting forth the Administrator's findings and conclusions concerning the projects.

(B) ADDITIONAL CONTENTS.—The report under subparagraph (A) shall include a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense—

(i) to develop detection techniques for small unmanned aircraft systems; and

(ii) to validate the sense and avoid capability and operation of unmanned aircraft systems.

(d) EXPANDING USE OF UNMANNED AIRCRAFT SYSTEMS IN ARCTIC.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes. The plan for operations in these permanent areas shall include the development of processes to facilitate the safe operation of unmanned aircraft beyond line of sight. Such areas shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.

(2) AGREEMENTS.—To implement the plan under paragraph (1), the Secretary may enter into an agreement with relevant national and international communities.

(3) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this subsection, the Secretary shall work with relevant national and international communities to establish and implement a process, or may apply an applicable process already established, for approving the use of unmanned aircraft in the designated permanent areas in the Arctic without regard to whether an unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

SEC. 333. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Notwithstanding any other requirement of this subtitle, and not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required

by section 332 of this Act or the guidance required by section 334 of this Act.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 334. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and

(4) provide guidance on a public entity's responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Administrator shall develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system.

(c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization with respect to applications seeking authorization to operate public unmanned aircraft systems in the national airspace system.

(2) CONTENTS.—The agreements shall—

(A) with respect to an application described in paragraph (1)—

(i) provide for an expedited review of the application;

(ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and

(iii) allow for an expedited appeal if the application is disapproved;

(B) allow for a one-time approval of similar operations carried out during a fixed period of time; and

(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, if operated—

(i) within the line of sight of the operator;

(ii) less than 400 feet above the ground;

(iii) during daylight conditions;

(iv) within Class G airspace; and

(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

SEC. 335. SAFETY STUDIES.

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.

(a) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if—

(1) the aircraft is flown strictly for hobby or recreational use;

(2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;

(3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;

(4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and

(5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.

(c) MODEL AIRCRAFT DEFINED.—In this section, the term ''model aircraft'' means an unmanned aircraft that is—

(1) capable of sustained flight in the atmosphere;

(2) flown within visual line of sight of the person operating the aircraft; and

(3) flown for hobby or recreational purposes.

Subtitle C—Safety and Protections

SEC. 341. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 (as amended by this Act) is further amended by adding at the end the following:

''(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCIES.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations (if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process) and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator of the Agency, in writing, regarding further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material of the Agency necessary to determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 342. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

''(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 343. REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) BIANNUAL REPORTS TO CONGRESS.—The Administrator, on a biannual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 344. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term ''Voluntary Disclosure Reporting Program'' means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration—

(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;

(B) evaluates the effectiveness of corrective actions taken by air carriers; and

(C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 345. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

(a) RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

(c) SEPARATE RULEMAKING PROCEEDINGS REQUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).

SEC. 346. CERTAIN EXISTING FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS.

The Administrator of the Federal Aviation Administration may not finalize the interpretation proposed in Docket No. FAA–2010–1259, relating to rest requirements, and published in the Federal Register on December 23, 2010.

SEC. 347. EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT.

(a) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration shall require a detailed inspection of each emergency locator transmitter (in this section referred to as an ''ELT'') installed in general aviation aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the manufacturer's specifications.

(b) MOUNTING AND RETENTION.—

(1) IN GENERAL.—Not later than 90 days after the date of 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.

(2) REVISION.—Based on the determination under paragraph (1), the Administrator shall make any necessary revisions to the requirements and retention tests referred to in paragraph (1) to ensure that ELTs are properly retained in the event of an aircraft accident.

(c) REPORT.—Upon the completion of any revisions under subsection (b)(2), the Administrator shall submit a report on the implementation of this section to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Passenger Air Service Improvements

SEC. 401. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

*(1) in the section heading by striking ''**scheduled**'' and inserting ''**passenger**''; and*

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SMOKING PROHIBITION IN INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—An individual may not smoke—

''(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or

''(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking—

''(1) in an aircraft in scheduled passenger foreign air transportation; and

''(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

''41706. Prohibitions against smoking on passenger flights.''.

SEC. 402. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph

(2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

''(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, shall be subject to the requirement of paragraph (1).

''(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

''(A) For a diverted flight—

''(i) the flight number of the diverted flight;

''(ii) the scheduled destination of the flight;

''(iii) the date and time of the flight;

''(iv) the airport to which the flight was diverted;

''(v) wheels-on time at the diverted airport;

''(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

''(vii) if the flight arrives at the scheduled destination airport—

''(I) the gate-departure time at the diverted airport;

''(II) the wheels-off time at the diverted airport;

''(III) the wheels-on time at the scheduled arrival airport; and

''(IV) the gate-arrival time at the scheduled arrival airport.

''(B) For flights cancelled after gate departure—

''(i) the flight number of the cancelled flight;

''(ii) the scheduled origin and destination airports of the cancelled flight;

''(iii) the date and time of the cancelled flight;

''(iv) the gate-departure time of the cancelled flight; and

''(v) the time the aircraft returned to the gate.

''(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation.''.

(b) EFFECTIVE DATE.—Beginning not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a).

SEC. 403. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41724. Musical instruments

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin, without charging the passenger a fee in addition to any standard fee that carrier may require for comparable carry-on baggage, if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin, without charging the passenger a fee in addition to the cost of the additional ticket described in subparagraph (E), if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

''(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

''(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

''(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

''(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

''(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

''(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).''.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41724. Musical instruments.''.

SEC. 404. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended to read as follows:

''(3) SUNSET PROVISION.—This subsection shall cease to be effective beginning October 1, 2015.''.

SEC. 405. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave or liberty.

SEC. 406. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update the 2000 report numbered CR–2000–112 and titled ''Audit of Air Carrier Flight Delays and Cancellations''.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, including with respect to the number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a reexamination of capacity benchmarks at the Nation's busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers;

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes;

(6) the effect of the rules and regulations of the Department of Transportation on the decisions of air carriers to delay or cancel flights; and

(7) the impact of flight delays and cancellations on the airline industry.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 407. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) assess the options for and examine the impact of establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 408. DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

The Secretary of Transportation may investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

SEC. 409. STUDY OF OPERATORS REGULATED UNDER PART 135.

(a) STUDY REQUIRED.—The Administrator of the Federal Aviation Administration, in consultation with interested parties, shall conduct a study of operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall analyze the part 135 fleet in the United States, which shall include analysis of—

(1) the size and type of aircraft in the fleet;

(2) the equipment utilized by the fleet;

(3) the hours flown each year by the fleet;

(4) the utilization rates with respect to the fleet;

(5) the safety record of various categories of use and aircraft types with respect to the fleet, through a review of the database of the National Transportation Safety Board;

(6) the sales revenues of the fleet; and

(7) the number of passengers and airports served by the fleet.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 410. USE OF CELL PHONES ON PASSENGER AIRCRAFT.

(a) CELL PHONE STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study on the impact of the use of cell phones for voice communications in an aircraft during a flight in scheduled passenger air transportation where currently permitted by foreign governments in foreign air transportation.

(b) CONTENTS.—The study shall include—

(1) a review of foreign government and air carrier policies on the use of cell phones during flight;

(2) a review of the extent to which passengers use cell phones for voice communications during flight; and

(3) a summary of any impacts of cell phone use during flight on safety, the quality of the flight experience of passengers, and flight attendants.

(c) COMMENT PERIOD.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the results of the study and allow 60 days for public comment.

(d) CELL PHONE REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 411. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out activities relating to airline customer service improvements.

(b) MEMBERSHIP.—The Secretary shall appoint the members of the advisory committee, which shall be comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments with expertise in consumer protection matters; and

(4) nonprofit public interest groups with expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations for establishing additional aviation consumer protection programs, if needed.

(g) REPORT TO CONGRESS.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

(h) TERMINATION.—The advisory committee established under this section shall terminate on September 30, 2015.

SEC. 412. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to require each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the Internet Web site 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.

SEC. 413. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that—

(1) the aircraft operations of air carriers during any hour at an airport exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and

(2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the safe and efficient use of navigable airspace,

the Administrator shall convene a meeting of such carriers to reduce pursuant to section 41722 of title 49, United States Code, on a voluntary basis, the number of such operations so as not to exceed the maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport so as not to exceed the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) SUBSEQUENT SCHEDULE INCREASES.—Subsequent to any reduction in operations under subsection (a) or (b) at an airport, if the Administrator determines that the hourly number of aircraft operations at that airport is less than the amount that can be handled safely and efficiently, the Administrator shall ensure that priority is given to United States air carriers in permitting additional aircraft operations with respect to that hour.

SEC. 414. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOT EXEMPTIONS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end the following:

''(g) ADDITIONAL SLOT EXEMPTIONS.—

''(1) INCREASE IN SLOT EXEMPTIONS.—Not later than 90 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Secretary shall grant, by order 16 exemptions from—

''(A) the application of sections 49104(a)(5), 49109, and 41714 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; and

''(B) the requirements of subparts K and S of part 93, Code of Federal Regulations.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the slot exemptions made available under paragraph (1), the Secretary shall make 8 available to limited incumbent air carriers or new entrant air carriers (as such terms are defined in section 41714(h)). Such exemptions shall be allocated pursuant to the application process established by the Secretary under subsection (d). The Secretary shall consider the extent to which 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; or

''(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.

''(3) IMPROVED NETWORK SLOTS.—Of the slot exemptions made available under paragraph (1), the Secretary shall make 8 available to incumbent air carriers qualifying for status as a non-limited incumbent carrier at Ronald Reagan Washington National Airport as of the date of enactment of the FAA Modernization and Reform Act of 2012. Each such non-limited incumbent air carrier—

''(A) may operate up to a maximum of 2 of the newly authorized slot exemptions;

''(B) prior to exercising an exemption made available under paragraph (1), shall discontinue the use of a slot for service between Ronald Reagan Washington National Airport and a large hub airport within the perimeter as described in section 49109, 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;

''(C) shall be entitled to return of the slot by the Secretary if use of the exemption made available to the carrier under paragraph (1) is discontinued;

''(D) shall have sole discretion concerning the use of an exemption made available under paragraph (1), including the initial or any subsequent beyond perimeter destinations to be served; and

''(E) shall file a notice of intent with the Secretary and subsequent notices of intent, when appropriate, to inform the Secretary of any change in circumstances concerning the use of any exemption made available under paragraph (1).

''(4) NOTICES OF INTENT.—Notices of intent under paragraph (3)(E) shall specify the beyond perimeter destination to be served and the slots the carrier shall discontinue using to serve a large hub airport located within the perimeter.

''(5) 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 transferring the rights to its beyond-perimeter exemptions pursuant to section 41714(j).

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall—

''(1) 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;

''(2) afford a scheduling priority to slot exemptions currently held by new entrant air carriers and 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; and

''(3) consider applications from foreign air carriers that are certificated by the government of Canada if such consideration is required by the bilateral aviation agreement between the United States and Canada and so long as the conditions and limitations under this section apply to such foreign air carriers.''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended to read as follows:

''(2) GENERAL EXEMPTIONS.—

''(A) HOURLY LIMITATION.—The exemptions granted—

''(i) under subsections (a) and (b) and departures authorized under subsection (g)(2) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m.; and

''(ii) under subsections (a), (b), and (g) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 5 operations.

''(B) USE OF EXISTING SLOTS.—A non-limited incumbent air carrier utilizing an exemption authorized under subsection (g)(3) for an arrival permitted between the hours of 10:01 p.m. and 11:00 p.m. under this section shall discontinue use of an existing slot during the same time period the arrival exemption is operated.''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) in subparagraph (A) by striking ''20'' and inserting ''40'';

(2) by amending subparagraph (B) to read as follows:

''(B) for purposes of such sections, the term 'slot' shall not include—

''(i) 'slot exemptions';

''(ii) slots operated by an air carrier under a fee-for-service arrangement for another air carrier, if the air carrier operating such slots does not sell flights in its own name, and is under common ownership with an air carrier that seeks to qualify as a limited incumbent and that sells flights in its own name; or

''(iii) slots held under a sale and license-back financing arrangement with another air carrier, where the slots are under the marketing control of the other air carrier; and''.

(d) TRANSFER OF EXEMPTIONS.—Section 41714(j) is amended by striking the period at the end and inserting '', except through an air carrier merger or acquisition.''.

(e) DEFINITION OF AIRPORT PURPOSES.—Section 49104(a)(2)(A) is amended—

(1) in clause (ii) by striking ''or'' at the end;

(2) in clause (iii) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) a business or activity not inconsistent with the needs of aviation that has been approved by the Secretary.''.

SEC. 415. PASSENGER AIR SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

''CHAPTER 423—PASSENGER AIR SERVICE IMPROVEMENTS

''§ 42301. Emergency contingency plans

''(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

''(1) An air carrier providing covered air transportation at a commercial airport.

''(2) An operator of a commercial airport.

''(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

''(b) AIR CARRIER PLANS.—

''(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

''(A) each airport at which the carrier provides covered air transportation; and

''(B) each airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

''(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—

''(A) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft at the airport when the departure of a flight is delayed or the disembarkation of passengers is delayed;

''(B) share facilities and make gates available at the airport in an emergency; and

''(C) allow passengers to deplane following an excessive tarmac delay in accordance with paragraph (3).

''(3) DEPLANING FOLLOWING AN EXCESSIVE TARMAC DELAY.—For purposes of paragraph (2)(C), an emergency contingency plan submitted by an air carrier under subsection (a) shall incorporate the following requirements:

''(A) A passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay.

''(B) The option described in subparagraph (A) shall be offered to a passenger even if a flight in covered air transportation is diverted to a commercial airport other than the originally scheduled airport.

''(C) Notwithstanding the requirements described in subparagraphs (A) and (B), a passenger shall not have an option to deplane an aircraft and return to the airport terminal in the case of an excessive tarmac delay if—

''(i) an air traffic controller with authority over the aircraft advises the pilot in command that permitting a passenger to deplane would significantly disrupt airport operations; or

''(ii) the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

''(1) provide for the deplanement of passengers following excessive tarmac delays;

''(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

''(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared United States Customs and Border Protection.

''(d) UPDATES.—

''(1) AIR CARRIERS.—An air carrier shall update each emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

''(2) AIRPORTS.—An airport operator shall update each emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

''(e) APPROVAL.—

''(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary, require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

''(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

''(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator approved under this section.

''(f) MINIMUM STANDARDS.—The Secretary shall establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

''(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

''(h) REPORTS.—Not later than 30 days after any flight experiences an excessive tarmac delay, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Division of the Department of Transportation.

''(i) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIRPORT.—The term 'commercial airport' means a large hub, medium hub, small hub, or nonhub airport.

''(2) COVERED AIR TRANSPORTATION.—The term 'covered air transportation' means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

''(3) TARMAC DELAY.—The term 'tarmac delay' means the period during which passengers are on board an aircraft on the tarmac—

''(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

''(B) awaiting deplaning after the aircraft has landed.

''(4) EXCESSIVE TARMAC DELAY.—The term 'excessive tarmac delay' means a tarmac delay that lasts for a length of time, as determined by the Secretary.

''§ 42302. Consumer complaints

''(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation and shall take actions to notify the public of—

''(1) that telephone number; and

''(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

''(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the carrier—

''(1) the hotline telephone number established under subsection (a);

''(2) the e-mail address, telephone number, and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems; and

''(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems.

''(c) NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include the hotline telephone number established under subsection (a) on—

''(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the air carrier operates; and

''(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the air carrier.

''§ 42303. Use of insecticides in passenger aircraft

''(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

''(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.''.

(b) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(c) APPLICABILITY OF REQUIREMENTS.—Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Passenger Air Service Improvements ..... 42301''.

Subtitle B—Essential Air Service

SEC. 421. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE FEWER THAN 10 ENPLANEMENTS PER DAY.

Section 41731 is amended—

(1) in subsection (a)(1) by amending subparagraph (B) to read as follows:

''(B) had an average of 10 enplanements per service day or more, as determined by the Secretary, during the most recent fiscal year beginning after September 30, 2012;'';

(2) by amending subsection (c) to read as follows:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA AND HAWAII.—Subparagraphs (B), (C), and (D) of subsection (a)(1) shall not apply with respect to locations in the State of Alaska or the State of Hawaii.'';

(3) by amending subsection (d) to read as follows:

''(d) EXCEPTIONS FOR LOCATIONS MORE THAN 175 DRIVING MILES FROM THE NEAREST LARGE OR MEDIUM HUB AIRPORT.—Subsection (a)(1)(B) shall not apply with respect to locations that are more than 175 driving miles from the nearest large or medium hub airport.''; and

(4) by adding at the end the following:

''(e) WAIVERS.—For fiscal year 2013 and each fiscal year thereafter, the Secretary may waive, on an annual basis, subsection (a)(1)(B) with respect to a location if the location demonstrates to the Secretary's satisfaction that the reason the location averages fewer than 10 enplanements per day is due to a temporary decline in enplanements.

''(f) DEFINITION.—For purposes of subsection (a)(1)(B), the term 'enplanements' means the number of passengers enplaning, at an eligible place, on flights operated by the subsidized essential air service carrier.''.

SEC. 422. ESSENTIAL AIR SERVICE ELIGIBILITY.

Section 41731(a)(1) is further amended—

(1) in subparagraph (C) by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(D) is a community that, at any time during the period between September 30, 2010, and September 30, 2011, inclusive—

''(i) received essential air service for which compensation was provided to an air carrier under this subchapter; or

''(ii) received a 90-day notice of intent to terminate essential air service and the Secretary required the air carrier to continue to provide such service to the community.''.

SEC. 423. ESSENTIAL AIR SERVICE MARKETING.

Section 41733(c)(1) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by striking ''and'' at the end of subparagraph (D); and

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

''(E) whether the air carrier has included a plan in its proposal to market its services to the community; and''.

SEC. 424. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 is amended by adding at the end the following:

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

''(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

''(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, information to each community notified under paragraph (1) regarding—

''(A) the procedures established pursuant to paragraph (2); and

''(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with basic essential air service and the subsidy cap.''.

SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 is further amended by adding at the end the following:

''(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

''(1) IN GENERAL.—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap or that the place is no longer an eligible place pursuant to section 41731(a)(1)(B), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

''(2) DETERMINATION BY SECRETARY.—The Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c) if—

''(A) a State or local government submits to the Secretary a proposal under paragraph (1); and

''(B) the Secretary determines that—

''(i) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap;

''(ii) the proposal is likely to result in an average number of enplanements per day that will satisfy the requirement in section 41731(a)(1)(B); and

''(iii) the proposal is consistent with the legal and regulatory requirements of the essential air service program.

''(h) SUBSIDY CAP DEFINED.—In this section, the term 'subsidy cap' means the subsidy-per-passenger cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1022).''.

SEC. 426. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) is amended by striking ''continue to pay'' and all that follows through ''compensation sufficient—'' and inserting ''provide the carrier with compensation sufficient—''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

(c) SUBSIDY CAP.—Subject to the availability of funds, the Secretary may waive, on a case-by-case basis, the subsidy-per-passenger cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1022). A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

SEC. 427. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

''(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.''.

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 that incorporate the amendments made by this section.

(c) UPDATE.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an update of the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417.

SEC. 428. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a) is amended—

(1) in paragraph (1)—

(A) by inserting ''for each fiscal year'' before ''is authorized''; and

(B) by striking ''under this subchapter for each fiscal year'' and inserting ''under this subchapter''; and

(2) in paragraph (2) by striking ''and $54,699,454 for the period beginning on October 1, 2011, and ending on February 17, 2012,'' and inserting '', $143,000,000 for fiscal year 2012, $118,000,000 for fiscal year 2013, $107,000,000 for fiscal year 2014, and $93,000,000 for fiscal year 2015''.

(b) DISTRIBUTION OF ADDITIONAL FUNDS.—Section 41742(b) is amended to read as follows:

''(b) DISTRIBUTION OF ADDITIONAL FUNDS.—Notwithstanding any other provision of law, in any fiscal year in which funds credited to the account established under section 45303, including the funds derived from fees imposed under the authority contained in section 45301(a), exceed the $50,000,000 made available under subsection (a)(1), such funds shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter.''.

(c) AVAILABILITY OF FUNDS.—Section 41742 is amended by adding at the end the following:

''(c) AVAILABILITY OF FUNDS.—The funds made available under this section shall remain available until expended.''.

SEC. 429. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) in subparagraph (E) by striking ''fashion.'' and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended to read as follows:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $6,000,000 for each of fiscal years 2012 through 2015 to carry out this section. Such sums shall remain available until expended.''.

SEC. 430. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

Section 41747, and the item relating to section 41747 in the analysis for chapter 417, are repealed.

SEC. 431. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking ''February 17, 2012.'' and inserting ''September 30, 2015.''.

TITLE V—ENVIRONMENTAL STREAMLINING

SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.

(a) GENERAL REQUIREMENTS.—Section 40128(a)(1)(C) is amended by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park''.

(b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—Section 40128(a) is amended by adding at the end the following:

''(5) EXEMPTION FOR NATIONAL PARKS WITH 50 OR FEWER FLIGHTS EACH YEAR.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—

''(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

''(ii) NOTIFICATION OF WITHDRAWAL OF EXEMPTION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph (B).

''(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding 1-year period over such park.''.

(c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended—

(1) in paragraph (1) by adding at the end the following:

''(C) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would adversely affect park resources or visitor experiences.''; and

(2) by adding at the end the following:

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour operator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

''(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC REVIEW.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—

''(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of—

''(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

''(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system.

''(ii) EFFECT OF TERMINATION.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.''.

(d) INTERIM OPERATING AUTHORITY.—Section 40128(c) is amended—

(1) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection, if—

''(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park.''; and

(2) in paragraph (3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without further environmental process beyond that described in this paragraph, if—

''(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

''(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.''.

(e) OPERATOR REPORTS.—Section 40128 is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director.''.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and

(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

''(1) coordinate and consult with the State;

''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

''(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.''.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—

''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

''(2) to conduct special environmental studies related to an airport project funded with Federal funds;

''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations;

''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration; and

''(5) to facilitate the timely processing, review, and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures, such as required navigation performance procedures and area navigation procedures.''.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(C) shall remain available until expended.''.

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

''(f) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.''.

SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as otherwise provided by this section, after December 31, 2015, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) TEMPORARY OPERATIONS.—The Secretary may allow temporary operation of an aircraft otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

''(2) To scrap the aircraft.

''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

''(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

''(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

''(7) To provide transport of persons and goods in the relief of an emergency situation.

''(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

''(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.

''(e) STATUTORY CONSTRUCTION.—

''(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.

''(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) PENALTIES.—Section 47531 is amended—

(A) in the section heading by striking ''***for violating sections 47528–47530***''; and

(B) by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) JUDICIAL REVIEW.—Section 47532 is amended by inserting ''or 47534'' after ''47528–47531''.

(3) ANALYSIS.—The analysis for subchapter II of chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

''47531. Penalties.''; and

(B) by adding at the end the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.

SEC. 507. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $2,500,000 may be expended under the pilot program at any single public-use airport.

SEC. 508. HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES.

The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce

energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.

SEC. 509. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, completed in Chicago on December 7, 1944 (TIAS 1591; commonly known as the ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation;

(2) the European Union and its member states should instead work with other contracting states of ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through ICAO; and

(3) officials of the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union's emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

SEC. 510. AVIATION NOISE COMPLAINTS.

Not later than 90 days after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

SEC. 511. PILOT PROGRAM FOR ZERO-EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47136 the following:

''§ 47136a. Zero-emission airport vehicles and infrastructure

''(a) IN GENERAL.—The Secretary of Transportation may establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airport to carry out activities associated with the acquisition and operation of zero-emission vehicles (as defined in section 88.102–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport may be eligible for participation in the program only if the airport is located in a nonattainment area (as defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

''(2) SHORTAGE OF APPLICANTS.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, the Secretary may permit public-use airports that are not located in such areas to participate in the program.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

''(2) USE OF UNIVERSITY TRANSPORTATION CENTER.—Participants in the program may use a university transportation center receiving grants under section 5506 in the region of the airport to receive the technical assistance described in paragraph (1).

''(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.''.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the program established by section 47136a of title 49, United States Code (as added by this section);

(2) the performance measures used to measure such effectiveness, such as the goals for the projects implemented and the amount of emissions reduction achieved through these projects;

(3) an assessment of the sufficiency of the data collected during the program to make a decision on whether or not to implement the program;

(4) an identification of all public-use airports that expressed an interest in participating in the program; and

(5) a description of the mechanisms used by the Secretary to ensure that the information and expertise gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 47136 the following:

''47136a. Zero-emission airport vehicles and infrastructure.''.

(d) TECHNICAL AMENDMENT.—Section 47136(f)(2) is amended—

(1) in the paragraph heading by striking ''ELIGIBLE CONSORTIUM'' and inserting ''UNIVERSITY TRANSPORTATION CENTER''; and

(2) by striking ''an eligible consortium'' and inserting ''a university transportation center''.

SEC. 512. INCREASING THE ENERGY EFFICIENCY OF AIRPORT POWER SOURCES.

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47140 the following:

''§ 47140a. Increasing the energy efficiency of airport power sources

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall encourage the sponsor of each public-use airport to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to increase energy efficiency at the airport.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants from amounts made available under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will increase energy efficiency at the airport.

''(2) APPLICATION.—To be eligible for a grant under paragraph (1), the sponsor of a public-use airport shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 47140 the following:

''47140a. Increasing the energy efficiency of airport power sources.''.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking paragraph (2) and inserting the following:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

''(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Modernization and Reform Act of 2012); or

''(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

''(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5.

''(C) BINDING ARBITRATION FOR TERM BARGAINING.—

''(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

''(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

''(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

''(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

''(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—

''(I) the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce;

''(II) the effect of its arbitration decisions on the Federal Aviation Administration's budget; and

''(III) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

''(vii) COSTS.—The parties shall share costs of the arbitration equally.

''(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).''.

SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) in subparagraph (G) by striking ''and'' after the semicolon;

(2) in subparagraph (H) by striking ''Board.'' and inserting ''Board; and''; and

(3) by adding at the end the following:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means a Federal Aviation Administration executive;

''(III) the term 'career appointee' means a Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 603. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on training options for graduates of the Collegiate Training Initiative program (in this section referred to as ''CTI'' programs) conducted under section 44506(c) of title 49, United States Code.

(b) CONTENTS.—The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Federal Aviation Administration a new air traffic controller orientation session at such Center for graduates of CTI programs followed by on-the-job training for such new air traffic controllers who are graduates of CTI programs and shall include an analysis of—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of CTI programs.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 604. FRONTLINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall commission an independent study on frontline manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the managerial tasks expected to be performed by frontline managers, including employee development, management, and counseling;

(2) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(3) coverage requirements in relation to traffic demand;

(4) facility type;

(5) complexity of traffic and managerial responsibilities;

(6) proficiency and training requirements; and

(7) such other factors as the Administrator considers appropriate.

(c) PARTICIPATION.—The Administrator shall ensure the participation of frontline managers who currently work in safety-related operational areas of the Administration.

(d) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the heads of the appropriate lines of business within the Administration, including the Chief Operating Officer of the Air Traffic Organization.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (d).

(f) DEFINITION.—In this section, the term ''frontline manager'' means first-level, operational supervisors and managers who work in safety-related operational areas of the Administration.

SEC. 605. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of the Administrator's technical training strategy and improvement plan for airway transportation systems specialists (in this section referred to as ''FAA systems specialists'').

(2) CONTENTS.—The study shall include—

(A) a review of the current technical training strategy and improvement plan for FAA systems specialists;

(B) recommendations to improve the technical training strategy and improvement plan needed by FAA systems specialists to be proficient in the maintenance of the latest technologies;

(C) a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies; and

(D) a recommendation regarding the most cost-effective approach to provide training to FAA systems specialists.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) CONSULTATION.—In conducting the study, the National Academy of Sciences shall—

(A) consult with the exclusive bargaining representative certified under section 7111 of title 5, United States Code; and

(B) include recommendations for objective staffing standards that maintain the safety of the national airspace system.

(3) REPORT.—Not later than 1 year after the initiation of the arrangements under paragraph (1), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 606. SAFETY CRITICAL STAFFING.

(a) IN GENERAL.—Not later than October 1, 2012, the Administrator of the Federal Aviation Administration shall implement, in as cost-effective a manner as possible, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled ''Staffing Standards for Aviation Safety Inspectors''. In doing so, the Administrator shall consult with interested persons, including the exclusive bargaining representative for aviation safety inspectors certified under section 7111 of title 5, United States Code.

(b) REPORT.—Not later than January 1 of each year beginning after September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a).

SEC. 607. AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.

Section 44506 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—

''(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—

''(A) received a control tower operator certification (referred to in this subsection as a 'CTO' certificate); and

''(B) satisfied all other applicable qualification requirements for an air traffic control specialist position, including successful completion of orientation training at the Federal Aviation Administration Academy.

''(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.

''(3) REPORT.—Not later than 2 years after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall

submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.

''(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase, to the maximum extent practicable, the number of appointments of candidates who possess such certification.

''(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the Administrator associated with issuing certifications to such candidates.

''(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

''(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;

''(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and

''(iii) remain available until expended.''.

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Aviation Administration (in this section referred to as the ''FAA'') to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system in the most cost effective manner.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, and other interested parties, including Government and industry representatives.

(c) CONTENTS.—The study shall include—

(1) an examination of representative information on productivity, human factors, traffic activity, and improved technology and equipment used in air traffic control;

(2) an examination of recent National Academy of Sciences reviews of the complexity model performed by MITRE Corporation that support the staffing standards models for the en route air traffic control environment; and

(3) consideration of the Administration's current and estimated budgets and the most cost-effective staffing model to best leverage available funding.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. AIR TRAFFIC CONTROLLER TRAINING AND SCHEDULING.

(a) TRAINING STRATEGY AND IMPROVEMENT PLAN.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including the Administrator's technical training strategy and improvement plan for air traffic controllers.

(1) CONTENTS.—The study shall include—

(A) a review of the current training system for air traffic controllers, including the technical training strategy and improvement plan;

(B) an analysis of the competencies required of air traffic controllers for successful performance in the current and future projected air traffic control environment;

(C) an analysis of the competencies projected to be required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;

(D) an analysis of various training approaches available to satisfy the air traffic controller competencies identified under subparagraphs (B) and (C);

(E) recommendations to improve the current training system for air traffic controllers, including the technical training strategy and improvement plan; and

(F) the most cost-effective approach to provide training to air traffic controllers.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) FACILITY TRAINING PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a comprehensive review and evaluation of its Academy and facility training efforts. The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental air traffic controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

(c) AIR TRAFFIC CONTROLLER SCHEDULING.—Not later than 60 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the Federal Aviation Administration's air traffic controller scheduling practices.

(1) CONTENTS.—The assessment shall include, at a minimum—

(A) an analysis of how air traffic controller schedules are determined;

(B) an evaluation of how safety is taken into consideration when schedules are being developed and adopted;

(C) an evaluation of scheduling practices that are cost effective to the Government;

(D) an examination of how scheduling practices impact air traffic controller performance; and

(E) any recommendations the Inspector General may have related to air traffic controller scheduling practices.

(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment conducted under this subsection.

SEC. 610. FAA FACILITY CONDITIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of and review—

(1) the conditions of a sampling of Federal Aviation Administration facilities across the United States, including offices, towers, centers, and terminal radar air control;

(2) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation, and facility-related hazards in facilities of the Administration;

(3) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(4) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(5) whether employees of the Administration who report facility-related illnesses are treated appropriately;

(6) utilization of scientifically approved remediation techniques to mitigate hazardous conditions in accordance with applicable State and local regulations and Occupational Safety and Health Administration practices by the Administration; and

(7) resources allocated to facility maintenance and renovation by the Administration.

(b) FACILITY CONDITION INDICES.—The Comptroller General shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (c).

(c) RECOMMENDATIONS.—Based on the results of the study and review of facility condition indices under subsection (a), the Comptroller General shall make such recommendations as the Comptroller General considers necessary—

(1) to prioritize those facilities needing the most immediate attention based on risks to employee health and safety;

(2) to ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) to assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on results of the study, including the recommendations under subsection (c).

SEC. 611. TECHNICAL CORRECTION.

Section 40122(g)(3) is amended by adding at the end the following: ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

Section 44302(f)(1) is amended by striking ''shall extend through'' and all that follows through ''the termination date'' and inserting ''shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date''.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

The first sentence of section 44303(b) is amended by striking ''ending on'' and all that follows through ''the Secretary may certify'' and inserting ''ending on December 31, 2013, the Secretary may certify''.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

The second sentence of section 44304 is amended by striking ''the carrier'' and inserting ''any insurance carrier''.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

The second sentence of section 44308(c)(1) is amended by striking ''agent'' and inserting ''agent, or a claims adjuster who is independent of the underwriting agent,''.

TITLE VIII—MISCELLANEOUS

SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

''(4) Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40130. FAA authority to conduct criminal history record checks

''(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

''(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

''(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and

''(B) to receive relevant criminal history record information regarding the airman checked.

''(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

''(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

''(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who may carry out the authority described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA authority to conduct criminal history record checks.''.

SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';

(2) in subsection (a)(5)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451'';

(3) in subsection (d)(2)—

(A) in the first sentence—

(i) by striking ''44723) or'' and inserting the following: ''44723), chapter 451,'';

(ii) by striking ''46302'' and inserting ''section 46302''; and

(iii) by striking ''46318, or 47107(b)'' and inserting ''section 46318, section 46319, or section 47107(b)''; and

(B) in the second sentence—

(i) by striking ''46302'' and inserting ''section 46302'';

(ii) by striking ''46303,'' and inserting ''or section 46303 of this title''; and

(iii) by striking ''such chapter 449'' and inserting ''any of those provisions''; and

(4) in subsection (f)(1)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451''.

SEC. 804. CONSOLIDATION AND REALIGNMENT OF FAA SERVICES AND FACILITIES.

(a) NATIONAL FACILITIES REALIGNMENT AND CONSOLIDATION REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a report, to be known as the National Facilities Realignment and Consolidation Report, in accordance with the requirements of this subsection.

(2) PURPOSE.—The purpose of the report shall be—

(A) to support the transition to the Next Generation Air Transportation System; and

(B) to reduce capital, operating, maintenance, and administrative costs of the FAA where such cost reductions can be implemented without adversely affecting safety.

(3) CONTENTS.—The report shall include—

(A) recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA; and

(B) for each of the recommendations, a description of—

(i) the Administrator's justification;

(ii) the projected costs and savings; and

(iii) the proposed timing for implementation.

(4) INPUT.—The report shall be developed by the Administrator (or the Administrator's designee)—

(A) in coordination with the Chief NextGen Officer and the Chief Operating Officer of the Air Traffic Organization of the FAA; and

(B) with the participation of—

(i) representatives of labor organizations representing operations and maintenance employees of the air traffic control system; and

(ii) industry stakeholders.

(5) SUBMISSION TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit the report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(6) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report in the Federal Register and allow 45 days for the submission of public comments.

(b) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (a)(6), the Administrator shall submit to the committees specified in subsection (a)(5)—

(1) a report containing the recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA; and

(2) copies of any public comments received by the Administrator under subsection (a)(6).

(c) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Except as provided in subsection (d), the Administrator shall realign and consolidate the services and facilities of the FAA in accordance with the recommendations included in the report submitted under subsection (b).

(d) CONGRESSIONAL DISAPPROVAL.—

(1) IN GENERAL.—The Administrator may not carry out a recommendation for realignment or consolidation of services or facilities of the FAA that is included in the report submitted under subsection (b) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of—

(A) the last day of the 30-day period beginning on the date of submission of the report; or

(B) the adjournment of Congress sine die for the session during which the report is transmitted.

(2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either house of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(2) REALIGNMENT; CONSOLIDATION.—

(A) IN GENERAL.—The terms ''realignment'' and ''consolidation'' include any action that—

(i) relocates functions, services, or personnel positions;

(ii) discontinues or severs existing facility functions or services; or

(iii) combines the results described in clauses (i) and (ii).

(B) EXCLUSION.—The terms do not include a reduction in personnel resulting from workload adjustments.

SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to prohibit individuals other than authorized flight crewmembers from accessing the flight deck of an all-cargo aircraft.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration—

(A) may not publish any report required or authorized by law in a printed format; and

(B) shall publish any such report by posting it on the Administration's Internet Web site in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in a printed format is essential to the mission of the Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary of Transportation may not use any funds made available pursuant to this Act

(including any amendment made by this Act) to name, rename, designate, or redesignate any project or program authorized by this Act (including any amendment made by this Act) for an individual then serving in Congress as a Member, Delegate, Resident Commissioner, or Senator.

SEC. 808. STUDY ON AVIATION FUEL PRICES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general.

(b) CONTENTS.—The study shall include an assessment of the impact of increases in aviation fuel prices on—

(1) general aviation;

(2) commercial passenger aviation;

(3) piston aircraft purchase and use;

(4) the aviation services industry, including repair and maintenance services;

(5) aviation manufacturing;

(6) aviation exports; and

(7) the use of small airport installations.

(c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 809. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The aviation safety issues associated with alternative lighting strategies, technologies, and regulations.

(2) The feasibility of implementing alternative lighting strategies or technologies to improve aviation safety.

(3) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 810. AIR-RAIL CODE SHARING STUDY.

(a) CODE SHARE STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study regarding—

(1) existing airline and intercity passenger rail code sharing arrangements; and

(2) the feasibility, costs to taxpayers and other parties, and benefits of increasing the intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider—

(1) the potential costs to taxpayers and other parties and benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through code sharing arrangements;

(2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities and stations;

(3) the experience of other countries with respect to airport and intercity passenger rail connectivity; and

(4) such other issues the Comptroller General considers appropriate.

(c) REPORT.—Not later than 1 year after initiating the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any conclusions of the Comptroller General resulting from the study.

SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Homeland Security and the Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the D.C. Metropolitan Area Special Flight Rules Area.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 812. FAA REVIEW AND REFORM.

(a) AGENCY REVIEW.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall undertake a thorough review of each program, office, and organization within the Administration, including the Air Traffic Organization, to identify—

(1) duplicative positions, programs, roles, or offices;

(2) wasteful practices;

(3) redundant, obsolete, or unnecessary functions;

(4) inefficient processes; and

(5) ineffectual or outdated policies.

(b) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 120 days after the date of enactment of this Act, the Administrator shall undertake such actions as may be necessary to address the Administrator's findings under subsection (a), including—

(1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;

(2) eliminating or streamlining wasteful practices;

(3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;

(4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner; and

(5) reforming or eliminating ineffectual or outdated policies.

(c) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake the actions required under subsection (b).

(d) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the actions taken by the Administrator under this section, including any recommendations for legislative or administrative actions.

SEC. 813. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction, production, lease, or other means at a 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 Administration.

(b) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (c) may allocate revenue identified by the Administrator under subsection (a) 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.

(c) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (a) 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 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.

(d) 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.

(e) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

(f) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term ''general aviation airport'' has the meaning given that term in section 47102 of title 49, United States Code, as amended by this Act.

SEC. 814. CONTRACTING.

When drafting contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration, the Administrator of the Federal Aviation Administration shall ensure—

(1) the proposal is drafted so that all parties can fairly compete; and

(2) the proposal takes into consideration the most cost-effective location, accessibility, and services options.

SEC. 815. FLOOD PLANNING.

(a) STUDY.—The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of preparedness and response capability for airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding.

(b) ELIGIBILITY OF DEMOLITION AND REBUILDING OF PROPERTIES.—Section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)) is amended by adding at the end the following:

''(6) ELIGIBILITY OF DEMOLITION AND REBUILDING OF PROPERTIES.—The Director shall consider as an eligible activity the demolition and rebuilding of properties to at least base flood levels or higher, if required by the Director or if required by any State or local ordinance, and in

accordance with project implementation criteria established by the Director.''.

SEC. 816. HISTORICAL AIRCRAFT DOCUMENTS.

(a) PRESERVATION OF DOCUMENTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—

(A) approved aircraft type certificate numbers ATC 1 through ATC 713; and

(B) Group-2 approved aircraft type certificate numbers 2–1 through 2–544.

(2) REVISION OF ORDER.—Not later than 3 years after the date of enactment of this Act, the Administrator shall revise FAA Order 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).

(3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.

(b) AVAILABILITY OF DOCUMENTS.—

(1) FREEDOM OF INFORMATION ACT REQUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—

(A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and

(B) subject to a prohibition on use of the documents for commercial purposes.

(2) TRADE SECRETS, COMMERCIAL, AND FINANCIAL INFORMATION.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).

(c) HOLDER OF TYPE CERTIFICATE.—

(1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to or for the Federal Aviation Administration, a person, or the public.

(2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).

(3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall only be responsible for Federal Aviation Administration regulation requirements related to type certificate data and documents identified in subsection (a)(1) for aircraft having a standard airworthiness certificate issued prior to the date the documents are released to a person by the Federal Aviation Administration under subsection (b)(1).

SEC. 817. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to an airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county an interest in real property for airport purposes pursuant to section 16 of the Federal Airport Act (60 Stat. 179) or section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 232).

(b) CONDITION.—Any release granted by the Secretary pursuant to subsection (a) shall be subject to the following conditions:

(1) The applicable airport, city, or county shall agree that in conveying any interest in the real property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive consideration for such interest that is equal to its fair market value.

(2) Any consideration received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.

(3) Any other conditions required by the Secretary.

SEC. 818. SENSE OF CONGRESS.

It is the sense of Congress that Los Angeles World Airports, the operator of Los Angeles International Airport (LAX)—

(1) should consult on a regular basis with representatives of the community surrounding the airport regarding—

(A) the ongoing operations of LAX; and

(B) plans to expand, modify, or realign LAX facilities; and

(2) should include in such consultations any organization, the membership of which includes at least 100 individuals who reside within 10 miles of the airport, that notifies Los Angeles World Airports of its desire to be included in such consultations.

SEC. 819. HUMAN INTERVENTION MOTIVATION STUDY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Motivation Study program for cabin crew members employed by commercial air carriers in the United States.

SEC. 820. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report that identifies—

(1) the current and anticipated, with respect to the next decade, need by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service that operates in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 821. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

(a) REIMBURSEMENT OF FUEL COSTS.—Notwithstanding any other law or regulation, in administering section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation), the Administrator of the Federal Aviation Administration shall allow an aircraft owner or operator to accept reimbursement from a volunteer pilot organization for the fuel costs associated with a flight operation to provide transportation for an individual or organ for medical purposes (and for other associated individuals), if the aircraft owner or operator has—

(1) volunteered to provide such transportation; and

(2) notified any individual that will be on the flight, at the time of inquiry about the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight.

(b) CONDITIONS TO ENSURE SAFETY.—The Administrator may impose minimum standards with respect to training and flight hours for single-engine, multi-engine, and turbine-engine operations conducted by an aircraft owner or operator that is being reimbursed for fuel costs by a volunteer pilot organization, including mandating that the pilot in command of such aircraft hold an instrument rating and be current and qualified for the aircraft being flown to ensure the safety of flight operations described in subsection (a).

(c) VOLUNTEER PILOT ORGANIZATION.—In this section, the term ''volunteer pilot organization'' means an organization that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code; and

(2) is organized for the primary purpose of providing, arranging, or otherwise fostering charitable medical transportation.

SEC. 822. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program under which operators of up to 4 public-use airports may receive grants for activities related to the redevelopment of airport properties in accordance with the requirements of this section.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available for grants under section 47117(e)(1)(A) of title 49, United States Code, to an airport operator for a project—

(1) to support joint planning, engineering, design, and environmental permitting of projects, including the assembly and redevelopment of property purchased with noise mitigation funds made available under section 48103 of such title or passenger facility revenue collected under section 40117 of such title; and

(2) to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(c) ELIGIBILITY.—An airport operator shall be eligible to participate in the pilot program if—

(1) the operator has received approval for a noise compatibility program under section 47504 of such title; and

(2) the operator demonstrates, as determined by the Administrator—

(A) a readiness to implement cooperative land use management and redevelopment plans with neighboring local jurisdictions; and

(B) the probability of a clear economic benefit to neighboring local jurisdictions and financial return to the airport through the implementation of those plans.

(d) DISTRIBUTION.—The Administrator shall seek to award grants under the pilot program to airport operators representing different geographic areas of the United States.

(e) PARTNERSHIP WITH NEIGHBORING LOCAL JURISDICTIONS.—An airport operator shall use grant funds made available under the pilot program only in partnership with neighboring local jurisdictions.

(f) GRANT REQUIREMENTS.—The Administrator may not make a grant to an airport operator under the pilot program unless the grant is—

(1) made to enable the airport operator and local jurisdictions undertaking community redevelopment efforts to expedite those efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests subject to the redevelopment efforts has adopted and will continue in effect zoning regulations that permit airport-compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of land that is subject to repayment and reinvestment requirements under section 47107(c)(2)(A) of such title, the total amount of a grant issued under the pilot program that is attributable to the redevelopment of such land shall be added to other amounts that must be repaid or reinvested under that section upon disposal of such land by the airport operator.

(g) EXCEPTIONS TO REPAYMENT AND REINVESTMENT REQUIREMENTS.—Amounts paid to the Secretary of Transportation under subsection (f)(3)—

(1) shall be available to the Secretary for, giving preference to the actions in descending order—

(A) reinvestment in an approved noise compatibility project at the applicable airport;

(B) reinvestment in another approved project at the airport that is eligible for funding under section 47117(e) of such title;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) transfer to an operator of another public airport to be reinvested in an approved noise compatibility project at such airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be available in addition to amounts authorized under section 48103 of such title;

(3) shall not be subject to any limitation on grant obligations for any fiscal year; and

(4) shall remain available until expended.

(h) FEDERAL SHARE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) ALLOWABLE COSTS.—In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (b) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(i) MAXIMUM AMOUNT.—Not more than $5,000,000 of the funds made available for grants under section 47117(e)(1)(A) of such title may be expended under the pilot program for any single public-use airport.

(j) USE OF PASSENGER REVENUE.—An airport operator participating in the pilot program may use passenger facility revenue collected under section 40117 of such title to pay any project cost described in subsection (b) that is not financed by a grant under the pilot program.

(k) SUNSET.—This section shall not be in effect after September 30, 2015.

SEC. 823. REPORT ON NEW YORK CITY AND NEWARK AIR TRAFFIC CONTROL FACILITIES.

Under previous agreements, the Federal Aviation Administration negotiated staffing levels at the air traffic control facilities in the Newark and New York City areas. Not later than 90 days after the date of 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 on the Federal Aviation Administration's staffing and scheduling plans for air traffic control facilities in the New York City and Newark Region for the 1-year period beginning on such date of enactment.

SEC. 824. CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—Subject to subsections (b) and (c), entities transporting, in the State of Alaska, cylinders of compressed oxygen or other oxidizing gases aboard aircraft shall be exempt from compliance with the regulations described in subsection (d), to the extent that the regulations require that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration resistance test and the thermal resistance test, without regard to the end use of the cylinders.

(b) APPLICABILITY OF EXEMPTION.—The exemption provided under subsection (a) shall apply only if—

(1) transportation of the cylinders by a ground-based or water-based mode of transportation is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination;

(2) each cylinder is fully covered with a fire- or flame-resistant blanket that is secured in place; and

(3) the operator of the aircraft complies with the applicable notification procedures under section 175.33 of title 49, Code of Federal Regulations.

(c) AIRCRAFT RESTRICTION.—The exemption provided under subsection (a) shall apply only to the following types of aircraft:

(1) Cargo-only aircraft transporting the cylinders to a delivery destination that receives cargo-only service at least once a week.

(2) Passenger and cargo-only aircraft transporting the cylinders to a delivery destination that does not receive cargo-only service at least once a week.

(d) DESCRIPTION OF REGULATORY REQUIREMENTS.—The regulations described in this subsection are the regulations of the Pipeline and Hazardous Materials Safety Administration contained in sections 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4), and 173.304(f)(5) of title 49, Code of Federal Regulations.

SEC. 825. ORPHAN AVIATION EARMARKS.

(a) EARMARK DEFINED.—In this section, the term ''earmark'' means a statutory provision or report language included primarily at the request of a Senator or a Member, Delegate, or Resident Commissioner of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, or other expenditure with or to an entity or a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(b) RESCISSION.—If any earmark relating to the Federal Aviation Administration has more than 90 percent of applicable appropriated amounts remaining available for obligation at the end of the 9th fiscal year beginning after the fiscal year in which those amounts were appropriated, the unobligated portion of those amounts is rescinded effective at the end of that 9th fiscal year, except that the Administrator of the Federal Aviation Administration may delay any such rescission if the Administrator determines that an obligation with respect to those amounts is likely to occur during the 12-month period beginning on the last day of that 9th fiscal year.

(c) IDENTIFICATION AND REPORT.—

(1) AGENCY IDENTIFICATION.—At the end of each fiscal year, the Administrator shall identify and report to the Director of the Office of Management and Budget every earmark related to the Administration and with respect to which there is an unobligated balance of appropriated amounts.

(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall submit to Congress and make available to the public on the Internet Web site of the Office a report that includes—

(A) a listing of each earmark related to the Administration and with respect to which there is an unobligated balance of appropriated amounts, which shall include the amount of the original earmark, the amount of the unobligated balance related to that earmark, and the date on which the funding expires, if applicable;

(B) the number of rescissions under subsection (b) and the savings resulting from those rescissions for the previous fiscal year; and

(C) a listing of earmarks related to the Administration with amounts scheduled for rescission at the end of the current fiscal year.

SEC. 826. PRIVACY PROTECTIONS FOR AIR PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

Section 44901 is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device used in the screening of passengers 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 machines'.

''(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(i) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Homeland Security of the House of Representatives.

''(C) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

''(2) USE OF ADVANCED IMAGING TECHNOLOGY.—Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that any advanced imaging technology used for the screening of passengers under this section—

''(A) is equipped with and employs automatic target recognition software; and

''(B) complies with such other requirements as the Assistant Secretary determines necessary to address privacy considerations.

''(3) EXTENSION.—

''(A) IN GENERAL.—The Assistant Secretary may extend the deadline specified in paragraph (2), if the Assistant Secretary determines that—

''(i) an advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as an advanced imaging technology without such software; or

''(ii) additional testing of such software is necessary.

''(B) DURATION OF EXTENSIONS.—The Assistant Secretary may issue one or more extensions under subparagraph (A). The duration of each extension may not exceed one year.

''(4) REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the deadline specified in paragraph (2), and not later than 60 days after the date on which the Assistant Secretary issues any extension under paragraph (3), the Assistant Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection.

''(B) ELEMENTS.—A report submitted under subparagraph (A) shall include the following:

''(i) A description of all matters the Assistant Secretary considers relevant to the implementation of the requirements of this subsection.

''(ii) The status of compliance by the Transportation Security Administration with such requirements.

''(iii) If the Administration is not in full compliance with such requirements—

''(I) the reasons for the noncompliance; and

''(II) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

''(C) SECURITY CLASSIFICATION.—To the greatest extent practicable, a report prepared under subparagraph (A) shall be submitted in an unclassified format. If necessary, the report may include a classified annex.''.

SEC. 827. COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS.

Section 50905(c)(3) of title 51, United States Code, is amended by striking ''Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004,'' and inserting ''Beginning on October 1, 2015,''.

SEC. 828. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

(a) IN GENERAL.—The Secretary of Transportation, including a designee of the Secretary,

may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the ICAO Technical Instructions.

(b) EXCEPTIONS.—

(1) PASSENGER CARRYING AIRCRAFT.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in special provision A100 under section 172.102(c)(2) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) CREDIBLE REPORTS.—Notwithstanding subsection (a), if the Secretary obtains a credible report with respect to a safety incident from a national or international governmental regulatory or investigating body that demonstrates that the presence of lithium metal cells or batteries or lithium ion cells or batteries on an aircraft, whether transported separately or packed with or contained in equipment, in accordance with the requirements of the ICAO Technical Instructions, has substantially contributed to the initiation or propagation of an onboard fire, the Secretary—

(A) may issue and enforce an emergency regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if that regulation—

(i) addresses solely deficiencies referenced in the report; and

(ii) is effective for not more than 1 year; and

(B) may adopt and enforce a permanent regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if—

(i) the Secretary bases the regulation upon substantial credible evidence that the otherwise permissible presence of such cells or batteries would substantially contribute to the initiation or propagation of an onboard fire;

(ii) the regulation addresses solely the deficiencies in existing regulations; and

(iii) the regulation imposes the least disruptive and least expensive variation from existing requirements while adequately addressing identified deficiencies.

(c) ICAO TECHNICAL INSTRUCTIONS DEFINED.—In this section, the term ''ICAO Technical Instructions'' means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (as amended, including amendments adopted after the date of enactment of this Act).

SEC. 829. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, in a report to Congress—

(A) for the completion of work begun under the August 2000 memorandum of understanding between the Administrations; and

(B) to address issues that need further action, as set forth in the December 2000 joint report of the Administrations; and

(2) initiate development of a policy statement to set forth the circumstances in which requirements of the Occupational Safety and Health Administration may be applied to crewmembers while working in an aircraft.

SEC. 830. APPROVAL OF APPLICATIONS FOR THE AIRPORT SECURITY SCREENING OPT-OUT PROGRAM.

(a) IN GENERAL.—Section 44920(b) is amended to read as follows:

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Not later than 120 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Under Secretary shall approve or deny the application.

''(2) STANDARDS.—The Under Secretary shall approve an application submitted by an airport operator under subsection (a) if the Under Secretary determines that the approval would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport.

''(3) REPORTS ON DENIALS OF APPLICATIONS.—

''(A) IN GENERAL.—If the Under Secretary denies an application submitted by an airport operator under subsection (a), the Under Secretary shall provide to the airport operator, not later than 60 days following the date of the denial, a written report that sets forth—

''(i) the findings that served as the basis for the denial;

''(ii) the results of any cost or security analysis conducted in considering the application; and

''(iii) recommendations on how the airport operator can address the reasons for the denial.

''(B) SUBMISSION TO CONGRESS.—The Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph (A).''.

(b) WAIVERS.—Section 44920(d) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the subparagraphs 2 ems to the right;

(2) by striking ''The Under Secretary'' and inserting the following:

''(1) IN GENERAL.—The Under Secretary''; and

(3) by adding at the end the following:

''(2) WAIVERS.—The Under Secretary may waive the requirement of paragraph (1)(B) for any company that is a United States subsidiary with a parent company that has implemented a foreign ownership, control, or influence mitigation plan that has been approved by the Defense Security Service of the Department of Defense prior to the submission of the application. The Under Secretary has complete discretion to reject any application from a private screening company to provide screening services at an airport that requires a waiver under this paragraph.''.

(c) RECOMMENDATIONS OF AIRPORT OPERATOR.—Section 44920 is amended by adding at the end the following:

''(h) RECOMMENDATIONS OF AIRPORT OPERATOR.—As part of any submission of an application for a private screening company to provide screening services at an airport, the airport operator shall provide to the Under Secretary a recommendation as to which company would best serve the security screening and passenger needs of the airport, along with a statement explaining the basis of the operator's recommendation.''.

(d) RECONSIDERATION OF APPLICATIONS PENDING AS OF JANUARY 1, 2011.—

(1) IN GENERAL.—Upon the request of an airport operator, the Secretary of Homeland Security shall reconsider any application for the screening of passengers and property that—

(A) was submitted by the operator of an airport pursuant to section 44920(a) of title 49, United States Code;

(B) was pending for final decision by the Secretary on any day between January 1, 2011, and February 3, 2011, and was resubmitted by the applicant in accordance with new guidelines provided by the Secretary after February 3, 2011; and

(C) has not been approved by the Secretary on or before the date of enactment of this Act.

(2) NOTICE TO AIRPORT OPERATORS.—In reconsidering an application submitted under paragraph (1), the Secretary shall—

(A) notify the airport operator that submitted the application that the Secretary will reconsider the application;

(B) if the application was initially denied, advise the operator of the findings that served as the basis for the denial; and

(C) request the operator to provide the Secretary with such additional information as the Secretary determines necessary to reconsider the application.

(3) DEADLINE; STANDARDS.—The Secretary shall approve or deny an application to be reconsidered under paragraph (1) not later than the 120th day following the date of the request for reconsideration from the airport operator. The Secretary shall apply the standards set forth in section 44920(b) of title 49, United States Code (as amended by this section), in approving and denying such application.

(4) REPORTS ON DENIALS OF APPLICATIONS.—

(A) IN GENERAL.—If the Secretary denies an application of an airport operator following reconsideration under this subsection, the Secretary shall provide to the airport operator a written report that sets forth—

(i) the findings that served as the basis for the denial; and

(ii) the results of any cost or security analysis conducted in considering the application.

(B) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph (A).

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 48102(a) is amended—

(1) in the matter before paragraph (1) by striking ''of this title'' and inserting ''of this title and, for each of fiscal years 2012 through 2015, under subsection (g)'';

(2) by striking paragraphs (1) through (8);

(3) by redesignating paragraphs (9) through (15) as paragraphs (1) through (7), respectively;

(4) in paragraph (3) (as so redesignated)—

(A) in subparagraph (K) by adding ''and'' at the end; and

(B) in subparagraph (L) by striking ''and'' at the end; and

(5) by striking paragraph (16) and inserting the following:

''(8) $168,000,000 for each of fiscal years 2012 through 2015.''.

(b) SPECIFIC PROGRAM LIMITATIONS.—Section 48102 is amended by inserting after subsection (f) the following:

''(g) SPECIFIC AUTHORIZATIONS.—The following programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c) are authorized:

''(1) Fire Research and Safety.

''(2) Propulsion and Fuel Systems.

''(3) Advanced Materials/Structural Safety.

''(4) Atmospheric Hazards—Aircraft Icing/Digital System Safety.

''(5) Continued Airworthiness.

''(6) Aircraft Catastrophic Failure Prevention Research.

''(7) Flightdeck/Maintenance/System Integration Human Factors.

''(8) System Safety Management.

''(9) Air Traffic Control/Technical Operations Human Factors.

''(10) Aeromedical Research.

''(11) Weather Program.

''(12) Unmanned Aircraft Systems Research.

''(13) NextGen—Alternative Fuels for General Aviation.

''(14) Joint Planning and Development Office.

''(15) NextGen—Wake Turbulence Research.

''(16) NextGen—Air Ground Integration Human Factors.

''(17) NextGen—Self Separation Human Factors.

''(18) NextGen—Weather Technology in the Cockpit.

''(19) Environment and Energy Research.

''(20) NextGen Environmental Research—Aircraft Technologies, Fuels, and Metrics.

''(21) System Planning and Resource Management.

''(22) The William J. Hughes Technical Center Laboratory Facility.''.

(c) PROGRAM AUTHORIZATIONS.—From the other accounts described in the national aviation research plan required under section 44501(c) of title 49, United States Code, the following research and development activities are authorized:

(1) Runway Incursion Reduction.

(2) System Capacity, Planning, and Improvement.

(3) Operations Concept Validation.

(4) NAS Weather Requirements.

(5) Airspace Management Program.

(6) NextGen—Air Traffic Control/Technical Operations Human Factors.

(7) NextGen—Environment and Energy—Environmental Management System and Advanced Noise and Emissions Reduction.

(8) NextGen—New Air Traffic Management Requirements.

(9) NextGen—Operations Concept Validation— Validation Modeling.

(10) NextGen—System Safety Management Transformation.

(11) NextGen—Wake Turbulence—Recategorization.

(12) NextGen—Operational Assessments.

(13) NextGen—Staffed NextGen Towers.

(14) Center for Advanced Aviation System Development.

(15) Airports Technology Research Program—Capacity.

(16) Airports Technology Research Program—Safety.

(17) Airports Technology Research Program—Environment.

(18) Airport Cooperative Research—Capacity.

(19) Airport Cooperative Research—Environment.

(20) Airport Cooperative Research—Safety.

SEC. 902. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the FAA.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(5) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

SEC. 903. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking ''and'' after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.''.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall continue to carry out a research program under which the Administrator may make grants to and enter into cooperative agreements with institutions of higher education and pavement research organizations for research and technology demonstrations related to—

(1) the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

Section 44505 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

''(1) RESEARCH.—Not later than 1 year after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

''(2) RESEARCH PLAN.—Not later than 6 months after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall develop a plan for the research under paragraph (1) that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

''(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the FAA Modernization and Reform Act of 2012.''.

SEC. 906. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''Not later than 6 months after the expiration of the program under this subsection,'' and inserting ''Not later than September 30, 2012,''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

SEC. 907. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

''(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for a fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds.''.

(b) ANNUAL REPORT.—Section 44513 is amended by adding at the end the following:

''(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

''(1) the research projects that have been initiated by each center in the preceding year;

''(2) the amount of funding for each research project and the funding source;

''(3) the institutions participating in each research project and their shares of the overall funding for each research project; and

''(4) the level of cost-sharing for each research project.''.

SEC. 908. CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH.

(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator may establish a center of excellence to conduct research on—

(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

(2) any other aviation human resource issue pertinent to developing and maintaining a safe and efficient air transportation system.

(b) ACTIVITIES.—Activities conducted under this section may include the following:

(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

(2) Research and development of best practices for recruitment of individuals into the aviation field for mission critical positions.

(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

(4) Research and the development of a comprehensive assessment of the airframe and power plant technician certification process and its effect on employment trends.

(5) Evaluation of aviation maintenance technician school environments.

(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.

SEC. 909. INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other relevant agencies, may maintain a research program to assess the potential effect of aviation activities on the environment and, if warranted, to evaluate approaches to address any such effect.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).

(2) CONTENTS.—The plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REQUIREMENTS.—The plan—

(A) shall be completed not later than 1 year after the date of enactment of this Act;

(B) shall be submitted to Congress for review; and

(C) shall be updated, as appropriate, every 3 years after the initial submission.

SEC. 910. AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination

with the Administrator of NASA, shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

(1) not later than 120 days after the date of enactment of this Act, develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

(4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.

(c) COLLABORATION.—In carrying out the program under subsection (a), the Administrator shall collaborate with—

(1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors; and

(2) other appropriate Federal agencies.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the plan, information obtained, and policies and guidelines developed pursuant to subsection (b).

SEC. 911. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall establish a research program to assist in the development and qualification of jet fuel from alternative sources (such as natural gas, biomass, ethanol, butanol, and hydrogen) and other renewable sources.

(b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through the use of grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(c) PARTICIPATION IN PROGRAM.—

(1) PARTICIPATION OF EDUCATIONAL AND RESEARCH INSTITUTIONS.—In carrying out the program, the Administrator shall include participation by—

(A) educational and research institutions that have existing facilities and leverage private sector partnerships; and

(B) consortia with experience across the supply chain, including with research, feedstock development and production, small-scale development, testing, and technology evaluation related to the creation, processing, production, and transportation of alternative aviation fuel.

(2) USE OF NASA FACILITIES.—In carrying out the program, the Administrator shall consider utilizing the existing capacity in aeronautics research at Langley Research Center, Glenn Research Center, and other appropriate facilities of NASA.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator may designate an institution described in subsection (c)(1)(A) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft.

(2) EFFECT OF DESIGNATION.—The center designated under paragraph (1) shall become, upon its designation—

(A) a member of the Consortium for Continuous Low Energy, Emissions, and Noise of the FAA; and

(B) part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 912. REVIEW OF FAA'S ENERGY-RELATED AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall enter into an arrangement for an independent external review of FAA energy-related and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy-related and environment-related research programs at NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate containing the results of the review.

SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall enter into an arrangement for an independent external review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives;

(4) the programs should include a determination about whether a survey of participants across the air transportation system is an appropriate way to study safety risks within such system; and

(5) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport Cooperative Research Program—safety.

(6) Weather Program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

SEC. 914. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall establish a research program related to developing jet fuel from clean coal.

(b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(c) PARTICIPATION IN PROGRAM.—In carrying out the program, the Administrator shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal into aviation fuel.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act, the Administrator may designate an institution described in subsection (c) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 915. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Not later than 60 days after the date of enactment of this Act, the Administrator shall—

(1) initiate an evaluation of proposals related to research on the nature of wake vortexes that would increase national airspace system capacity by reducing existing spacing requirements between aircraft of all sizes;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) coordinate with NOAA, NASA, and other appropriate Federal agencies to conduct research to reduce the hazards presented to commercial aviation related to—

(A) ground de-icing and anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available.

SEC. 916. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking ''for fiscal year 2004'' and inserting ''for each of fiscal years 2012 through 2015''.

SEC. 917. RESEARCH AND DEVELOPMENT OF EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator, to the extent practicable, shall implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) shall have the capacity, at a minimum—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report on the results of the research and development work carried out under this section.

SEC. 918. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN.

(a) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of the enterprise architecture for the Next Generation Air Transportation System.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the FAA;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) determine how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review conducted pursuant to subsection (a).

SEC. 919. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall prepare and submit a problem statement to the Transportation Research Board for the purpose of initiating a study under the Airport Cooperative Research Program on airport sustainability practices.

(b) FUNCTIONS.—The purpose of the study shall be—

(1) to examine and develop best airport practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport;

(2) to examine potential standards for a rating system based on the best sustainable practices and metrics;

(3) to examine potential standards for a voluntary airport rating process based on the best sustainable practices, metrics, and ratings; and

(4) to examine and develop recommendations for future actions with regard to sustainability.

(c) REPORT.—Not later than 18 months after the date of initiation of the study, a report on the study shall be submitted to the Administrator and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

TITLE X—NATIONAL MEDIATION BOARD

SEC. 1001. RULEMAKING AUTHORITY.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by inserting after section 10 the following:

''SEC. 10A. RULES AND REGULATIONS.

''(a) IN GENERAL.—The Mediation Board shall have the authority from time to time to make, amend, and rescind, in the manner prescribed by section 553 of title 5, United States Code, and after opportunity for a public hearing, such rules and regulations as may be necessary to carry out the provisions of this Act.

''(b) APPLICATION.—The requirements of subsection (a) shall not apply to any rule or proposed rule to which the third sentence of section 553(b) of title 5, United States Code, applies.''.

SEC. 1002. RUNOFF ELECTION RULES.

Paragraph Ninth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by inserting after the fourth sentence the following: ''In any such election for which there are 3 or more options (including the option of not being represented by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the options receiving the largest and the second largest number of votes.''.

SEC. 1003. BARGAINING REPRESENTATIVE CERTIFICATION.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by adding at the end the following:

''Twelfth. Showing of interest for representation elections. The Mediation Board, upon receipt of an application requesting that an organization or individual be certified as the representative of any craft or class of employees, shall not direct an election or use any other method to determine who shall be the representative of such craft or class unless the Mediation Board determines that the application is supported by a showing of interest from not less than 50 percent of the employees in the craft or class.''.

SEC. 1004. OVERSIGHT.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by adding at the end the following:

''SEC. 15. EVALUATION AND AUDIT OF MEDIATION BOARD.

''(a) EVALUATION AND AUDIT OF MEDIATION BOARD.—

''(1) IN GENERAL.—In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General of the United States shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted not less frequently than every 2 years, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

''(2) RESPONSIBILITY OF COMPTROLLER GENERAL.—In carrying out the evaluation and audit required under paragraph (1), the Comptroller General shall evaluate and audit the programs, operations, and activities of the Mediation Board, including, at a minimum—

''(A) information management and security, including privacy protection of personally identifiable information;

''(B) resource management;

''(C) workforce development;

''(D) procurement and contracting planning, practices, and policies;

''(E) the extent to which the Mediation Board follows leading practices in selected management areas; and

''(F) the processes the Mediation Board follows to address challenges in—

''(i) initial investigations of applications requesting that an organization or individual be certified as the representative of any craft or class of employees;

''(ii) determining and certifying representatives of employees; and

''(iii) ensuring that the process occurs without interference, influence, or coercion.

''(b) IMMEDIATE REVIEW OF CERTIFICATION PROCEDURES.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall review the processes applied by the Mediation Board to certify or decertify representation of employees by a labor organization and make recommendations to the Board and appropriate congressional committees regarding actions that may be taken by the Board or Congress to ensure that the processes are fair and reasonable for all parties. Such review shall be conducted separately from any evaluation and audit under subsection (a) and shall include, at a minimum—

''(1) an evaluation of the existing processes and changes to such processes that have occurred since the establishment of the Mediation Board and whether those changes are consistent with congressional intent; and

''(2) a description of the extent to which such processes are consistent with similar processes applied to other Federal or State agencies with jurisdiction over labor relations, and an evaluation of any justifications for any discrepancies between the processes of the Mediation Board and such similar Federal or State processes.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term 'appropriate congressional committees' means the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 1100. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1101. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''February 17, 2012'' and inserting ''September 30, 2015''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''February 17, 2012'' and inserting ''September 30, 2015''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''February 17, 2012'' and inserting ''September 30, 2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 18, 2012.

SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''February 18, 2012'' in the matter preceding subparagraph (A) and inserting ''October 1, 2015'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Modernization and Reform Act of 2012;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''February 18, 2012'' and inserting ''October 1, 2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 18, 2012.

SEC. 1103. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used (during any calendar quarter by any person) in a fractional program aircraft as fuel—

''(1) for the transportation of a qualified fractional owner with respect to the fractional ownership aircraft program of which such aircraft is a part, or

''(2) with respect to the use of such aircraft on account of such a qualified fractional owner, including use in deadhead service.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) FRACTIONAL PROGRAM AIRCRAFT.—The term 'fractional program aircraft' means, with respect to any fractional ownership aircraft program, any aircraft which—

''(A) is listed as a fractional program aircraft in the management specifications issued to the manager of such program by the Federal Aviation Administration under subpart K of part 91 of title 14, Code of Federal Regulations, and

''(B) is registered in the United States.

''(2) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) there are 1 or more fractional owners per fractional program aircraft, with at least 1 fractional program aircraft having more than 1 owner,

''(C) with respect to at least 2 fractional program aircraft, none of the ownership interests in such aircraft are—

''(i) less than the minimum fractional ownership interest, or

''(ii) held by the program manager referred to in subparagraph (A),

''(D) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

''(E) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(3) DEFINITIONS RELATED TO FRACTIONAL OWNERSHIP INTERESTS.—

''(A) QUALIFIED FRACTIONAL OWNER.—The term 'qualified fractional owner' means any fractional owner which has a minimum fractional ownership interest in at least one fractional program aircraft.

''(B) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing, or powered lift aircraft, or

''(ii) a fractional ownership interest equal to or greater than 1/32 of at least 1 rotorcraft aircraft.

''(C) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

''(i) the ownership of an interest in a fractional program aircraft,

''(ii) the holding of a multi-year leasehold interest in a fractional program aircraft, or

''(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a fractional program aircraft.

''(D) FRACTIONAL OWNER.—The term 'fractional owner' means any person owning any interest (including the entire interest) in a fractional program aircraft.

''(4) DRY-LEASE AIRCRAFT EXCHANGE.—The term 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the fractional program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(5) SPECIAL RULE RELATING TO USE OF FRACTIONAL PROGRAM AIRCRAFT FOR FLIGHT DEMONSTRATION, MAINTENANCE, OR TRAINING.—For purposes of subsection (a), a fractional program aircraft shall not be considered to be used for the transportation of a qualified fractional owner, or on account of such qualified fractional owner, when it is used for flight demonstration, maintenance, or crew training.

''(6) SPECIAL RULE RELATING TO DEADHEAD SERVICE.—A fractional program aircraft shall not be considered to be used on account of a qualified fractional owner when it is used in deadhead service and a person other than a qualified fractional owner is separately charged for such service.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2021.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting ''(other than kerosene with respect to which tax is imposed under section 4043)'' after ''In the case of kerosene''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Paragraph (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''Such term shall not include the use of any aircraft before October 1, 2015, if tax is imposed under section 4043 with respect to the fuel consumed in such use or if no tax is imposed on such use under section 4043 by reason of subsection (c)(5) thereof.''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation if tax is imposed under section 4043 with respect to the fuel used in such transportation. This subsection shall not apply after September 30, 2015.''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2012.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2012.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2012.

SEC. 1104. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2012.

SEC. 1105. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of section 4261(g)(2)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1106. 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) of such Code (or, if later, April 15, 2013).

(4) OVERALL LIMITATION ON AMOUNTS TRANSFERRED TO TRADITIONAL IRAS.—

(A) IN GENERAL.—The aggregate amount of airline payment amounts which may be transferred to 1 or more traditional IRAs under paragraphs (1) and (2) with respect to any qualified employee for any taxable year shall not exceed the excess (if any) of—

(i) 90 percent of the aggregate airline payment amounts received by the qualified airline employee during the taxable year and all preceding taxable years, over

(ii) the aggregate amount of such transfers to which paragraphs (1) and (2) applied for all preceding taxable years.

(B) SPECIAL RULES.—For purposes of applying the limitation under subparagraph (A)—

(i) any airline payment amount received by the surviving spouse of any qualified employee, and any amount transferred to a traditional IRA by such spouse under subsection (d), shall be treated as an amount received or transferred by the qualified employee, and

(ii) any amount transferred to a traditional IRA which is attributable to net income described in paragraph (2) shall not be taken into account.

(5) COVERED EXECUTIVES NOT ELIGIBLE TO MAKE TRANSFERS.—Paragraphs (1) and (2) shall not apply to any transfer by a qualified airline employee (or any transfer authorized under subsection (d) by a surviving spouse of the qualified airline employee) if at any time during the taxable year of the transfer or any preceding taxable year the qualified airline employee held a position described in subparagraph (A) or (B) of section 162(m)(3) with the commercial passenger airline carrier from whom the airline payment amount was received.

(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) of the Internal Revenue Code of 1986 and 3402(a) of such Code.

(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. 1107. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—The first sentence of section 4281 is amended by inserting ''or when such aircraft is a jet aircraft'' after ''an established line''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2012.

SEC. 1108. MODIFICATION OF CONTROL DEFINITION FOR PURPOSES OF SECTION 249.

(a) IN GENERAL.—Section 249(a) 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) is amended—

(1) by striking all that precedes ''is the issue price'' and inserting:

''(b) ADJUSTED ISSUE PRICE.—For purposes of 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.

TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

SEC. 1201. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

JOHN L. MICA,
THOMAS E. PETRI,
JOHN J. DUNCAN, Jr.,
SAM GRAVES,
BILL SHUSTER,
JEAN SCHMIDT,
CHIP CRAVAACK,
NICK J. RAHALL II,
PETER A. DEFAZIO,
JERRY F. COSTELLO,
LEONARD L. BOSWELL,
RUSS CARNAHAN,

From the Committee on Science, Space, and Technology, for consideration of sections 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X, and title XIII of the House bill and sections 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and section 732 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,
STEVEN M. PALAZZO,
EDDIE BERNICE JOHNSON,

From the Committee on Ways and Means, for consideration of title XI of the House bill and titles VIII and XI of the Senate amendment, and modifications committed to conference:

DAVE CAMP,
PATRICK J. TIBERI,
SANDER M. LEVIN,
Managers on the Part of the House.

JOHN D. ROCKEFELLER IV,
BARBARA BOXER,
BILL NELSON,
MARIA CANTWELL,
KAY BAILEY HUTCHISON,
JOHNNY ISAKSON,

From the Committee on Finance:

MAX BAUCUS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658), to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The committee of conference met on January 31, 2012 (the Senate chairing), and resolved their differences. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE

House Bill

''FAA Reauthorization and Reform Act of 2011''.

Senate Bill

''FAA Air Transportation, Modernization, and Safety Improvement Act''.

Conference Substitute

''FAA Modernization and Reform Act of 2012''

AMENDMENTS TO TITLE 49, UNITED STATES CODE

TERM

House Bill

2011 through 2014.

Senate Bill

2010 through 2011.

Conference Substitute

2012 through 2015.

TITLE I—AUTHORIZATIONS

AUTHORIZATION LEVELS ($ IN BILLIONS)

H101(a),102,103/S101,102,103,104

House bill

Section 101(a) authorizes the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP) account at: $3.176 billion for Fiscal Year (FY) 2011; $3 billion for FY 2012; and $3 billion for FY 2013; and $3 billion for FY 2014. It prohibits the use of AIP funds for carrying out the Airport Cooperative Research Program or the Airports Technology Research Program and extends the obligational authority to September 30, 2014. It makes funds obligated in subsection (a) available until they are spent.

Section 102 authorizes the FAA's Facilities and Equipment (F&E) account at: $2.7 billion

for FY 2011 and $2.6 billion for FYs 2012 through FY 2014. It removes references to the following accounts: enhanced safety and security for aircraft operations in the Gulf of Mexico; operational benefits of wake vortex advisory system; ground based precision navigational aids; ground based precision navigation; standby power efficiency program; and a pilot program to provide incentives for development of new technologies.

Section 103 authorizes the FAA's Operations account at: $9.403 billion for FY 2011 and $9.168 billion for FYs 2012 through FY 2014. It authorizes expenditures necessary for: the Air Traffic Control Collegiate Training Initiative; completion of Alaska aviation safety project regarding 3–D mapping of main aviation corridors; and carrying out the Aviation Safety Reporting System. The FAA's expenditure authority is also extended through 2014. The Secretary of Transportation is permitted to transfer funds from non-safety related programs if appropriated funds are insufficient to meet salary, operations, and maintenance expenses.

Senate bill

Section 101 authorizes the FAA's Operations account at $9.336 billion in FY 2010 and $9.62 billion in FY 2011.

Section 102 authorizes the FAA's Facilities and Equipment account at $3.5 billion in FY 2010, of which $500 million would be derived from the newly-created Air Traffic System Modernization Account (ATSMA); and $3.6 billion in FY 2011, of which $500 million would be derived from the new account established by this section.

Section 103 authorizes the FAA's Research, Engineering and Development (R,E,&D) account at $200 million in FY 2010 and $206 million in FY 2011. It replaces current statutory language in—§48102(a) (which has a breakdown of how the money should be allotted) with the authorization levels only and strikes several paragraphs for the R,E,&D account. It requires the FAA to establish a grant program to promote aviation research at undergraduate and technical colleges, including schools serving Historically Black Colleges and Universities (HBCU) students, Hispanic, Native Alaskan and Hawaiian populations.

Section 104 authorizes the FAA's AIP account at $4.0 billion for FY 2010 and $4.1 billion in FY 2011.

Conference Substitute

The conference committee agreed to the following funding levels:

Section 101 authorizes the FAA's Airport Improvement Program (AIP) account at $3.35 billion for FY 2012 through FY 2015.

Section 102 authorizes the FAA's Facilities and Equipment (F&E) account at: $2.731 billion for FY 2012, $2.715 for FY 2013, $2.730 billion for FY 2014 and FY 2015.

Section 103 authorizes the FAA's Operations account at: $9.653 billion for FY 2012, $9.539 billion for FY 2013, $9.596 billion for FY 2014, and $9.653 billion for FY 2015.

Section 901 authorizes the FAA's Research Engineering and Development (R,E,&D) account at $168 million annually for FY 2012 through 2015.

FUNDING OF AVIATION PROGRAMS

H104/S105

House bill

Section 104 modifies the formula that determines the amount made available from the Airport and Airways Trust Fund (Trust Fund) each year to fund the FAA. The section requires the Trust Fund support for aviation programs in FY 2011 be equal to 90 percent of the estimated Trust Fund revenue (taxes plus interest). In FY 2012, FY 2013 and FY 2014, the Trust Fund appropriation should equal the sum of 90 percent of the estimated Trust Fund revenue, plus the difference between actual revenue and the Trust Fund appropriation in the second preceding fiscal year. It extends the authorization of appropriations for the general fund to 2014 and makes technical corrections by striking ''level'' and inserting ''estimated level'' and by striking ''level of receipts plus interest'' and replacing it with ''estimated level of receipts plus interest.'' Lastly, it amends enforcement of guarantees by inserting 2014 in place of 2007.

Senate bill

Section 105 extends the budgetary treatment for the FAA's accounts through FY 2011.

Conference Substitute

House bill modified by moving the dates in the bill forward by one year.

DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEMS

H105/S106

House bill

Section 105 requires the list of capital projects that are part of the Next Generation Air Transportation System (NextGen) system be included in the Airway Capital Investment Plan.

Senate bill

Section 106 is a similar provision.

Conference Substitute

House bill.

FUNDING FOR ADMINISTRATION EXPENSES FOR AIRPORT IMPROVEMENT PROGRAM

H106/S107(a)(b)

House bill

Section 106 authorizes funds for the Airport Improvement Program (AIP) administrative expenses (i.e., AIP approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, and airport-related environmental activities).

Senate bill

Section 107(a)(b) authorizes the administrative expenses for the FAA's airports program through FY 2011.

Conference Substitute

No provision.

PASSENGER FACILITY CHARGES

H111/S201(b)

House bill

Section 111 defines Passenger Facility Charge (PFC), makes permanent a pilot program that allows the collection of PFCs at non-hub airports, and makes a technical correction changing references of PFCs from ''fees'' to ''charges.''

Senate bill

Section 201(b) makes a technical correction changing references of PFC from ''fees'' to ''charges''.

Conference Substitute

House bill.

AIRPORT ACCESS FLEXIBILITY PROGRAM

H112/S201(a)

House bill

Section 112 establishes a pilot program, at no more than five airports, for off-airport intermodal ground access projects related to movement of airport passengers/property, subject to certain conditions.

Senate bill

Section 201(a) streamlines the administrative requirements associated with PFCs, while retaining audit controls and FAA project and expenditure oversight. It provides requirements on any airport authority wishing to increase its PFC, or wishing to impose a PFC to finance an intermodal ground facility.

Conference Substitute

No provision.

GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS

H114(a),113/S202

House bill

Section 114(a) defines ''qualifications-based selection'' (QBS) as a competitive procurement process under which firms compete for capital improvement projects on the basis of qualifications, past experience, and specific expertise.

Section 113 instructs the U.S. Government Accountability Office (GAO) to conduct a study of alternative means of PFC collection to allow such charges be collected without being included in the ticket price.

Senate bill

Section 202 requires a pilot program for direct collection of PFCs via the internet or other means, except through air carriers, under which there would be no cap on the PFC. The GAO is directed to conduct a study of potential alternative means of PFC collection.

Conference Substitute

House bill modified by dropping definition of QBS.

QUALIFICATIONS-BASED SELECTION

H114(b)/S—

House bill

Section 114(b) expresses the sense of Congress that airports should consider the use of qualifications-based selection in carrying out capital improvement projects using PFCs collected with the goal of serving the needs of all stakeholders.

Senate bill

No similar provision.

Conference Substitute

House bill.

REFORM AND STREAMLINING OF PFC AUTHORITY AND COLLECTION

H—/S201(a)

House bill

No similar provision.

Senate bill

Section 201(a) eliminates the existing statutory requirement that PFC funding may only be used for airport capital projects that preserve or enhance airport capacity, safety, or security, or reduce noise. It expedites the PFC application process by directing collection to begin upon filing of annual reports containing required information and after consultation with carriers and public notice requirements instead of waiting for FAA approval of each PFC application. This section establishes a process for filing objections to a PFC project, and allows the Secretary of Transportation to investigate excessive PFC collections or for revenue not being used per law. It provides exceptions to new processes used for intermodal ground access projects and for an increase in PFC, both of which require prior FAA approval before collection.

Conference Substitute

House bill.

TECHNICAL AMENDMENTS AND PFC PILOT PROGRAM AT NON-HUB AIRPORTS

H111(b)/S201(a)

House bill

Section 111(b) makes the pilot program for collecting PFCs at non-hub airports permanent.

Senate bill

Section 201(a) is a similar provision with minor technical differences.

Conference Substitute

House bill.

PFC ELIGIBILITY FOR BICYCLE STORAGE FACILITIES

H—/S207(b)

House bill.

No provision.

Senate bill

Section 207(b) prohibits PFCs from being used to construct bicycle storage facilities.

Conference Substitute

House bill.

UPDATE ON OVERFLIGHTS

H121/S706

House bill

Section 121 requires the FAA to guarantee existing overflight fees are reasonably related to agency costs for providing air traffic services, and requires the FAA to adjust the fees and begin collection of the appropriate amount. The FAA is authorized to periodically modify the fee based on the cost of providing such service.

Senate bill

Section 706 is similar to the House provision, but it directs the FAA to establish an Aviation Rulemaking Committee (ARC) to review overflight fees which the FAA must consult with before making any adjustments to the fees or collection is made.

Conference Substitute

House bill modified by removing language creating a special rule for FYs 2011 through 2015 which specified that ''in each of fiscal years 2011 through 2015, section 45303(c) shall not apply to any increase in fees collected pursuant to a final rule described in paragraph (4)'' and by removing language to issue a final rule with respect to the NPRM published in the Federal Register on September 28, 2010.

REGISTRATION FEES

H122/S—

House bill

Section 122 requires the FAA to establish fees for registration, certification and related services. It specifies amounts for such fees in the provision for eleven services, and requires the FAA to periodically adjust the fees when cost data reveal that the cost of providing the service changes. Lastly, it specifies that fees should be treated as offsetting collections subject to appropriations.

Senate bill

No similar provision.

Conference Substitute

House bill, but with no amounts specified for the fees.

AIRPORT MASTER PLANS

H131/S—

House bill

Section 131 requires that airport master plans and systems include in their goals a requirement to consider passenger convenience, airport ground access, and access to airport facilities.

Senate bill

No similar provision.

Conference Substitute

House bill.

AEROTROPOLIS TRANSPORTATION SYSTEMS

H132/S3—

House bill

Section 132 directs the Secretary of Transportation to encourage development of aerotropolis transportation systems, which are planned and coordinated multimodal freight and passenger transportation networks that provide efficient, cost-effective, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport, as determined by the Secretary.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

AIRPORT IMPROVEMENT PROGRAM (AIP) DEFINITIONS

H133/S208(j),215,714(a)

House bill

Section 133(a)(1) broadens eligibility for AIP spending to include firefighting and revenue equipment at an airport that serves scheduled passenger operations of air carrier aircraft designed for more than nine passengers instead of the current limit of 20.

Section 133(a)(2) allows AIP funds to be used for glycol recovery vehicles.

Section 133(a)(3) permits AIP funds to be used for mobile refueler parking within a fuel farm at a non-primary airport, if required by an Environmental Protection Agency (EPA) rule, terminal development costs, air conditioning/heating/electricity from terminal facilities, and equipment for parked aircraft to reduce energy consumption.

Section 133(b) amends the definition of airport planning to include an environmental management system and recycling.

Section 133(c) defines ''general aviation airport.''

Section 133(d) defines ''revenue producing aeronautical support facilities,'' which allows non-primary airports to use their entitlements to build or rehabilitate new facilities that can help generate revenue.

Section 133(e) redefines ''terminal development'' to include development of an airport passenger terminal building, including gates and access roads and walkways.

Senate bill

Section 208(j) is the same provision as House section 133(a)(3).

Section 215 is the same provision as House section 133(a)(2).

No similar provision.

No similar provision.

Section 714(a) is the same provision as House section 133(b).

No similar provision.

No similar provision.

Conference Substitute

House bill.

RECYCLING PLANS FOR AIRPORTS

H134/S714(b)

House bill

Section 134 requires airport master plans to: address the feasibility of solid waste recycling at an airport, minimizing the generation of waste, operation and maintenance requirements, the review of waste management contracts, and the potential for cost savings or the generation of revenue.

Senate bill

Section 714(b) is a similar provision, but includes additional requirements for master plans.

Conference Substitute

House bill.

CONTENTS OF COMPETITION PLANS

H135/S—

House bill

Section 135 removes requirements for ''patterns of air services'' and ''airfare levels (as compiled by DOT) compared to other large airports'' from the requirements of a competition plan for PFC charges.

Senate bill

No similar provision.

Conference Substitute

House bill.

GRANT ASSURANCES

H136/S203

House bill

Section 136(a),(b) permits the Secretary of Transportation to allow grants to be used for relocating or replacing existing airport facilities.

Section 136(b)(1) revises requirements on acquiring lands to permit an airport to keep any funds obtained from the sale of lands acquired for noise compatibility purposes and reinvest those funds in the airport or transfer those funds to another airport consistent with the statute. It removes a requirement to return the proportion equal to the government share in acquiring the land to the Secretary.

Section 136(b)(2) sets the priorities which apply to the Secretary's decision to approve reinvestment or transfer of proceeds from the sale of land acquired for noise compatibility. Priorities are: 1) reinvestments in an approved noise compatibility project; 2) reinvestment in an approved project that is eligible for funding; 3) reinvestment in an approved airport development project that is eligible for funding under §47114, 47115, or 47117; 4) transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project; and 5) deposit into the Airport and Airway Trust Fund.

Section 136(c) makes a technical correction to 47107(e)(2)(iii) by deleting ''the Fund'' and inserting ''the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986.''

Section 136(d) makes the Competition Disclosure Requirement pilot program permanent. No similar provision.

Senate bill

Section 203 is a similar provision.

Section 203 is similar, but allows airports that receive improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Section 203 adds that a lease by an airport owner or operator of land acquired for a noise compatibility purpose using an improvement grant will not be considered a disposal, and allows revenues from the lease to be used for ongoing airport operational and capital purposes.

No similar provision.

No similar provision.

Section 203 adds the phrase ''serving as noise buffer land'' to clarify that such land is one of the land acquisitions subject to disposal at the earliest practicable time after it is no longer needed for the intended noise compatibility purpose.

Conference Substitute

House bill with the language from the Senate bill section 203 related to ''serving as noise buffer land'' added.

AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS

H137/S—

House bill

Section 137 requires that the sponsor of a general aviation airport will not be in violation of a grant assurance as a condition for the receipt of federal funds solely because the sponsor entered into an agreement to allow a person, who owns residential real property adjacent to the airport, access to the airfield of the airport.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include language in the agreement between an airport sponsor

and a property owner prohibiting any aircraft refueling from occurring on that property, and includes a definition of ''general aviation airport''.

GOVERNMENT SHARE OF PROJECT COSTS

H138/S204,207

House bill

Section 138 adds a special rule for transition from small hub to medium hub which limits the government share of funding to 90 percent for the first two years following the change in status. The government share is set at 95 percent for a project at an airport that is receiving subsidized air service and is located in an area that meets one or more of the criteria for economically depressed communities established by the Secretary of Commerce.

Senate bill

Section 204(a) establishes a special rule to allow for small hub airports that have increased operations and therefore are being reclassified as medium hub airports to retain their eligibility for two years at up to a 95 percent government share of projects costs.

Section 204(b) extends the project cost for transitioning Airport Improvement Project (AIP) projects through FY 2011.

Section 207 sets the government share at 95 percent for certain projects at small airports if it is funded by a grant issued to, and administered, by a State under the State block grant program or for any project at an airport other than a primary airport having at least 0.25 percent of the total number of passenger boardings at all commercial service airports.

Conference Substitute

House bill.

ALLOWABLE PROJECT COSTS

H139/S214,205

House bill

Section 139(a) amends allowable AIP project costs to include costs for airport development incurred prior to the execution of the grant agreement if: 1) the cost is incurred in the same fiscal year as the execution of the grant agreement; 2) the cost was incurred before execution due to a short construction season in the vicinity of the airport; 3) the cost is in accordance with the approved airport layout plan; 4) the sponsor notifies the Secretary of Transportation before commencing work; 5) the sponsor has an alternative funding source available to fund the project; and/or 6) the sponsor's decision to proceed with the work does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds.

Section 139(b) amends allowable AIP project costs to include costs incurred to improve the efficiency of an airport building (i.e., a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under the Energy Independence and Security Act of 2007), and: 1) the measure is for a project for airport development; 2) the measure is for an airport building that is otherwise eligible for construction assistance; and/or 3) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.

Section 139(c) provides the Secretary discretion in determining that the costs of relocating or replacing and airport-owned facility are allowable, to those instances in which: 1) the Government's share will be paid with funds apportioned to the airport sponsor; 2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and 3) the Secretary determines the change is beyond the control of the sponsor.

Section 139(d) clarifies that the Secretary may determine that the cost of constructing revenue-producing aeronautical support facilities at non-primary airports is allowable.

No similar provision.

Senate bill

Section 214 is a similar provision to House section 142(a), but requires the Secretary to consider the short construction season in some areas when selecting projects for AIP discretionary funding.

No similar provision.

Section 205 is a similar provision to House section 139(c).

No similar provision.

Section 205 includes a requirement for the Administrator to analyze the conclusions of ongoing studies with commercially available bird radar systems within 180 days of enactment and, if it is determined that the systems have no negative impact on existing navigational aids and that the expenditure is appropriate, shall allow purchase of bird-detecting radar systems as an allowable airport development project cost. If the Administrator concludes that such radar systems will not improve or will negatively impact airport safety, the Administrator shall issue a report explaining that determination.

Conference Substitute

House bill with the inclusion of Senate language on bird radar systems and short construction season.

VETERANS' PREFERENCE

H140/S208(b)

House bill

Section 140 amends the definition of ''Vietnam-era veteran'' and adds veterans from the Afghanistan/Iraq conflict and Persian Gulf War to the definition of those veterans eligible for employment preference on Airport Improvement Program (AIP) projects. It adds a provision requiring that a contract involving labor for carrying out an airport development project under a grant agreement include a preference for the use of small business concerns owned and controlled by disabled veterans.

Senate bill

Section 208(b) is a similar provision.

Conference Substitute

House bill.

MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION

H141,822/S715,703

House bill

Section 141 requires the Secretary to establish, within a year of enactment, a mandatory training program for certain airport agents or officials on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under the Disadvantaged Business Enterprise (DBE) Program.

Section 822 requires the Inspector General of the Department of Transportation (DOT IG) to report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

No similar provision.

No similar provision.

Senate bill

Section 715(c) is a similar provision to House section 141.

Section 703 authorizes the appointment of three staff to implement the training program.

Section 715(a), (b), (d), (e), (f) adjusts the personal net worth cap for individuals participating in the DBE program.

Section 715(g) directs the Secretary to create a program to eliminate barriers to small business participation in contract and issue a final rule within one year of enactment.

Conference Substitute

The conference committee agreed to a modified and merged version of House and Senate bills, including findings of the Senate bill, with clarifications, recounting evidence of discrimination and concluding that a compelling need exists for continuation of the airport disadvantaged business enterprise (DBE) program and the airport concessions DBE program.

SPECIAL APPORTIONMENT RULES

H142/S208(i), (h)

House bill

Section 142(a) gives the Secretary of Transportation authority to apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available to the airport sponsor in the previous fiscal year, if the airport received scheduled or unscheduled air service from a large certificated carrier in the calendar year used to calculate the apportionment, and the airport had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.

Section 142(b) continues a special apportionment for airports that remain affected by the decrease in passengers following the terrorist attacks of September 11, 2001, through 2012.

No similar provision.

Senate bill

Section 208(i) is a similar provision to House section 142(a) and (b).

Section 208(h) amends the special apportionment categories by change the special apportionment from ''thirty five percent'' to a fixed amount of ''$300 million'' annually for grants for various airport noise, compatible land use, and Clean Air Act compliance projects. It adds certain water quality mitigation projects to those on which such funds may be expended.

Conference Substitute

House Bill, section 142 with modified dates changed from ''2011 and 2012'' to ''2012 and 2013'', and Senate section 208(h) modified with the substitution of ''35 percent, but not more than $300 million''.

UNITED STATES TERRITORIES MINIMUM GUARANTEE

H143/S—

House bill

Section 143 directs the Secretary of Transportation to apportion AIP amounts for airports in Puerto Rico, does not prohibit the Secretary from making project grants for airports in Puerto Rico from discretionary funds.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include language that addresses Puerto Rico and other U.S. territories.

APPORTIONMENT

H144/S—

House bill

Section 144 resets the apportionment trigger from $3.2 billion to $3 billion.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

REDUCING APPORTIONMENTS

H145/S—

House bill

Section 145 addresses inequitable application of apportionment fees charged to passengers in the state of Hawaii.

Senate bill

No similar provision.

Conference Substitute

House bill.

MARSHALL ISLANDS, MICRONESIA, AND PALAU

H146/S704(a)

House bill

Section 146 makes the Marshall Islands, Micronesia and Palau eligible for AIP discretionary grants and funding from the Small Airport Fund.

Senate bill

Section 704(a) is a similar provision.

Conference Substitute

House bill.

DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS

H147/S220, 212

House bill

Current law allows the Secretary of Transportation to designate current or former military airports eligible for grants under the Military Airport Program (MAP). Section 147(a) adds to the items that must be considered to approve a grant the requirement that it preserves or enhances minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations in U.S. jurisdiction or control, and where there is a lack of airports within the distance required by regulations.

Section 147(b) allows up to three general aviation airports to participate in the FAA's Military Airport Program.

Section 147(c) makes current or former military airports eligible to be considered for AIP funding if that airport is found to be critical to the safety of trans-oceanic air traffic.

Senate bill

No similar provision.

Section 220 is a similar provision to House section 147(b) and, however it allows a total of three general aviation airports to participate in the Military Airport Program.

Section 212 is a similar provision to House section 147(c).

Conference Substitute

House bill modified.

CONTRACT TOWER PROGRAM

H148/S432

House bill

Section 148(a) directs the Secretary of Transportation to extend the low activity (Visual Flight Rules) level I air traffic control tower (ATC) contract program to other low-activity towers meeting the requirements set forth by the Secretary of Transportation where the airport operator has requested to participate in the program.

Section 148(a) also adds a special rule which alleviates the responsibility of the airport sponsor or State or local government to paying the portion of the costs that exceed the benefits for a period of 18 months after the Secretary determines that a level I tower operating under this program has a benefit to cost ratio of less than 1.0.

Section 148(b) caps the maximum allowable cost share for an airport with fewer than 50,000 annual passenger enplanements at 20 percent of the cost of operating an ATC tower under the contract tower program, and sunsets this requirement on September 30, 2014.

Section 148(b) also permits the Secretary to use excess funds from the contract tower program intended for level I towers to fund activities for non-approach contract towers.

Section 148(c) increases the maximum amount of funds that can be expended in carrying out the Contract Tower Program for non-approach contract towers at not more than $8.5 million for each of FYs 2011 through 2014.

Section 148(d) increases the limitation on the amount of the federal share of the cost of construction of a non-approach control tower from $1.5 million to $2 million.

Section 148(e) requires the establishment of uniform safety standards and requirements for safety assessments of ATC towers that receive funding.

Senate bill

Section 432(b) is the same provision as House section 148(b) but caps the maximum allowable local share at 20 percent.

Section 432(a) is the same provision as House section 148(a).

Section 432(c) is a similar provision to House section 148(c), but it specifies that not more than $9.5 million in FY 2010 and not more than $10 million in FY 2011 can be used.

Section 432(d) is the same provision as House section 148(d).

Section 432(e) is the same provision as House section 148(e).

Conference Substitute

House bill modified by adjusting the authorization levels, and by deleting: (1) language capping the local cost share at 20 percent: and (2) provisions requiring the Secretary of Transportation to expand the Contract Tower Program. Under the agreement (in the modified section), the Secretary retains the authority to expand the program.

RESOLUTION OF DISPUTES CONCERNING AIRPORT FEES

H149/S431

House bill

Section 149 updates current law that addresses the resolution of disputes concerning airport fees by the Secretary of Transportation to include foreign air carriers in payment by airports under protest.

Senate bill

Section 431 is the same provision.

Conference Substitute

House bill.

SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR

H150/S206

House bill

Section 150(a) exempts funds from the sale of an airport to a public sponsor from use restrictions. This exemption applies where the Secretary of Transportation approves the sale, federal grants are provided for any portion of the public sponsor's acquisition of the airport, and certain amounts of remaining airport improvement grants are repaid to the Secretary.

Section 150(a) also specifies that recovery of grant funds are treated as recovery of prior year obligations.

Section 150(b) specifies that this section is applicable to grants issued on or after October 1, 1996.

Senate bill

Section 206 is a similar provision to House section 150(a), but it specifies that proceeds are repaid to the Airport and Airway Trust Fund for airport acquisitions.

No similar provision.

Section 206 is an identical provision to House section 150(b).

Conference Substitute

House bill.

REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

H151/S718

House bill

Section 151 repeals the limitations on Metropolitan Washington Aviation Authority to apply for Airport Improvement Program grants and collect Passenger Facility Charges.

Senate bill

Section 718 is a similar provision.

Conference Substitute

House bill.

MIDWAY ISLAND AIRPORT

H152/S704(b)

House bill

Section 152 provides a four-year extension for the Secretary of Transportation to enter into a reimbursable agreement with the Secretary of the Interior to provide AIP discretionary funds for airport development projects at Midway Island Airport through FY 2014.

Senate bill

Section 704(b) is a similar provision, but the extension would expire at the end of the term of the Senate bill in FY 2011.

Conference Substitute

House bill.

MISCELLANEOUS AMENDMENTS

H153/S208(a) (c) (e) (f) (g)

House bill

Section 153(a) makes a technical change to requirements for the National Plan of Integrated Airport Systems (NPIAS), which comprises all commercial service airports, all reliever airports, and selected general aviation airports.

Section 153(b) permits the Secretary of Transportation to approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport if the sponsor certifies that the airport: (1) has all the safety equipment required and security equipment required by regulation; (2) provides access for passengers to the area of the airport boarding or exiting aircraft that are not air carrier aircraft; (3) costs are directly related to moving passengers and baggage in air commerce within the airport; and (4) meets the terms necessary to protect the interest of the government.

Section 153(b) directs the Secretary to approve as allowable costs of terminal development (including multimodal terminal development) in a revenue-producing area and construction, reconstruction, repair and improvement in a non-revenue producing parking lot under certain circumstances.

Section 153(b) prohibits the Secretary from distributing more than $20 million from discretionary funds for terminal development projects at a non-hub airport or a small hub airport that is eligible to receive discretionary funds.

Section 153(c) makes technical changes to the annual reporting requirements by moving the due date to June 1 of each year. Also, it removes the first four report requirements and replaces them with: (1) a summary of airport development and planning completed; (2) a summary of individual grants issued; (3) an accounting of discretionary and apportioned funds allocated; and (4) the allocation of appropriations.

Section 153(d) makes a technical correction to the emission credits provision.

Section 153(e) makes a technical correction to section § 46301(d)(2).

Section 153(f) makes a conforming amendment to § 40117(a)(3)(B) and 47108(e)(3).

Section 153(g) makes a technical correction to the surplus property authority section.

Section 153(h) updates the definition of ''Congested Airport'' to include the FAA's Airport Capacity Benchmark Report of 2004 ''or table 1 of the Federal Aviation Administration's most recent airport capability

benchmark report, as well as the definition of ''Joint Use Airport''.

Senate bill

Section 208(a) is the same as House section 153(a).
No similar provision.
No similar provision.
No similar provision.
Section 208(c) is the same as House section 153(c).
Section 208(e) is the same as House section 153(d).
No similar provision.
Section 208(f) is a similar to House section 153(g).
Section 208(g) is a similar to House section 153(h), but changes definition for ''Joint Use Airport''.

Conference Substitute

House bill.

EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS

H154/S—
House bill

Section 154 extends the grant authority for compatible land use planning and projects by State and local governments until September 30, 2014.

Senate bill

No similar provision.

Conference Substitute

House bill.

PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES

H155/S724

House bill

Section 155 instructs the Administrator to schedule reviews of construction projects that are prevented by weather from being carried out before May 1 of each year, or as early as possible.

Senate bill

Section 724 directs the Administrator to review, as early as possible, proposed airport projects in those states where, during a typical calendar year, construction could not begin until May 1.

Conference Substitute

House bill.

STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS (NPIAS)

H156/S—

House bill

Section 156 requires the Secretary of Transportation to study and evaluate the formulation of the National Plan of Integrated Airport Systems (NPIAS) and report to Congress on the findings and recommended changes for formulating the NPIAS and methods to determining the amounts apportioned to airports. The study is to address the following: 1) criteria used for including airports in the plan; 2) changes in airport capital needs as shown in the 2005–2009 and 2007–2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010; 3) a comparison of the amounts received by airports under the AIP in airport apportionments, State apportionments, and discretionary grants during fiscal years with capital needs as reported in the plan; 4) the effect of transfers of airport apportionments under title 49 United States Code (U.S.C.); 5) an analysis on the feasibility and advisability of apportioning amounts under 47114(c)(1) to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for FY 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; 6) a documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold; and 7) any other matters pertaining to the plan that the Secretary determines appropriate.

Senate bill

No similar provision.

Conference Substitute

House bill.

TRANSFERS OF TERMINAL AREA AIR NAVIGATION EQUIPMENT TO AIRPORT SPONSORS

H157/S—

House bill

Section 157 establishes a pilot program to allow the Administrator to transfer terminal area air navigation equipment to airport sponsors at a specified number of airports. The airport sponsors must assure the Administrator that the sponsors will operate and maintain the equipment, permit inspections by the Administrator, and will replace equipment as needed. This transfer will include all rights, title and interests of the U.S. to the sponsor at no cost to the sponsor.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

AIRPORT PRIVATIZATION PROGRAM

H158/S—

House bill

Section 158(a) amends current law relating to specific provisions for issuance of exemptions in connection with a transfer of airport operation to a private owner. This section authorizes the Secretary of Transportation to expand the number of airports from five to ten airports. The Secretary is authorized to exempt the selling airport sponsor from the revenue diversion prohibition after the Secretary has consulted the air carrier serving the primary airport, and in the case of non-primary airport, with at least 65 percent of owners of aircraft based at that airport (thereby eliminating the existing requirement that the selling airport sponsor obtain the approval of at least 65 percent of the air carriers serving the airport before the revenue diversion prohibition can be waived.)

Section 158(b) removes the requirement that the Secretary must ensure that the airport fee imposed on air carriers will not increase more than inflation; the percent increase on fees to general aviation will not exceed the percentage of fees imposed on air carriers; and collective bargaining agreements will not be abrogated by sale or lease. It prohibits an airport from imposing a fee on a domestic or foreign air carrier for a return on investment or recovery of principal with respect to consideration paid to public agency for the lease unless the air carriers approve.

Senate bill

No similar provision.

Conference Substitute

House bill modified by dropping all language except language on expansion of the airport privatization program from five to ten airports.

AIRPORT SECURITY PROGRAM

H—/S208(d)

House bill

No similar provision.

Senate bill

Section 208(d) sunsets the Airport Security Program.

Conference Substitute

House bill.

MINIMUM GUARANTEE

H—/S217

House bill

No similar provision.

Senate bill

Section 217 amends the Alaska minimum guarantee to permit the Secretary of Transportation to apportion to the local authority of a U.S. Territory the difference between the amount apportioned to the territory and 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d) of 47144.

Conference Substitute

Senate bill provision incorporated in the section entitled ''United States territories minimum guarantee''.

RESEARCH IMPROVEMENT FOR AIRCRAFT

H—/S216

House bill

No similar provision.

Senate bill

Section 216 expands the type of research that the Administrator may conduct or supervise to include research to support programs designed to reduce gases and particulates emitted by aircraft.

Conference Substitute

House bill.

MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA

H—/S218

House bill

No similar provision.

Senate bill

Section 218 modifies current federal restrictions at Merrill Field Airport in Anchorage, Alaska to facilitate airport and federal highway development.

Conference Substitute

Senate bill dropped due to the inclusion of language addressing this provision in the section entitled ''Release from Restrictions''.

INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS

H—/S222

House bill

No similar provision.

Senate bill

Section 222 specifies that AIP funds can be used for updating buildings to meet high-performance green building standards.

Conference Substitute

House bill.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

DEFINITIONS

H201/S327

House bill

Section 201 defines the terms: ''NextGen,'' ''Automatic Dependent Surveillance Broadcast (ADS-B)'', ''ADS-B In'', ''ADS-B Out,'' ''Area Navigation (RNAV)'', and ''Required Navigation Performance (RNP).''

Senate bill

Section 327 sets out definitions for ''Administration'', ''Administrator'', ''NextGen,'' and the ''Secretary''.

Conference Substitute

House bill.

NEXTGEN DEMONSTRATIONS AND CONCEPTS

H202/S—

House bill

Section 202 directs the Secretary of Transportation when allocating funds to give priority to NextGen-specific programs.

Senate bill

No similar provision.

Conference Substitute

House bill with minor modification.

CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS

H203/S304

House bill

Section 203 clarifies FAA's existing authority to perform work for other agencies with or without reimbursement.

Senate bill

Section 304 is a similar provision.

Conference Substitute

House bill.

CHIEF NEXTGEN OFFICER

H204/S302,301

House bill

Section 204 establishes a new position within the FAA—the Chief NextGen Officer (CNO)—who would be responsible for the implementation of NextGen programs. The Chief NextGen Officer shall be answerable to the Administrator and appointed for a term of 5 years to serve at the pleasure of the Administrator. The section directs the CNO to coordinate NextGen implementation with the Office of Management and Budget and other federal agencies. It requires the CNO to prepare an annual NextGen implementation plan.

Senate bill

Section 302 is a similar provision, but with a technical difference and a requirement that the CNO oversee the Joint Planning and Development Office's (JPDO) facilitation of cooperation among all federal agencies whose operations and interests are affected by NextGen implementation.

Section 301 replaces current Management Advisory Council and Air Traffic Services Committee with one governance body—the Air Traffic Control Modernization Oversight Board.

Conference Substitute

House bill.

DEFINITION OF AIR NAVIGATION FACILITY

H205/S310

House bill

Section 205 updates and broadens the definition of an air navigation facility to clarify that F&E funding may be used for many capital expenses directly related to the acquisition or improvement of buildings, equipment, and new systems related to the national airspace system and NextGen.

Senate bill

Section 310 is a similar provision.

Conference Substitute

House bill.

CLARIFICATION TO ACQUISITION REFORM AUTHORITY

H206/S305

House bill

Section 206 repeals a provision with limits on ''other than competitive procedures'' that conflicts with the FAA's 1996 procurement reform.

Senate bill

Section 305 is a similar provision.

Conference Substitute

House bill.

ASSISTANCE TO FOREIGN AVIATION AUTHORITIES

H207/S306

House bill

Section 207 clarifies the FAA's current authority to provide air traffic services abroad, whether or not the foreign entity is private or governmental, and that the FAA may participate in any competition to provide such services. It clarifies that the Administrator may allow foreign authorities to pay in arrears rather than in advance, and that any payment for such assistance may be credited to the current applicable appropriations account.

Senate bill

Section 306 is a similar provision.

Conference Substitute

House bill.

NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE

H208/S309(a)

House bill

Section 208(a) elevates the Director of the Joint Planning and Development Office (JPDO) to the level of Associate Administrator for NextGen, reporting directly to the Administrator. The responsibilities of the Director will include: 1) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of NextGen planning and development activities; 2) working to ensure global interoperability of NextGen; 3) working to ensure the use of weather information and space weather information in NextGen as soon as possible; 4) overseeing, with the Administrator and in consultation with the Chief NextGen Officer (CNO), the selection of products or outcomes of Research, Engineering and Development activities that should be moved to a demonstration phase; and 5) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy NextGen enterprise architecture requirements.

Section 208(a) directs the Associate Administrator for NextGen to also be a voting member on the Joint Resources Council.

Section 208(a) requires the JPDO to coordinate NextGen activities with OMB.

Section 208(a) requires the Department of Defense (DOD), Department of Homeland Security (DHS), Department of Commerce, and the National Aeronautics and Space Administration (NASA) to designate a senior official to work with the FAA on NextGen implementation.

Section 208(b) requires the JPDO to develop an Integrated Work Plan that will outline the activities required by partner agencies to achieve NextGen.

Section 208(c) directs FAA to annually publish a NextGen Implementation Plan.

Section 208(d) requires the head of JPDO to develop contingency plans for dealing with the degradation of the system in the event of a disaster or failure.

Senate bill

No similar provision.
No similar provision.
No similar provision.

Section 309(a) is a similar provision as House section 208(a), but creates a NextGen Implementation Office, which will be established by FAA, DOD, NASA, Commerce, DHS and other applicable agencies.

No similar provision.
No similar provision.
No similar provision.

Conference Substitute

House bill.

NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE

H209/S309(b)

House bill

Section 209 requires each agency involved in implementing NextGen initiatives to participate in an Air Transportation Senior Policy Committee. This committee will meet biannually and will be responsible for producing an annual report summarizing the progress made in carrying out the NextGen integrated work plan. The Secretary of Transportation is directed to publish an annual report on the date of submission of the President's Budget, summarizing the progress made in carrying out the integrated work plan.

Senate bill

Section 309(b) is a similar provision but with a requirement that the Senior Policy Committee meet once each quarter.

Conference Substitute

House bill.

IMPROVED MANAGEMENT OF PROPERTY INVENTORY

H210/S311

House bill

Section 210 clarifies FAA's current authority to purchase and sell property needed for airports and air navigation facilities, and includes the authority to retain funds associated with disposal of property.

Senate bill

Section 311 is a similar provision, but does not allow these funds to be used to offset costs of property disposal.

Conference Substitute

House bill.

AUTOMATIC DEPENDENT SURVEILLANCE BROADCAST SERVICES

H211/S315

House bill

Section 204 requires an annual audit by the DOT IG of the FAA's ADS–B program to assist Congress in creating FAA accountability for implementing the ADS–B program. It directs the Administrator to initiate a rulemaking proceeding within one year after the date of enactment to issue guidelines and regulations relating to ADS-B In technology. Requires the Chief NextGen Officer to verify that the necessary ground infrastructure is installed and functioning properly, certification standards have been approved, and appropriate operational platforms interface safely and efficiently before the date on which all aircraft are required to be equipped with ADS-B In technology. The Administrator is directed to develop, in consultation with employee and industry groups, plans for the use of ADS-B technology, including testing, controller training, and policy for early aircraft equipage.

Senate bill

Section 315 is a similar provision, but requires a defined budget and the identification of actual benefits to national airspace system (NAS) users including small and medium-sized airports and the general aviation community. It requires two rulemakings by the FAA: 1) to complete a rulemaking procedure within 45 days of enactment and mandate that all aircraft should be equipped with ADS-B Out technology by 2015; and 2) to initiate a rulemaking procedure on ADS-B In technology and require all aircraft to be equipped with ADS-B In by 2018. The FAA is required to create a plan for ADS-B technology use by air traffic control by 2015, including a test of ADS-B prior to 2015 within the plan. It sets conditional extensions of the deadline for equipping aircraft with ADS-B technology.

Conference Substitute

House bill modified to include an additional requirement in the DOT IG review to identify ''any potential operational or workforce changes resulting from deployment of ADS-B''.

ACCELERATION OF NEXTGEN TECHNOLOGIES

H213/S314,510

House bill

Section 213(a) requires the Administrator to publish a report within six months (but after consultation with employee groups) that includes how FAA will develop: 1) Area Navigation and Required Navigation Performance (RNAV/RNP) procedures at 35 Operational Evolution Partnership (OEP) airports identified by FAA; 2) a description of requirements to implement them; 3) an implementation plan; 4) an assessment of the cost/benefit for using third parties to develop procedures; and 5) a process for creating future RNA/RNP procedures. (The FAA is directed to implement 30 percent of these procedures within 18 months, 60 percent within 36 months, and 100 percent by June 2015.

Section 213(b) establishes a charter with Performance Based Navigation ARC as necessary to establish priorities in navigation performance and area navigation procedures based on potential safety and efficiency benefits to the NAS, including small and medium hub airports.

Section 213(c) states that performance and area navigation procedures under this section shall be presumed covered by categorical exclusion in Chapter 3 of FAA Order 1050.1E.

Section 213(d) directs the Administrator to submit a development plan in one year for nationwide data communications systems.

Section 213(e) instructs the Administrator to outline in the NextGen Implementation Plan what utilization of ADS-B, RNP and other technologies included as part of NextGen implementation will display position of aircraft more accurately, and the feasibility of reducing aircraft separation standards. Should it be deemed feasible to reduce aircraft separation standards, the Administrator shall produce a timetable for implementation of such standards.

Section 213(f) establishes a program in which the Administration will utilize third parties to develop air traffic procedures.

Senate bill

Section 314 directs the Administrator to publish a report within six months, after consultation with stakeholders, including the development of: 1) RNP/ RNAV procedures at 137 airports; 2) a description of the activities required for their implementation; 3) an implementation plan that includes baseline and performance metrics; 4) assessment of the benefits/costs of using third parties to develop the procedures; and 5) a process for the creation of future RNP and RNAV procedures. The Administrator must implement 30 percent of the procedures within 18 months of enactment, 60 percent within 36 months of enactment, and 100 percent by 2014. The Administrator is directed to create a plan for the implementation of procedures at the remaining airports across the country. It would require 25 percent of the procedures at these airports to be implemented within 18 months after enactment, 50 percent within 30 months after enactment; 75 percent within 42 months after enactment, and 100 percent before 2016. The charter of the Performance Based Navigation ARC is extended and directs it to establish priorities for development of the RNP/RNAV procedures based on potential safety and congestion benefits. It would require that the process of the development of such procedures be subject to a previously established environmental review process. The FAA is directed to provide Congress with a deployment plan for the implementation of a nationwide data communications system to support NextGen air traffic control and a report evaluating the ability of NextGen technologies to facilitate improved performance standards for aircraft in the NAS.

Conference Substitute

House bill modified to change language to separate OEP and non-OEP airports to establish separate timelines and milestones, to require the FAA to provide a categorical exclusion for RNP/RNAV procedures that would lead to a reduction in aircraft fuel consumption, emissions and noise on an average per flight basis, and to direct the Administrator to establish a program under which the Administrator is authorized to utilize the services of qualified third parties in the development, testing, and maintenance of flight procedures.

DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL APPROACH PROCEDURES BY THIRD PARTY

H—/S510(b)

House bill

No similar provision.

Senate bill

Section 510(b) directs the DOT IG review and report to Congress on FAA's oversight of third party development of flight procedures, the extent of new flight procedures developed by third parties, and whether FAA has the resources to develop these procedures without the use of third parties.

Conference Substitute

House bill.

PERFORMANCE METRICS

H214/S317

House bill

Section 214 requires the FAA, within 180 days after enactment, to establish and track NextGen related performance metrics within the national airspace system and to submit an annual report to Congress based on the results of the study.

Senate bill

Section 317 is a similar provision, but it has some different metrics including ones to demonstrate reduced fuel burn and emissions.

Conference Substitute

House bill. The conference committee believes that performance metrics are the best way to evaluate the FAA's progress in implementing NextGen. With these metrics, Congress and the public will be able to determine the Administration's real progress in the delivery of NextGen benefits, which is the goal of the NextGen program.

CERTIFICATION STANDARDS AND RESOURCES

H215/S318

House bill

Section 215 requires the FAA to develop a plan to accelerate the certification of NextGen technologies.

Senate bill

Section 318 is a similar provision, but it prohibits the FAA from making any distinction between publicly and privately owned equipment when determining certification requirements.

Conference Substitute

House bill modified to include language prohibiting the FAA from making any distinction between publicly and privately owned equipment when determining certification requirements.

SURFACE SYSTEMS ACCELERATION

H216/S321

House bill

Section 216 directs the Chief Operation Officer of the Air Traffic Organization (ATO) to: 1) evaluate Airport Surface Detection Equipment-Model X (ASDE-X); 2) evaluate airport surveillance technologies; 3) accelerate implementation of ASDE-X; and 4) carry out additional duties as required by the Administrator. The Administrator is required to consider options for expediting the certification of Ground-Based Augmentation System (GBAS) technology, and develop plans to utilize such a system at the 35 OEP airports by September 30, 2012.

Senate bill

Section 321 is a similar provision, however it directs the FAA to consider expediting the certification of Ground Based Augmentation Systems (GBAS) technology and develop a plan to utilize it at the 35 OEP airports by September 30, 2012.

Conference Substitute

House bill.

INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS

H217/S322

House bill

Section 217 requires the Administrator to create a process for including union employees in the planning, development, and deployment of air traffic control projects. Within 180 days of enactment, the FAA must report to Congress on implementation of this provision.

Senate bill

Section 322 is a similar provision, but it provides travel and per diem expenses for the employees.

Conference Substitute

House bill modified, directing the Administrator to include qualified employees selected by each collective bargaining representative of employees affected by air traffic control modernization projects. Includes provision for employees to receive per diem reimbursement, if appropriate, however, the Administrator is prohibited from paying overtime expenses except in extraordinary circumstances. The provision also directs participants to adhere to deadlines and milestones to help keep NextGen on schedule.

AIRSPACE REDESIGN

H218/S—

House bill

Section 218 contains Findings of Congress that the FAA redesign efforts will play a critical role in enhancing capacity, reducing delays, and transitioning to more flexible routing. Additionally, the Findings state that funding cuts have led to delays and deferrals to critical capacity enhancing airspace redesign efforts, and several new runways planned for in FY 2011 and FY 2012 will not provide estimated capacity benefits without additional funds. It also requires the Administrator to work with the New York/ New Jersey Port Authority to monitor the noise impacts of the redesign and submit a report to Congress on those impacts in one year.

Senate bill

No similar provision.

Conference Substitute

House bill.

STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS

H219/S—

House bill

Section 219 instructs the Administrator to carry out a study on the feasibility of developing publicly searchable web-based resources with information regarding height, latitudinal and longitudinal locations of guywire and free-standing tower obstructions.

Senate bill

No similar provision.

Conference Substitute

House bill.

NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE

H220/S—

House bill

Section 220 permits the Administrator to enter into an agreement on a competitive basis to assist the establishment of a Center of Excellence for the research and development of NextGen technologies.

Senate bill

No similar provision.

Conference Substitute

House bill.

PUBLIC-PRIVATE PARTNERSHIPS

H221/S—

House bill

Section 221 directs the Administrator to develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include language on NextGen public private partnership program. The language describes financial instruments which the Secretary may use to facilitate public-private financing. In addition, language establishing an avionics incentive program for facilitating the acquisition and installation of equipment that is deemed to be in the interest of achieving NextGen capabilities in commercial and general aviation aircraft. Language regarding limitation on principal is included with language regarding collateral, fees and premiums as well as use of funds.

Subject to the availability of funds, the Secretary, or his/her designee, may guarantee loans with deferred repayment schedules, provided that in establishing the decisional criteria for the period of deferral, the Secretary or his designee shall consider the terms of the deferral established by other transportation loan guarantee programs and when equipment qualifying under subsection (A) of this section will be put to beneficial use in aircraft. The Secretary shall ensure that any such applications are reviewed under procedures similar to those established for the Railroad Rehabilitations and Improvement Financing program. The authority of the Secretary to issue credit assistance terminates 5 years after the date of establishment of the Incentive Program.

In reviewing and evaluating applications for loan guarantees, the Secretary or his/her designee shall reference similar provisions in Sections 821, 822, and 823 of the Railroad Rehabilitation and Improvement Financing program, 800 et seq. of Title 45, U.S.C. when considering the following: (a) the estimated cost to the federal government of providing the requested form and amount of assistance; (b) the estimated public and aviation system benefits to be derived from installing the required avionics in the most timely manner; (c) the amount of private sector funding that will be committed and the amount of private sector capital placed at risk; and (d) the likelihood of default by borrowers.

FACILITATION OF NEXTGEN AIR TRAFFIC SERVICES

H—/S303

House bill

No similar provision.

Senate bill

Section 303 describes the factors that the FAA would consider in determining whether to accept the provision of air traffic services by non-governmental providers.

Conference Substitute

House bill.

OPERATIONAL INCENTIVES

H—/S316

House bill

No similar provision.

Senate bill

Section 316 requires the FAA to issue a report to identify incentives to encourage the equipping of aircraft with NextGen technologies—including a ''best equipped, best served'' approach.

Conference Substitute

Senate bill.

EDUCATIONAL REQUIREMENTS

H—/S312

House bill

No similar provision.

Senate bill

Section 312 requires FAA to reimburse Department of Defense (DOD) for the cost of DOD-provided education of dependents of FAA employees stationed in Puerto Rico and Guam.

Conference Substitute

Senate bill.

STATE ADS–B EQUIPAGE BANK PILOT PROGRAM

H—/S324

House bill

No similar provision.

Senate bill

Section 324 authorizes the Secretary of Transportation to enter into cooperative agreements with up to five states to establish ADS–B equipage banks for making loans and providing other assistance to public entities.

Conference Substitute

House bill.

REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY

H—/S319

House bill

No similar provision.

Senate bill

Section 319 requires the FAA to report on: 1) a financing proposal to fund the development and implementation of NextGen technology; and 2) recommendations for operational benefits that could be provided to aircraft for early equipage with NextGen technologies.

Conference Substitute

House bill.

AIR TRAFFIC CONTROLLER STAFFING INITIATIVES AND ANALYSIS

H—/S325

House bill

No similar provision.

Senate bill

Section 325 directs the FAA to implement certain DOT IG recommendations with respect to the air traffic control tower at Los Angeles International Airport and the Southern California Terminal Radar Approach Control and Northern California Terminal Radar Approach Control facilities by, among other things, ensuring that classroom space, contract instructors, and simulators are sufficiently available to provide training to trainee air traffic controllers; evenly distributing new trainee controllers across the facilities over the calendar year; and commissioning an independent analysis, in consultation with the controllers' exclusive collective bargaining representative, of overtime scheduling practices.

Conference Substitute

Senate bill modified by removing language that would limit application of this section to only the facilities named above. In addition, directs the Administrator, as soon as practicable, to assess training programs at air traffic control facilities with below-average success rates and prioritize such efforts to address recommendations for the facilities identified in Inspector General of the Department of Transportation Report Number AV–2009–047.

SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT

H—/S326

House bill

No similar provision.

Senate bill

Section 326 requires the FAA to report to Congress on a strategy for accelerated implementation of the NextGen operational capabilities produced by the Greener Skies project. Follow-up reports are due 180 days after the first report is submitted and then every 180 days after that until September 30, 2011.

Conference Substitute

Senate bill with modified language requiring the first report to be submitted six months after enactment, with follow up reports annually (instead of reports every 180 days) until the pilot program terminates.

FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE

H—/S328

House bill

No similar provision.

Senate bill

Section 328 authorizes the FAA Administrator to enter into agreements to fund the costs of equipping aircraft with avionics to enable NextGen technologies, including grants or other financial instruments.

Conference Substitute

Senate bill dropped, however House language on public-private partnerships was included.

TITLE III—SAFETY

JUDICIAL REVIEW OF DENIAL OF AIRMEN CERTIFICATES

H301/S502

House bill

Section 301 allows a person to seek judicial review of a National Transportation Safety Board order in an appeal of a decision on an application for an airman certificate.

Senate bill

Section 328 is a similar provision with minor technical differences.

Conference Substitute

House bill.

RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES

H302/S503

House bill

Section 302 authorizes the Administrator to release certificate information without consent of the owner if: 1) the requested data has been inactive for three or more years; 2) the FAA cannot, after due diligence, find the owner of record, or the owner of record's heir; and 3) making the data available will enhance aviation safety. The Administrator shall maintain engineering data in possession of the FAA relating to a type certificate that has been inactive for three or more years.

Senate bill

Section 503 is a similar provision but with no language regarding the requirement to maintain data.

Conference Substitute

House bill.

DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES

H303/S504

House bill

Section 303 directs the Administrator to issue Certified Design and Production Organization Certificates to aviation manufacturers in order to streamline the certification process and allow FAA to focus its safety resources on primary safety concerns. It clarifies that nothing in this section would affect the FAA's authority to revoke the Certified Design and Production Organization Certificates once issued. The Administrator is directed to start issuing such certificates by January 1, 2013.

Senate bill

Section 504 authorizes the Administrator to issue design organization certificates beginning on January 1, 2013.

Conference Substitute

House bill.

CABIN CREW COMMUNICATION

H—/S508

House bill

No similar provision.

Senate bill

Section 508 requires that flight attendants be able to read, speak and write English well enough to: 1) read and comprehend material; 2) provide direction to, and understand and answer questions from, English-speaking individuals; 3) write incident reports and statements, and log entries and statements; and 4) carry out written and oral instruction regarding the proper performance of their duties. This section does not apply to flight attendants serving solely between points outside the United States.

Conference Substitute

Senate bill, however the FAA shall work with air carriers to facilitate compliance through the flight attendant certification requirements of 49 U.S.C. 44728.

LINE CHECK EVALUATIONS

H316/S722

House bill

Section 316 requires the Administrator to sunset, one year after the date of enactment, the requirement for a second yearly line check evaluation for airline pilots over the age of 60, unless the Secretary of Transportation certifies that the additional line check is necessary to ensure safety.

Senate bill

Section 722 is a similar provision, but does not require DOT safety certification.

Conference Substitute

Senate bill.

SAFETY OF AIR AMBULANCE OPERATIONS

H310/S507

House bill

Section 310 directs the FAA to issue a Notice of Proposed Rulemaking (NPRM) within 180 days to address air ambulance safety. It requires a follow up or rulemaking to address additional Helicopter Emergency Medical Services training. Operators are required to collect and report data to the Administrator on their operations, including the number of flights and hours flown and for the FAA to report on that data 24 months after enactment, and annually thereafter.

Senate bill

Section 507 is similar language, but includes fixed-wing ambulance operators within the NPRM and includes a deadline of 60 days. It does not require pilot training, radar altimeters, survivability equipment, or operational control centers to be addressed within the NPRM. It requires helicopter and fixed wing air ambulance operators to comply with regulations under 14 Code of Federal Regulations (C.F.R.) part 135 whenever there is medical personnel onboard, with certain exceptions. It also requires that terrain awareness and warning systems be onboard helicopter and fixed wing aircraft within one year. The FAA is directed to study and initiate a third rulemaking within one year of enactment to require devices similar to Cockpit Voice Recorders (CVR) and Flight Data Recorders (FDR).

Conference Substitute

House bill with modified language to change deadline for the first two rulemakings to June 1, 2012.

PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON THE FLIGHT DECK

H313/S558

House bill

Section 313 prohibits the use of laptops and other personal wireless devices by the flight crew on the flight deck while the aircraft is being operated except if the device is being used for a purpose related to the operation of the aircraft, emergencies or safety, or employment related communications. It authorizes civil penalties for violation of this provision and gives the Administrator the ability to amend, modify, suspend or revoke an operator's certificate for violation of this provision. The Secretary of Transportation is required to initiate a rulemaking within 90 days of enactment; and a final rule is due two years after date of enactment. It directs the Administrator to conduct a study and report to Congress on the sources of distraction for flight crewmembers.

Senate bill

Section 558 is a similar provision, except only civil penalties are authorized for violation of this provision. It directs FAA to initiate a rulemaking within 30 days of enactment, and issue a final rule within one year of enactment.

Conference Substitute

House bill.

INSPECTION OF REPAIR STATIONS LOCATED OUTSIDE THE UNITED STATES

H315/S521

House bill

Section 315 requires the Administrator to establish and implement a system for assessing the safety of foreign repair stations based on identified risks and consistent with U.S. requirements. The FAA is to initiate inspections as frequently as it determines is warranted by its safety assessment system. The Departments of Transportation and State are required to request members of the International Civil Aviation Organization to establish international standards for drug/alcohol testing of safety inspectors. The Administrator is directed to issue a proposed rule within one year of enactment requiring that all foreign repair station employees responsible for safety-sensitive maintenance functions are subject to an alcohol and controlled substances testing program that is determined acceptable by the FAA and is consistent with the applicable laws of the country in which the repair station is based. The FAA is to provide an annual report within one year of enactment, and annually thereafter, on the Administration's oversight of foreign repair stations and implementation of the foreign repair station safety assessment system. It instructs the Administrator to notify Congress within 30 days after initiating formal negotiations with a foreign aviation authority or other appropriate foreign government agency on a new maintenance implementation agreement.

Senate bill

Section 521 is a similar provision, but directs the FAA to inspect all repair stations, including those abroad, at least twice a year in a manner consistent with United States obligations under international agreements. The inspection results for foreign civil aviation authorities shall be considered if the foreign country has a maintenance safety agreement with the United States.

Conference Substitute

House and Senate bills merged and modified, removing language requiring that the report on part 145 repair stations be completed within 1 year of enactment and modified the annual inspections requirement from occurring ''as frequently as determined warranted'' to annually in a manner that is consistent with U.S. obligations under international agreements, with additional inspections authorized based on identified risks.

ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS

H—/S562

House bill

No similar provision.

Senate bill

Section 562 requires that flight attendants and gate agents receive training related to: serving alcohol to passengers; recognizing intoxicated passengers; and dealing with disruptive passengers.

Conference Substitute

Senate bill modified by removing references to gate agents from the provision.

LIMITATION ON DISCLOSURE OF SAFETY INFORMATION

H337/S554

House bill

Section 337 amends Chapter 447, by exempting the following reports and data from being subject to discovery or subpoena or admitted into evidence in a Federal or State court: an Aviation Safety Action Program (ASAP) report; data produced from a Flight Operational Quality Assurance (FOQA) Program; a Line Operations Safety Audit (LOSA) Program report; hazard identification, risk assessment risk control; safety data collected for purpose of assessing/improving aviation safety; and reports, analyses and directed studies based in whole or part on reports from the aforementioned programs including those under the Aviation Safety Information Analysis and Sharing (ASIAS) Programs. Any report or data that is voluntarily provided to the FAA shall be considered to be voluntarily submitted information within the meaning and shall not be disclosed to the public. The FAA may release documents to the public that include summaries, aggregations or statistical analyses based on reports or data described in this section, and the NTSB is not prevented from referring to relevant information. This exemption shall not apply to a report developed or data produced on behalf of a person if that person waives the privileges provided.

Senate bill

Section 554 would limit the use of FOQA and ASAP and LOSA data in judicial proceedings. FOQA, ASAP or LOSA data would only be allowed in a judicial proceeding if the judge finds that a party shows that the information is relevant, not otherwise known or available, and demonstrates a particularized need for the information that outweighs the intrusion upon the confidentiality of these programs. If this information is used in a judicial proceeding, the court

would be required to protect it against further dissemination with a protective order and place the information under seal. This section would also prohibit disclosure of this data through the Freedom of Information Act. This section would not prevent the NTSB from referring to information provided under the FOQA, ASAP or LOSA programs.

Conference Substitute

House bill modified with technical edits.

PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT

H—/S733

House bill

No similar provision.

Senate bill

Section 733 amends title 18, United States Code, to add a new section 39A to make it a crime to knowingly aim the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States or at the flight path of such aircraft. An individual convicted of this crime is subject to criminal fines or imprisonment up to 5 years. This provision does not apply to: 1) individuals conducting research and development or flight test operations for an aircraft manufacturer or the Federal Aviation Administration; 2) Department of Defense (DOD) or Department of Homeland Security (DHS) personnel conducting research, development, operations, testing or training; or 3) an individual using a laser emergency signaling device to send a distress signal. Section 39A authorizes the Attorney General, in consultation with the Secretary of Transportation, to provide by regulation, after public notice and comment, additional exceptions to this provision as necessary and appropriate. The Attorney General must give written notice of any such proposed regulations to the House and Senate Committees on the Judiciary as well as other specified committees.

Conference Substitute

Senate bill with minor modifications.

AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM

H304/S—

House bill

Section 304 directs the Administrator to review the current practices for aircraft certification. It requires that in his/her assessment the Administrator must make recommendations to improve efficiency and reduce costs through streamlining and reengineering of certification process and issue a report within 180 days.

Senate bill

No similar provision.

Conference Substitute

House bill.

CONSISTENCY OF REGULATORY INTERPRETATION

H305/S—

House bill

Section 305 directs the Administrator to convene an advisory panel to determine the root causes of inconsistent interpretation of regulations by the FAA Flight Standards Service and Aircraft Certification Service, develop recommendations to improve the consistency of interpreting the regulations, and submit these recommendations to Congress within six months.

Senate bill

No similar provision.

Conference Substitute

House bill with modification of six months to twelve months to submit recommendations to Congress.

RUNWAY SAFETY

H306/S501,517

House bill

Section 306 requires the Administrator within six months to create a Strategic Runway Safety Plan to address: 1) goals to improve safety; 2) near and long term actions, time frames and resources needed, continuous evaluative process for goals, and review of every commercial service airport; and 3) increased runway safety risks with the expected increased volume of air traffic. It requires a report to Congress by December 31, 2011 outlining a plan to install and deploy systems to alert controller and/or flight crews of potential runway incursions.

Senate bill

Section 328 is a similar provision.

Conference Substitute

House bill.

FLIGHT STANDARDS EVALUATION PROGRAM

H308/S—

House bill

Section 308 directs the Administrator to modify the Flight Standards Evaluation Program to include periodic and random audits of air carriers in the agency's oversight, and prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual had responsibility for inspecting the operations of that carrier in the five year period preceding the date of the review. The Administrator is required to report to Congress within one year of enactment, and annually thereafter on the Flight Standards Evaluation Program.

Senate bill

No similar provision.

Conference Substitute

House bill.

COCKPIT SMOKE

H309/S—

House bill

Section 309 directs U.S. Government Accountability Office to conduct a study on the effectiveness of the FAA's oversight of the use of new technologies to prevent/mitigate effects of dense and continuous smoke in cockpit of aircraft, with a report to be submitted to Congress in one year.

Senate bill

No similar provision.

Conference Substitute

House bill with modified language changing the report deadline from one year to 18 months.

OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY

H311/S—

House bill

Section 311 directs the Administrator to conduct a review of off-airport, low-altitude aircraft weather observation technologies, which will include an assessment of technical alternatives, investment analysis, and recommendations for improving weather reporting. A report is required to be submitted to Congress in one year.

Senate bill

No similar provision.

Conference Substitute

House bill.

FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES

H312/S—

House bill

Section 312 directs the FAA to conduct a study and report to Congress within one year of enactment on the feasibility and potential risks of requiring all pilots of helicopters providing air ambulance services to use night vision goggles during nighttime operations.

Senate bill

No similar provision.

Conference Substitute

House bill.

MAINTENANCE PROVIDERS

H314/S522

House bill

Section 314 requires the Administrator to issue regulations within three years to mandate that maintenance work on aircraft be performed only by individuals employed by a part 121 air carrier, a part 145 repair station, or a company that provides contract workers to part 121 carriers or part 145 repair stations if the individual meets part 121/145 requirements, works under the supervision of a part 121/145 carrier/station, and carries out the work in accordance with part 121/145.

Senate bill

Section 522 is a similar provision.

Conference Substitute

Senate bill with modifications, including heading changed to ''Maintenance Providers.'' This section directs the Administrator to require that essential maintenance, regularly scheduled maintenance, and work pursuant to required inspection items must be performed by part 121 carriers, part 145 repair stations, or contractors meeting the requirements of part 121 or 145 certificate holders. Covered work performed by a contractor meeting the requirements of par 121 or 145 certificate holders are subject to the following terms and conditions: 1) the part 121 carrier shall be directly in charge of work; 2) the work shall be carried out according to the part 121 carrier's maintenance manual; and 3) the work shall be performed under the part 121 carrier's supervision and control.

121 air carriers are responsible for ensuring that all maintenance, whether performed by the air carrier itself or performed by another entity under contract with the carrier, is conducted in accordance with the air carrier's maintenance program. When maintenance is performed by another entity, the air carrier continues to be responsible for the oversight of these maintenance providers, who are considered to be an extension of the air carrier's maintenance program. This provision will ensure that oversight responsibility for maintenance remain with the 121 air carrier recognizing supervision and oversight of individuals may be with a Part 145 repair station.

Responsibility for oversight by 121 carriers is not meant to change the permitted work of the Part 145 repair stations. In particular, 145 stations can continue to supervise and oversee the activities of individuals that perform contract maintenance when it is necessary to obtain technical expertise.

STUDY OF AIR QUALITY IN CABINS

H—/S564

House bill

No similar provision.

Senate bill

Section 517 requires the FAA to initiate a study of air quality in aircraft cabins. Additionally, the Administrator would be given the authority to require domestic carriers to allow monitoring of air quality on their aircraft while the study is conducted. The Administrator is required to initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft within 180 days of enactment.

Conference Substitute

Senate bill modified by removing language requiring the FAA to determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit. The conference also agreed that the FAA's authority to monitor air quality may not impose significant costs to air carriers and may not interfere with the carrier's normal use of the aircraft.

IMPROVED PILOT LICENSES

H307/S—

House bill

Section 307 directs the Administrator to issue improved pilot licenses that are tamper-resistant, include a photograph of the individual, and are capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier. It instructs the Administrator to develop methods to determine or reveal if part of license issued has been tampered with.

Senate bill

No provision.

Conference Substitute

House bill modified by adding new language: 1) directing the Administrator to provide the relevant House and Senate Committees with a timeline for the issuance of pilot licenses; 2) specifying that the new licenses should incorporate biometric identifiers; and 3) requiring that the licenses must comply with established aviation security checkpoint clearance standards. The conference committee recognizes that the federal government is responsible for the screening of all individuals prior to entry into airport sterile areas and expects that efforts to utilize improved pilot certificates will be carried out by the federal government.

STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES

H—/S717

House bill

No similar provision.

Senate bill

Section 717 requires the GAO to conduct a detailed study of the air ambulance industry and to make recommendations related to the interaction of state and federal regulations of air ambulances.

Conference Substitute

House bill, because the GAO has completed the required study.

PILOT FATIGUE

H—/S506

House bill

No similar provision.

Senate bill

Section 506 requires a study of pilot fatigue to be conducted by the National Academy of Sciences and for the FAA to consider the study's findings as part of its rulemaking proceeding on pilot flight time limitations and rest requirements.

Conference Substitute

Senate provision dropped because it is included in P.L. 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT

H—/S509

House bill

No similar provision.

Senate bill

Section 509 requires the Administrator to establish milestones and a policy statement for the completion of work with the Occupational Safety and Health Administration (OSHA) begun under the August 2000 Memorandum of Understanding (MOU) regarding the application of OSHA requirements to crewmembers while working in an aircraft.

Conference Substitute

Senate bill modified by dropping policy statement principles. The conference committee believes that in initiating development of a policy statement the FAA shall consider the establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations to examine the applicability of current and future Occupational Safety and Health Administration regulations; to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments. Any standards adopted by the Federal Aviation Administration shall set forth clearly the circumstances under which an employer is required to take action to address occupational safety and health hazards; the measures required of an employer under the standard; and the compliance obligations of an employer under the standard.

IMPROVED SAFETY INFORMATION

H—/S511

House bill

No similar provision.

Senate bill

Section 511 directs the Administrator to issue a final rule regarding re-registration and renewal of aircraft registration, which must include preparing for the expiration of aircraft registration certificates and periodic renewal process, and other measures to promote the accuracy of the Administration's aircraft registry.

Conference Substitute

House bill.

USE OF EXPLOSIVE PEST CONTROL DEVICES

H—/S523

House bill

No similar provision.

Senate bill

Section 523 requires the FAA to study the use of explosive pest control devices to prevent wildlife strikes to aircrafts and submit a report in six months.

Conference Substitute

House bill.

SUBTITLE B—UNMANNED AIRCRAFT SYSTEMS

DEFINITIONS

H321/S—

House bill

Section 321 defines the terms: ''certificate of waiver'', ''sense and avoid capability'', ''public unmanned aircraft system'', ''small unmanned aircraft'', ''test range'', ''unmanned aircraft'', and ''unmanned aircraft system (UAS).''

Senate bill

No similar provision.

Conference Substitute

House and Senate bills merged to include all of House definitions and Senate definition of ''Arctic''.

INTEGRATION OF CIVIL UNMANNED AIRCRAFT SYSTEMS INTO NATIONAL AIRSPACE SYSTEM

H322/S320, 607(a)(b)(d)(e)(f)

House bill

Section 322 requires the Secretary of Transportation to develop a plan, in consultation with aviation and Unmanned Aircraft Systems (UAS) industry representatives, within nine months of enactment, for the safe integration of civil UASs into the Nation Airspace (NAS). This plan must contain a review of technologies and research to assist in this goal, recommendations for a rulemaking on the definition of acceptable standards, ensure civil UAS have sense and avoid capability, develop standards and requirements for operator and pilots of UASs, and recommendations. The plan must include a realistic time frame for UAS integration into the NAS, but no later than September 30, 2015. The plan must be submitted to Congress within one year of enactment. The FAA is required to initiate a Notice of Proposed Rulemaking (NPRM) for site integration of UAS within 18 months of the date of enactment of the integration plan.

Senate bill

Section 320 requires the FAA to develop a plan within one year to accelerate the integration of UASs into the NAS. This plan must include: 1) a pilot project that includes the integration of UAS into six test sites, representing geographic and climate differences within the United States, by 2012; 2) development of certification, flight standards, and air traffic requirements for UAS; 3) the dedication of funding for research on UAS certification, flight standards, and air traffic control (ATC); 4) coordination of research between NASA and DOD; and 5) verification of the safety of UAS before their integration into the NAS. This section would allow the FAA Administrator to include testing at six test sites as part of the integration plan by 2012. The FAA is directed to work with DOD to certify and develop flight standards for military unmanned aerial systems and to integrate these systems into the NAS as part of the UAS integration plan. The FAA Administrator is required to submit a report describing and assessing the progress made in establishing special use airspace for DOD to develop detection techniques for small UASs.

Section 607 allows the FAA to conduct developmental research on UASs. It would direct the FAA and the National Academy of Sciences to create an assessment of UAS capabilities and would require the National Academy of Sciences to submit a report to Congress on the subject. It requires the FAA to issue a rule to update the most recent policy statement on UASs. The FAA is directed to identify permanent areas in the Arctic where UASs may operate 24 hours a day. The FAA is to take part in cost-share pilot projects designed to accelerate the safe integration of UASs into the NAS.

Conference Substitute

House and Senate bills merged. The conference committee directs the Secretary to develop a plan to accelerate the safe integration of unmanned aircraft systems (UAS) into the national airspace system. The Secretary is directed to develop the plan in consultation with the aviation industry, federal agencies using UASs, and the UAS industry as soon as practicable, but no later than September 30, 2015. Concurrent with the integration planning, the Secretary is directed to publish, and update annually, a five-year roadmap describing the activities of the FAA's Unmanned Aircraft Program Office, and its efforts to safely integrate UASs into the national airspace system. The conference committee also directs the Secretary to promulgate rules to allow for integration of small UASs into the national airspace system. The conference committee also directs the Administrator of the Federal Aviation Administration to establish six test ranges until September 30, 2020. Test range locations are not designated in the legislation.

Instead, the Administrator is directed to coordinate with, and leverage resources from, the National Aeronautics and Space Administration and the Department of Defense to select the test ranges based on the criteria set forth in this section. This language is consistent with legislative direction in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81). The intent of the committee is for the Administrator to establish a total of six test ranges under both laws, and not six ranges to be established under each law for a total of twelve. The conference committee directs the Secretary to develop a plan for the use of UASs in the arctic, as defined in this subtitle. Finally, the term ''non-exclusionary airspace'' was removed as the FAA does not recognize that term. The conference committee intends that when the FAA establishes the program to integrate UASs into the national airspace system at six test ranges, the Administrator shall safely designate airspace for integrated manned and unmanned flight operations in the national airspace system.

SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS

H323/S—

House bill

Section 323 directs that within 180 days the Secretary of Transportation, prior to completing of the Commercial UAS integration plan, will determine if certain UAS may operate in the NAS. Assessment of the UASs will determine which types of UAS do not create hazard to users of NAS or national security, and whether a certificate of waiver or authorization of airworthiness is required. If the Secretary determines UAS may operate safely in the NAS, the Secretary shall establish requirements of the safe operation of such systems.

Senate bill

No similar provision.

Conference Substitute

House bill.

PUBLIC UNMANNED AIRCRAFT SYSTEMS

H324/S—

House bill

Section 324 directs that within 270 days the Secretary of Transportation will issue guidance on the operation of public UASs to expedite the certificate of authorization process, provide a collaborative process for expansion of access to the NAS, and provide guidance on public entities responsible when operating UASs. By December 31, 2015, the Secretary is required to implement operational and certification standards. The Secretary is directed to enter in agreements, within 90 days, with appropriate government agencies to simplify and expedite the process for issuing certificates of waiver or authorization regarding applications seeking authorization to operate public UAS in the NAS.

Senate bill

No similar provision.

Conference Substitute

House bill.

SAFETY STUDIES

H325/S—

House bill

Section 325 directs the Administrator to conduct all safety studies necessary to support integration of UAS into the NAS.

Senate bill

No similar provision.

Conference Substitute

House bill.

SPECIAL RULE FOR MODEL AIRCRAFT

H—/S607(g)

House bill

No similar provision.

Senate bill

Section 607(g) exempts most model airplanes used for recreational or academic use from any UAS regulations established by the FAA.

Conference Substitute

Senate bill with modifications. Language including model aircraft for the purposes of sports, competitions and academic purposes is removed and replaced with ''hobby''. The modified section includes language requiring that the model aircraft must be operated in a manner that does not interfere with and gives way, to all manned aircraft. In addition, language that requires that model aircraft flown within five miles of an airport will give prior notification to the airport and the air traffic control (ATC), and that model aircraft that are flown consistently within five miles of the ATC will do so under standing agreements with the airports and ATC. Lastly, language is added that will ensure that nothing in this provision will interfere with the Administrator's authority to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system. In this section the term ''nationwide community-based organization'' is intended to mean a membership based association that represents the aeromodeling community within the United States; provides its members a comprehensive set of safety guidelines that underscores safe aeromodeling operations within the National Airspace System and the protection and safety of the general public on the ground; develops and maintains mutually supportive programming with educational institutions, government entities and other aviation associations; and acts as a liaison with government agencies as an advocate for its members.

UNMANNED AIRCRAFT SYSTEMS TEST RANGE

H326/S607(c)

House bill

Section 326 directs the Administrator no later than one year after enactment to establish a program to integrate UASs into the national airspace system at no fewer than four test ranges. The program will include safely designating nonexclusionary airspace for integrated unmanned flight operations, develop certification standards and air traffic requirements, coordinate and leverage the resources of National Air and Space Administration and Department of Defense, address both civil and public UAS, ensure the program is coordinated with NextGen, and provide for verification of safety of UASs. In determining test range locations the Administrator shall consider geographic and climate diversity and consult with NASA and the Air Force.

Senate bill

Section 607(c) is a similar provision, but it allows the Administrator to include testing at three test sites as part of the integration plan by 2012. It directs the FAA to work with DOD to certify and develop flight standards for military UASs and to integrate these systems into the NAS as part of the UAS integration plan.

Section 320 establishes a test range program for 10 sites.

Conference Substitute

House and Senate bills merged into language that is included in Section 332 ''Integration of civil unmanned aircraft into the national airspace system''.

SUBTITLE C—SAFETY AND PROTECTIONS

AVIATION WHISTLEBLOWER INVESTIGATION OFFICE

H334/S518

House bill

Section 334 establishes an independent Whistleblower investigation office within the FAA. The Director of this office is to be appointed by the Secretary of Transportation for a five year term. The office is in charge of investigating reports of agency or carrier safety violations, and is to make recommendations to the Administrator. It specifies that the Director cannot be prohibited from initiating an assessment of a complaint and that any evidence of criminal violations must be reported to the Administrator and Inspector General of the Department of Transportation (DOT IG).

Senate bill

Section 518 is a similar provision, but it does not require the Secretary to exercise authority under title 5 for the prevention of prohibited personnel actions or require direct reporting by the Director to the Secretary.

Conference Substitute

House bill with modified language to authorize the Director of the office created under this section to receive and investigate disclosures from employees of the Administration as well as employees of persons holding certificates issued under title 14 of the Code of Federal Regulations (C.F.R.), if those certificate holders do not have similar in-house reporting programs, relating to possible violation of an order, a regulation, or any other provision of federal law relating to aviation safety.

POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS

H331/S513

House bill

Section 331 establishes a two year post-service period for FAA inspectors or persons responsible for oversight of FAA inspectors before they can act as an agent or representative of a certificate holder that they previously had responsibility for while employed at the FAA.

Senate bill

Section 513 is a similar provision, but it has a three year post-service restriction.

Conference Substitute

House bill.

REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE

H332/S520

House bill

Section 332 requires the FAA to create a process to review the Air Transportation Oversight System (ATOS) database by regional teams to ensure that trends in regulatory compliance are identified, and appropriate corrective actions are taken according to Administration regulations.

Senate bill

Section 520 is a similar provision.

Conference Substitute

House bill.

IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM

H333/S512

House bill

Section 333 requires FAA to modify the Voluntary Disclosure Reporting Program (VDRP) to require inspectors to verify that air carriers have implemented comprehensive solutions to correct underlying causes of voluntarily disclosed violations, and confirm, before approving a final report of a violation, that the violation has not been previously discovered by an inspector or self-disclosed by an air carrier. The DOT IG is directed to review the FAA's implementation of the VDRP program.

Senate bill

Section 512 is a similar provision.

Conference Substitute

House bill.

DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS

H335/S—

House bill

Section 335 directs the FAA to initiate a rulemaking within six months of enactment to require commercial pilots who accept additional flight assignments under part 91 of Title 14 Code of Federal Regulations to count the flying time under the additional flight assignments towards the commercial flight time limitations. It requires the Administrator to conduct two separate rulemakings for part 121 and part 135 flight time limitations (the latter rulemaking must be initiated within one year of enactment).

Senate bill

No similar provision.

Conference Substitute

House bill.

CERTAIN EXISTING FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS

H336/S—

House bill

Section 523 extends the sections 263 and 264 of part 135 of title 14 C.F.R. for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all cargo aircraft regarding certain flight times and rest periods shall remain in effect as they were in effect in January 1, 2011. It prohibits the Administrator from issuing, finalizing or implementing a rule as proposed in the FAA docket on ''Interpretations of Rest Requirements'' published in the register on December 23, 2010, or any similar rule regarding such sections for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all cargo aircraft.

Senate bill

No similar provision.

Conference Substitute

House bill modified by removing language requiring a separate rulemaking and language referencing requirements in effect on January 1, 2011.

EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT

H—/S553

House bill

No similar provision.

Senate bill

Section 553(a), (b) directs the Administrator to submit an annual report to Congress regarding the recommendations issued by the NTSB consisting of the following: 1) whether the FAA plans to implement the recommendation of the NTSB: 2) if so, what actions the FAA plans to take to implement the recommendation: and 3) if the FAA chooses to not implement a NTSB recommendation, its reasoning for not doing so. This section would require the FAA to submit within 180 days to Congress the above information on all current NTSB recommendations not implemented so far.

Section 553(c) requires the FAA to implement NTSB recommendations relating to the proper installation of emergency locator transmitters (ELTs) on general aviation aircraft.

Conference Substitute

Senate bill modified to only keep the ELT language.

LIABILITY PROTECTION FOR PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS

H338/S—

House bill

Section 338 specifies that a person required by the FAA to implement a Safety Management System (SMS) may not be held liable for damages in connection with a claim filed in a State or Federal court relating to the person's preparation or implementation of the SMS. The section does not relieve a person from liability for damages resulting from the person's own willful or reckless acts or omissions when demonstrated through evidence. Notwithstanding any other provision of law, a person employed by previously mentioned individuals and responsible for performing functions of an accountable executive, shall be deemed to be acting in the person's official capacity and may not be held liable for damages. A person performing the functions of an accountable executive is not relieved from personal liability for damages resulting from reckless acts or omissions.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

MODIFICATION OF CUSTOMER SERVICE INITIATIVE

H—/S519

House bill

No similar provision.

Senate bill

Section 519 directs the FAA to remove from their customer service initiative, mission statements, and vision statements, any reference to air carriers as ''customers''. This section instructs the agency to guarantee that these statements should emphasize safety as the agency's highest priority when considering the dissatisfaction of any regulated entity.

Conference Substitute

House bill.

INDEPENDENT REVIEW OF SAFETY ISSUES

H—/S514

House bill

No similar provision.

Senate bill

Section 514 directs the U.S. Government Accountability Office (GAO) to initiate a review and investigation of air safety issues identified by FAA employees and reported to the Administrator. The GAO must report any findings to the Administrator and relevant Congressional Committees on an annual basis.

Conference Substitute

House bill.

NATIONAL REVIEW TEAM

H—/S515

House bill

No similar provision.

Senate bill

Section 517 requires the FAA to create a national review team to conduct unannounced, periodic, random reviews of the Administration's oversight of air carriers that will report to the Administrator and the relevant Congressional Committees. Members of the team may not review an air carrier that they previously had responsibility for overseeing. The section would also direct the DOT IG to provide progress reports on the review team's effectiveness to Congress.

Conference Substitute

House bill.

SAFETY INSPECTIONS OF REGIONAL CARRIERS

H—/S559

House bill

No similar provision.

Senate bill

Section 559 instructs the Administrator to make random, on-site safety inspections of regional air carriers at least once a year.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

OVERSIGHT OF PILOT FLIGHT TRAINING SCHOOLS

H—/S561

House bill

No similar provision.

Senate bill

Section 561 directs the Administrator to submit a plan to Congress detailing the FAA's plans to enforce oversight of Pilot Training Schools.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

FEDERAL AVIATION ADMINISTRATION PILOT RECORDS DATABASE

H—/S551

House bill

No similar provision.

Senate bill

Section 551 requires that part 121 air carriers review a pilot's entire history before making hiring decisions. It would mandate that the FAA develop and maintain a comprehensive database of pilot records, including both FAA records and air carrier records. It contains provisions permitting pilots to review and correct their records.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

AIR CARRIER SAFETY MANAGEMENT SYSTEMS

H—/S552

House bill

No similar provision.

Senate bill

Section 552 directs the FAA to initiate a rulemaking requiring all part 121 air carriers to implement three safety programs as part of their Safety Management Systems (SMS) including: an Aviation Safety Action Program (ASAP), a Flight Operational Quality Assurance (FOQA) program, and a Line Operations Safety Audit LOSA program. It would require that the FAA implement employee protections for the ASAP and FOQA programs and mandate that the FAA Administrator consider the viability of integrating cockpit voice recorder data into safety oversight practices and guarantee that the agency enforce safety regulations in a consistent manner.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS

H—/S554

House bill

No similar provision.

Senate bill

Section 554 would limit the use of FOQA and ASAP and LOSA data in judicial proceedings. FOQA, ASAP or LOSA data would only be allowed in a judicial proceeding if the judge finds that a party shows that the information is relevant, not otherwise known or available, and demonstrates a particularized need for the information that outweighs the intrusion upon the confidentiality of these programs. If this information

is used in a judicial proceeding, the court would be required to protect it against further dissemination with a protective order and place the information under seal. This section would prevent disclosure of this data through the FOIA but would not prevent the NTSB from referring to information provided under the FOQA, ASAP or LOSA programs.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS

H—/S555

House bill

No similar provision.

Senate bill

Section 555 requires the Administrator to develop and implement a plan to reevaluate flight crew training procedures and would specify what types of training would be included in the review. It would require the Administrator to initiate a new rulemaking to reevaluate minimum requirements to become a commercial pilot, certificated captain, and when transitioning to a new type of aircraft.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP

H—/S556

House bill

No similar provision.

Senate bill

Section 556 requires the FAA to establish an ARC to develop flight crew mentoring programs and establish or modify training existing programs to include leadership and command training.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS

H—/S557

House bill

No similar provision.

Senate bill

Section 557 requires the FAA to issue a rule that ensures flight crew members have proper qualifications and experience, including a minimum of 800 hours of flight training, before serving as a flight crew member for a part 121 air carrier.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS

H—/S560

House bill

No similar provision.

Senate bill

Section 560 requires the FAA to issue a final rule establishing training safety standards for pilots within 180 days after enactment of this Act.

Conference Substitute

Senate bill dropped because it is included in P.L. 111–216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

DEFINITIONS

H—/S563

House bill

No similar provision.

Senate bill

Section 563 defines the terms: ''Aviation Safety Action Program,'' ''Administrator'', ''Air Carrier'', ''FAA'', ''Flight Operational Quality Assurance Program'', ''Line Operation Safety Audit Program'', and ''Part 121 Air Carrier''.

Conference Substitute

House bill.

TITLE IV—AIR SERVICE IMPROVEMENTS

SUBTITLE B—ESSENTIAL AIR SERVICE

ESSENTIAL AIR SERVICE MARKETING

H401/S417

House bill

Section 401 specifies that when deciding where to award an Essential Air Service (EAS) contract, the Secretary of Transportation must consider, whether the air carrier has included a plan in its proposal to market its services to the community.

Senate bill

Section 417 similar provision, but it requires that all applications for EAS are to include a marketing plan to promote community involvement in their EAS service.

Conference Substitute

House bill.

NOTICE TO EAS COMMUNITIES PRIOR TO TERMINATION OF EAS ELIGIBILITY

H402/S—

House bill

Section 402 requires the Secretary of Transportation to notify a community receiving EAS at least 45 days in advance of any final decision to end EAS payments to that community due to a determination by the Secretary that providing such service requires a subsidy in excess of the per passenger subsidy cap. The Secretary shall establish procedures by which each community that is notified of an impending loss of subsidy may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary that does not require a subsidy in excess of the per passenger subsidy cap.

Senate bill

No similar provision.

Conference Substitute

House bill.

RESTORATION OF ELIGIBILITY

H406/S418

House bill

Section 406 authorizes state and local governments to submit a proposal to restore essential air service to a location after that location's per passenger subsidy has been determined to be over the allowable dollar amount. To qualify for restoration of service, the Secretary must determine that the rate of subsidy per passenger under the proposal does not exceed the allowable amount and the proposal is consistent with the legal and regulatory requirements of the essential air service program.

Senate bill

Section 418 is a similar provision.

Conference Substitute

House and Senate bills modified to include proposals to restore essential air service to locations that have been determined to have fewer than 10 enplanements per day. To qualify for restoration of service, the Secretary must determine that the rate of subsidy per passenger under the proposal does not exceed the allowable amount, the proposal is likely to result in an average of at least 10 enplanements per day, and the proposal is consistent with the legal and regulatory requirements of the essential air service program.

ESSENTIAL AIR SERVICE CONTRACT GUIDELINES

H403/S413

House bill

Section 403 authorizes DOT to provide incentive payments to communities for achieving performance goals, and to execute long-term EAS contracts. Requires DOT to issue revised guidelines incorporating these changes within 18 months after the date of enactment. Requires DOT to report to Congress on the extent to which the revised guidelines have been implemented, and the impact such implementation has had, every two years after the guidelines are established.

Senate bill

Section 413 is a similar provision, but it does not contain language on issuing guidance or the report.

Conference Substitute

House bill modified to extend the deadline for issuance of revised guidelines to one year after date of enactment.

ESSENTIAL AIR SERVICE REFORM

H404/S415

House bill

Section 404 authorizes $97.5 million for Essential Air Service (EAS) in FY 2011, $60 million in FY 2012, and $30 million in FY 2013. These amounts are in addition to the $50 million per year the EAS program is authorized to receive under current law from overflight fees collected by the FAA. Beginning in FY 2014, section 404 limits the amount EAS would receive from overflight fees to the amount needed to provide EAS to eligible communities in Alaska and Hawaii. In addition, it directs the Secretary of Transportation to take such actions as may be necessary to administer the EAS program within the amount of funding made available for the program.

Senate bill

Section 415 authorizes $150 million per year for EAS, plus $50 million from overflight fees. It requires any overflight fees in excess of $50 million to be obligated for various EAS programs, including the code sharing pilot program under section 406 of Vision 100 and the alternate air service pilot program under § 41745.

Conference Substitute

Authorizes $143 million for EAS in FY 2012, $118 million in FY 2013, $107 million in FY 2014, and $93 million in FY 2015. In addition, authorizes all overflight fees collected by the FAA to be made available, until expended, to carry out the essential air service program.

SMALL COMMUNITY AIR SERVICE

H405/S416

House bill

Section 405 adds an additional factor that the Secretary of Transportation must consider in selecting communities for participation in the Small Community Air Service Development (SCASD) program. In addition to the existing criteria for participation in the program, the Secretary is required to give priority to multiple communities that cooperate to submit a regional or multi-state application to improve air service. It eliminates the general fund authorization of appropriations for the SCASD program, funding it instead through overflight fee collections.

Senate bill

Section 413 extends the authorization for the SCASD program at its authorized funding level of $35 million per year through FY 2011.

Conference Substitute

Requires the Secretary to give priority to multiple communities that cooperate to submit a regional or multistate application to consolidate air service into one regional airport. Authorizes the appropriation of $6 million for the Small Community Air Service Development program for each of fiscal years 2012 through 2015.

ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS

H406/S418(g)

House bill

Section 406 permits the Secretary of Transportation to increase the rates of compensation payable to air carriers under the EAS program to compensate carriers for increased aviation fuel costs, without regard to any agreement, without requiring the negotiation of existing contracts, and without any notice requirement. It removes the 90 day period in which the Secretary may continue to pay the amount previous contracted for as EAS carrier who has given notice, but has been required to continuing operating.

Senate bill

Section 418(g) is a similar provision.

Conference Substitute

House bill.

REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM

H407/S419

House bill

Section 407 eliminates an EAS pilot program in which communities assumed a portion of the cost of providing EAS to the community.

Senate bill

Section 419 is a similar provision with minor technical differences.

CONFERENCE SUBSTITUTE

House and Senate bills.

SUNSET OF ESSENTIAL AIR SERVICE PROGRAM

H408/S420,421

House bill

Section 408 sunsets the EAS program everywhere except Alaska and Hawaii as of October 1, 2013.

Senate bill

Section 420 imposes limits EAS to locations that average ten or more enplanements per day, with an exception for Alaska. It authorizes the Administrator to waive this limitation with respect to a location if the Administrator determines that the reason the location averages fewer than ten enplanements per day is not because of inherent issues with the location.

Section 421 limits EAS to locations that are 90 or more miles away from the nearest medium or large hub airport. It authorizes the Secretary of Transportation to waive this limitation as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

Conference Substitute

Senate bill, except the requirement that locations be at least 90-miles away from the nearest large or medium hub airport is deleted; the requirement that locations have at least 10 enplanements per day only applies to locations that are within 175 miles of a large or medium hub airport; and an exception is added for locations in the State of Hawaii and Alaska. In addition, instead of sunsetting the program as proposed in the House bill, the conference substitute freezes the program at the communities currently participating. Specifically, except in Alaska and Hawaii, the conference agreement limits eligibility for EAS to those communities that, at any time from September 30, 2010, to September 30, 2011, either received subsidized EAS or were notified by the last carrier providing unsubsidized service to the community of the carrier's intent to terminate such service.

SUBTITLE A—PASSENGER AIR SERVICE IMPROVEMENTS

SMOKING PROHIBITION

H421/S—

House bill

Section 421 prohibits smoking on aircraft in all intrastate, interstate, and foreign air transportation for scheduled passenger or nonscheduled passenger air transportation when a flight attendant is required.

Senate bill

No similar provision.

Conference Substitute

House bill.

MONTHLY AIR CARRIER REPORTS

H422/S402

House bill

Section 422 requires air carriers that file monthly service reports to also file a monthly report on each flight diverted and each flight that departs the gate but is cancelled before the flight takes off. It requires the Secretary of Transportation to compile the information in a single monthly report and publish it on a DOT website.

Senate bill

Section 402 requires air carriers to publish on their website, and update monthly, a list of chronically delayed flights operated by the air carrier. It requires air carriers and authorized entities to disclose the on-time performance for a chronically delayed flight when a customer books a flight on the carrier's website, prior to actual purchase of a ticket.

Conference Substitute

House bill.

MUSICAL INSTRUMENTS

H424/S713

House bill

Section 424 requires air carriers to permit passengers to carry a small musical instrument, such as a violin, guitar, onto the aircraft cabin if it if can be stowed safely in a suitable baggage compartment in the aircraft cabin or baggage or cargo storage compartment if the instrument can be stowed properly and there is space for such instruments. Air carriers are to permit passengers to bring a large instrument into the passenger compartment if the instrument can be stowed properly in a seat and the passenger has purchased a seat for the instrument. Air carriers must transport as checked baggage musical instruments that may not be carried on provided they meet certain weight and size limitations (i.e., if the sum of length, width, and height does not exceed 150 inches, weigh over 165 pounds, or exceed size and weight restrictions for that aircraft) and can be properly stowed. It directs, no later than two years after the date of enactment, the Secretary of Transportation to issue final regulations to carry out this section.

Senate bill

Section 713 is a similar provision, but it does not specify that passengers carrying musical instruments would be charged fees for that luggage. There is no deadline for the rulemaking to be completed by, but it includes a mandate to require carrier participation.

Conference Substitute

House bill modified to specify that passengers carrying musical instruments are subject to the same baggage fees assessed to all other types of carry-on baggage if a seat is not purchased for that instrument.

EXTENSION OF COMPETITIVE ACCESS REPORTS

H—/S705

House bill

No similar provision.

Senate bill

Section 705 makes the requirement for air carriers to file competitive access reports permanent by eliminating the current sunset provision. Current law requires large and medium hub airports to file semi-annual competition disclosure reports with DOT before receiving an AIP grant if the airport was unable to accommodate an airline request for facility access. The report must explain reason for the lack of accommodation and time frame for accommodation.

Conference Substitute

Senate bill modified to the length of the bill.

AIRFARES FOR MEMBERS OF THE ARMED SERVICES

H426/S433

House bill

Section 426 expresses the Sense of Congress that each domestic air carrier should seek to provide active duty members of the Armed Services who are traveling on leave or liberty at their own expense with: reduced air fares that are comparable to the lowest airfare for ticketed flights, and that eliminate to the maximum extent possible advanced purchase requirements; no baggage and excess weight fees, or reduced fees; flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and proactive measures to ensure that all airline employees are trained in the policies pertaining to members of the Armed Forces who are on leave.

Senate bill

Section 433 is a similar provision with minor technical differences.

Conference Substitute

House bill.

REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES

H427/S—

House bill

Section 427 requires the Inspector General of the Department of Transportation (DOT IG) to conduct a review regarding air carrier flight delays, cancellations, and associated causes, to update its 2000 report, within one year of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

COMPENSATION FOR DELAYED BAGGAGE

H429/S—

House bill

Section 429 directs the U.S. Government Accountability Office to study delays in the delivery of checked baggage to passengers, assess options and examine: the impact of establishing minimum standards to compensate a passenger in the case of unreasonable delays; take into consideration the additional fees for checked baggage that are

imposed by many air carriers; and how the additional fees should improve a carrier's baggage performance. The report must be submitted within 180 days of the date of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS

H431/S403

House bill

Section 431 directs the Secretary of Transportation to investigate consumer complaints regarding: 1) flight cancelations; 2) overbooking flights; 3) lost or damaged baggage; 4) problems obtaining refunds; 5) incorrect information regarding fares; 6) frequent flyer programs; and 7) deceptive or misleading advertising.

Senate bill

Section 403 is a similar provision, but with language requiring a budget needs report.

Conference Substitute

House bill.

STUDY OF OPERATORS REGULATED UNDER PART 135

H432/S—

House bill

Section 432 requires the Administrator, along with interested parties, to conduct a study of part 135 operators within 18 months of enactment, and an update within three years, and every two years thereafter.

Senate bill

No similar provision.

Conference Substitute

House bill with modification removing the requirement for follow up reports every two years.

USE OF CELL PHONES ON PASSENGER AIRCRAFT

H433/S—

House bill

Section 433 directs the Administrator to conduct a study within four months of enactment on the impact of the use of cell phones for voice communications in scheduled flights where currently permitted by foreign governments in foreign air transportation. The results of the study must be published and open to public comment, and a final report must be submitted to Congress within nine months of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION

H—/S404

House bill

No similar provision.

Senate bill

Section 404 requires the establishment of an advisory committee for the Secretary of Transportation regarding aviation consumer protection. Membership would consist of one representative each from an air carrier, airport operator, and a state or local government with expertise with consumer protection matters, and one nonprofit group with expertise in consumer protection matters. It directs the advisory committee to report annually on its recommendations on February 1 of each of the first two calendar years of enactment.

Conference Substitute

Senate bill modified to make the provision last the length of the bill and removes travel per diem for members of the advisory committee.

DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT

H—/S408

House bill

No similar provision.

Senate bill

Section 408 directs the Administrator to prescribe regulations, within six months of enactment, to facilitate the use of child safety seats on aircraft. The regulations must require part 121 air carriers to post on their websites 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.

Conference Substitute

Senate bill with modified language changing the deadline for the regulations from six months to twelve months. The conference committee also believes that passengers should be made fully aware of the location of final assembly of the aircraft on which they fly. Therefore, the committee believes the Secretary should require air carriers to position the ''location of final assembly'' notification immediately below the aircraft model number on the front page of the information placard.

SCHEDULE REDUCTION

H430/S—

House bill

Section 430 directs the FAA to convene a conference of air carriers to voluntarily reduce aircraft operations if the FAA determines that operations of those carriers are exceeding the hourly maximum departure and arrival rates, and the excess operations are likely to have a significant adverse effect on the NAS. It authorizes FAA to take action as necessary if there is no voluntary agreement to reduce schedules.

Senate bill

No similar provision.

Conference Substitute

House bill modified by adding new section specifying that the Administrator shall give priority to United States-flagged air carriers in permitting additional operations subsequent to any voluntary or non-voluntary reduction in operations.

FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

H423/S737

House bill

Section 423 directs the Secretary of Transportation to grant an additional ten beyond-perimeter exemptions (from 24 under current law to 34) at Washington Reagan National Airport (DCA). It increases the number of operations by which exemptions may increase operations during any one-hour period between 7:00 AM and 9:59 PM, from three to five. The Administrator is required to reduce the hourly air carrier slot quota at DCA by ten slots in order to grant the additional exemptions provided. These reductions are required to be taken in the 6:00 AM, 10:00 PM or 11:00 PM hours. Scheduling priority is to be given to new entrant air carriers and limited incumbent air carriers over operations conducted by air carrier grant exemptions. The highest scheduling priority is given to beyond-perimeter operations conducted by new entrant air carrier and limited incumbent air carriers.

Senate bill

Section 737 creates additional beyond perimeter commercial flights at DCA with 24 beyond-perimeter round trip flights (10 to limited incumbents or new entrants and 14 to incumbents) would be permitted, and an additional eight could be added later if the Secretary of Transportation determines that the first 24 did not negatively impact the airport. It specifies that if an incumbent carrier that uses a slot for service to a large hub airport within the perimeter receives one or more the 24 additional beyond-perimeter round trip flights authorized by this provision, it must discontinue the use of that slot for within-perimeter service and, in place of that service, operate beyond-perimeter service. It prohibits the Secretary from granting any more than two slot exemptions to an air carrier with respect to the same airport, except in the case of an airport serving an area with a population of more than 1 million. Any carrier receiving an exemption for beyond-perimeter service is prohibited from using multi-aisle or wide body aircraft, and from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through a merger or acquisition, and must use the slot within 60 days of receiving the exemption. If an incumbent carrier that uses a slot for service to a large hub airport within the perimeter receives one or more of the eight additional exemptions authorized by this provision, it must discontinue the use of that slot for within-perimeter service and, in place of that service, operate beyond-perimeter service. It authorizes Metropolitan Washington Aviation Authority (MWAA) to use revenues derived at either DCA or Washington Dulles International Airport (IAD) for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.

Conference Substitute

House and Senate bills merged to direct the Secretary of Transportation to grant 16 exemptions for additional beyond perimeter commercial flights at Ronald Reagan Washington National Airport (DCA). Of the 16 exemptions created, the Secretary shall make eight available to limited incumbent air carriers and new entrant air carriers. When allocating such exemptions, the Secretary shall consider the extent to which the exemptions will provide air transportation with domestic network benefits in areas beyond the perimeter; increase competition in multiple markets; not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter; not result in meaningfully increased travel delays; enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions; have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; or produce public benefits, including the likelihood that the service to airports located beyond the perimeter will result in lower fares, higher capacity, and a variety of service options.

The Secretary shall also make available eight slot exemptions for other incumbent air carriers qualifying for status as a non-limited incumbent carrier at DCA. Each such non-limited incumbent air carrier may operate up to a maximum of two of the newly authorized slot exemptions. Each such non-limited incumbent air carrier, prior to exercising an exemption made available shall discontinue the use of a slot for service between DCA and a large hub airport within the perimeter, and operate, in place of such service, service between DCA and an airport located beyond the perimeter. Each such non-limited incumbent air carrier shall be

entitled to return of the slot by the Secretary if use of the exemption made available is discontinued; shall have sole discretion concerning the use of an exemption including the initial or any subsequent beyond perimeter destinations to be served; and shall file a notice of intent with the Secretary and subsequent notices of intent, when appropriate, to inform the Secretary of any change in circumstances concerning the use of any exemption. Such notices of intent shall specify the beyond perimeter destination to be served and the slots the carrier shall discontinue using to serve a large hub airport located within the perimeter. Each such non-limited incumbent air carrier operating an exemption may not operate a multi-aisle or widebody aircraft in conducting such operations and shall be prohibited from transferring the rights to its beyond-perimeter exemptions.

The Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions; a scheduling priority to slot exemptions currently held by new entrant air carriers and limited incumbent air carriers for service to airports located beyond the perimeter to the extent necessary to protect viability of such service; and consider applications from foreign air carriers that are certificated by the government of Canada if such consideration is required by the bilateral aviation agreement between the U.S. and Canada.

The exemptions granted by the Secretary may not be for operations between the hours of 10:00 p.m. and 7:00 a.m.; and may not increase the number of operations at DCA in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than five operations. A non-limited incumbent air carrier utilizing an exemption for an arrival after 10:01 p.m. must discontinue use of an existing slot during the same time period the arrival exemption is operated.

In determining a limited incumbent, the Secretary shall consider any air carrier operating 40 or fewer slots at DCA. The term 'slot' shall not include slot exemptions; slots operated by an air carrier under a fee-for-service arrangement for another air carrier, if the air carrier operating such slots does not sell flights in its own name, and is under common ownership with an air carrier that seeks to qualify as a limited incumbent and that sells flights in its own name; or slots held under a sale and license-back financing arrangement with another air carrier, where the slots are under the marketing control of the other air carrier. The Secretary shall prohibit the transfer of exemptions except through an air carrier merger or acquisition. The definition of airport purposes at the Metropolitan Washington Aviation Authority (MWAA) shall include a business or activity not inconsistent with the needs of aviation that has been approved by the Secretary.

PASSENGER AIR SERVICE IMPROVEMENTS

H425/S401

House bill

Section 425 requires that within 90 days of enactment, air carriers and each operator of a medium- or large-hub airport, file emergency contingency plans with the Secretary of Transportation for review and approval. Air carriers are required to update their plans every three years and airports must update every five years. The Secretary is also directed to establish a toll-free consumer complaints hotline telephone number for use of passengers. The Secretary is instructed to take action to notify the public of the DOT's consumer complaints hotline telephone number and related website. Air carriers providing scheduled air service are required to include on their website consumer complaints hotline information for DOT and the air carrier as well as a hotline telephone number on carrier signs displayed at airport ticket counters, and on any electronic confirmation of the purchase of a passenger ticket. It directs the Secretary to establish a website that contains a listing of the countries that may require a U.S. or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight to that country, or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers. Air carriers are required to update their emergency contingency plans every three years, and airport operators every five years.

Senate bill

Section 401 requires air carriers and airport operators to develop contingency plans to address situations in which the departure of a flight is substantially delayed while passengers are confined to an aircraft. Each plan would have to be submitted to the DOT for review and approval by the Secretary of Transportation, and would be required to address minimum standards established by the Department. At a minimum, the plans for air carriers must outline how the airline will guarantee that the passengers are provided: a) adequate food, potable water, and restroom facilities; b) cabin ventilation and comfortable cabin temperatures, and; c) access to necessary medical treatment. It specifies that airlines must allow passengers to deplane if three hours have elapsed since the doors have closed and the aircraft has not departed, or the aircraft has been landed for three hours but passengers have been unable to deplane. Exceptions to the deplane requirements would exist only when a pilot reasonably believes that the aircraft will depart within 30 minutes, or if the pilot believes that deplaning the passengers would jeopardize passenger security or safety. Airport operators would also be required to submit a plan to the DOT for approval that provides for the deplanement of passengers following extended tarmac delays. The Secretary would also be required to perform periodic reviews of the air carrier and airport operator plans, and would be authorized to impose civil penalties on air carriers or airport operators that fail to meet the requirements of such plans. It directs the DOT to create a consumer complaint hotline telephone number.

Conference Substitute

House and Senate bills merged and modified. The modified section includes House language requiring emergency contingency plans by air carriers and modified to include large, medium, small, and non-hub airports. Included in the section is modified language that would give passengers the option to deplane and return to airport terminal when there is an excessive tarmac delay, except if there is a safety, security or disruption of airport operations causes that would result from deplanement. The Secretary of Transportation is to determine the length of a tarmac delay that would be deemed ''excessive''. Lastly, the section includes House language on consumer complaints and use of pesticides in a passenger aircraft.

DENIED BOARDING COMPENSATION

H428/S—

House bill

Section 428 requires the Secretary of Transportation to evaluate, within six months of enactment and every two years thereafter, the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

Senate bill

No similar provision.

Conference Substitute

Senate bill. The Department of Transportation is already conducting a rulemaking on this subject.

DISCLOSURE OF PASSENGER FEES

H—/S405

House bill

No similar provision.

Senate bill

Section 405 directs the Secretary of Transportation to complete a rulemaking that requires air carriers to provide the public a list of charges, besides airfare (e.g., baggage fees and meal fees), that the air carrier may be imposing on passengers. The Secretary would be authorized to require an air carrier to make the list of fees public, and the list must be updated every 90 days unless there is no increase in the amount or type of fees being imposed.

Conference Substitute

House bill.

DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION

H—/S406

House bill

No similar provision.

Senate bill

Section 406 requires the Office of Aviation Consumer Protection in DOT to establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including taxes and fees. This section requires taxes and fees be disclosed on the website prior to the purchaser providing personal information and makes failure to disclose an ''unfair and deceptive practice.''

Conference Substitute

Senate provision dropped because it is included in P.L. 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010.

NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS

H—/S407

House bill

No similar provision.

Senate bill

Section 407 requires the Office of Aviation Consumer Protection and Enforcement within the DOT to establish rules to clarify what must be disclosed in an aviation fare quote in order for consumers to easily and fairly compare airfares and charges among carriers. It directs the Secretary of Transportation, in consultation with the FAA, to prescribe such regulations as may be necessary.

Conference Substitute

House bill.

EAS CONNECTIVITY PROGRAM

H—/S411

House bill

No similar provision.

Senate bill

Section 411 directs the Secretary of Transportation to establish a program under which the DOT shall require, in up to ten communities, that air carriers participating in Essential Air Service (EAS), and major air carriers serving large hub airports, participate in code-share arrangements, consistent with normal industry practice, whenever and

wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

Conference Substitute

No provision.

EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY

H—/S412

House bill

No similar provision.

Senate bill

Section 412 extends a provision that specifies that the most commonly used route between an eligible place and the nearest medium hub airport or large hub airport is to be used to measure the highway mileage considered in reviewing any action to eliminate compensation for EAS to such place, or terminate the location's compensation eligibility for such service. It would further terminate any such final order on September 30, 2011.

Conference Substitute

Extends to September 30, 2015, the date on which the final order issued under section 409 of Vision 100 shall terminate.

CONVERSION OF FORMER EAS AIRPORTS

H—/S414

House bill

No similar provision.

Senate bill

Section 414 requires the Secretary of Transportation to establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify as eligible places for EAS subsidies.

Conference Substitute

No provision.

USE OF CERTAIN LANDS AT LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT

H—/S434

House bill

No similar provision.

Senate bill

Section 434 authorizes Clark County, Nevada, to permit the use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities. This provision prohibits the construction of facilities that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

Conference Substitute

House bill.

TITLE V—ENVIRONMENTAL STREAMLINING AND STEWARDSHIP

OVERFLIGHTS OF NATIONAL PARKS

H501/S709

House bill

Section 501 exempts operators in parks with 50 or fewer annual air tour flights from the statutory permitting requirement, with a provision for the National Park Service (NPS) director to withdraw an exemption on a park-specific basis if necessary to protect park resources or visitor experiences. It allows NPS and FAA to enter into a voluntary agreement with a commercial air tour operator as an alternative to creation of an air tour management plan. FAA and NPS must solicit public comments and must consult with occupants of affected tribal lands before entering into a voluntary agreement. It provides that a voluntary agreement may require payment of overflight fees. The FAA and NPS are permitted to terminate a voluntary agreement if: 1) NPS finds the agreement no longer protects park resources; or 2) FAA determines operations under the agreement adversely affect safety or the national aviation system. It permits modifications to interim operating authority, and allows a grant of interim authority to a new entrant operator, if: 1) the operator provides adequate information to NPS and FAA; 2) FAA determines modification would not adversely affect safety or the national aviation system; and 3) NPS determines modification would not adversely affect park resources. Commercial air tour operators must report the number of commercial air tours over parks.

Senate bill

Section 709 allows air tour overflights over a national park when a voluntary agreement has been reached between the operator and the appropriate representative of the national park. This section provides a waiver from the general rule prohibiting tour operations over national parks for national parks that have 100 or fewer air tour overflights each year. The Secretary of the Interior is instructed to assess a fee on commercial air tour operators operating over a national park to be used to fund the development of air tour management plans. It prescribes penalties for operators that do not pay this fee. This section provides the Director of NPS with flexibility in determining how to manage air tours at Crater Lake National Park.

Conference Substitute

House bill modified to include language on flexibility for Crater Lake National Park.

STATE BLOCK GRANT PROGRAM

H502/S209

House bill

Section 502 requires the issuance of guidance for carrying out the AIP State Block Grant Program (SBGP) rather than regulations. It adds to required standards a State must agree to meet in order to be eligible for a grant under the program with: National Environmental Policy Act (NEPA) of 1969 standards, state and local environmental policy acts, executive orders, agency regulations and guidance, and other federal environmental requirements. Furthermore, it adds a provision that requires any federal agency, except the FAA, that is responsible for issuing an approval, license or permit to ensure compliance with a federal environmental requirement applicable to a project to be carried out by a State using funds from a block grant must: 1) coordinate and consult with the State; 2) use the environmental analysis prepared by the State for the project; and 3) supplement such analysis as necessary.

Senate bill

Section 209 codifies current practice that State participants in the State Block Grant Program have responsibility and authority to comply with applicable environmental requirements for projects at non-commercial service airports within the purview of the SBGP. The FAA administers the SBGP by authorizing participating states once a year to receive a block of funds for any eligible non-primary airport project. This section would make a minor change to 49 U.S.C. section 47128(a) by replacing the term ''regulations'' with ''guidance'' because the FAA has issued guidance in the form of the AIP Handbook, 5100.38, to implement its airport improvement program. It establishes a pilot program for up to three States that are currently not in the program to participate in the program.

Conference Substitute

House bill.

AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS

H503/S210

House bill

Section 503 authorizes the FAA to accept funds from airport sponsors to conduct: 1) special environmental studies for ongoing federally-funded airport projects; 2) special studies to support approved airport noise compatibility measures or environmental mitigation commitments in an agency record of decision or a finding of no significant impact; and 3) a review and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures and area navigation procedures.

Senate bill

Section 210 is a similar provision.

Conference Substitute

House bill.

GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES

H506/S211

House bill

Section 506 authorizes grants to airport operators to assist in completing environmental review and assessment activities for proposes to implement flight procedures that have been approved for airport noise compatibility planning purposes. It permits the Administrator to accept funds from an airport sponsor, including funds provided in noise compatibility planning grants, to hire additional staff or consultants to facilitate timely review and competition of environmental activities associated with the proposed changes in flight procedures. Funds received under this section shall be credited as offsetting collections to the account that finance the activities and services for which the funds are accepted; shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and shall remain available until expended.

Senate bill

Section 211 is a similar provision, but it specifies that funds received under this authority are exempt from the procedures applicable to gifts received by the Administrator.

Conference Substitute

House bill.

DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES

H507/S—

House bill

Section 507 requires the Secretary of Transportation to ensure that an appraisal for fair market value of any property to be acquired disregards any decrease or increase in the value caused by the project for which the property is being acquired or by the likelihood that the property would be acquired. It directs that physical deterioration within reasonable control of the owner should be considered.

Senate bill

No similar provision.

Conference Substitute

House bill.

PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS

H508/S710

House bill

Section 508 requires that all civil subsonic jet aircraft under 75,000 pounds must meet Stage 3 noise levels within the 48 contiguous states by December 31, 2016, with some exceptions for the following types of temporary

operations: 1) to sell, lease or use the aircraft outside the 48 contiguous States; 2) to scrap the aircraft; 3) to obtain modifications to the aircraft to meet Stage 3 noise levels; 4) to perform scheduled heavy maintenance or significant modifications at an overseas maintenance facility; 5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor; 6) to prepare, park, or store aircraft in anticipation of above activities; 7) to provide transport of persons or goods in an emergency situation; and 8) to divert the aircraft to an alternative airport on account of weather, or safety reasons. It authorizes the Secretary of Transportation to prescribe regulations as necessary.

Senate bill

Section 710 is a similar provision with minor technical differences, including a different deadline set at December 31, 2014. Airports are allowed to opt-out of this prohibition, at which time the Secretary of Transportation will post notices on its website or another place easily accessible to the public.

Conference Substitute

House bill modified, moving the deadline to December 31, 2015.

AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM

H509/S—

House bill

Section 509 directs the Secretary of Transportation to carry out a pilot program at up to five public-use airports to design, develop, and test new air traffic flow management technology to better manage the flow of aircraft on the ground and reduce ground holds and idling times for aircraft. In selecting participating airports, the Secretary must give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits. No more than $2.5 million may be expended at any single public-use airport.

Senate bill

No similar provision.

Conference Substitute

House bill.

HIGH-PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE ATC FACILITIES

H510/S—

House bill

Section 510 requires the implementation of sustainable practices for the incorporation of energy-efficient design, equipment, systems and other measures in the construction and major renovation of air traffic control facilities to the maximum extent practicable.

Senate bill

No similar provision.

Conference Substitute

House bill.

SENSE OF CONGRESS

H511/S—

House bill

Section 511 expresses Sense of Congress that the European Union (EU) should not extend its emissions trading proposal to international civil aviation operations without working through International Civil Aviation Organization (ICAO) and other relevant air services agreements, and that the EU should work with ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions. It expresses the Sense of Congress that the U.S. Government should use all political, diplomatic, and legal tools at their disposal to ensure that the EU's emission trading scheme is not applied to aircraft registered by the U.S. or the operators of those aircraft, including the mandates that U.S. carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the EU Member states.

Senate bill

No similar provision.

Conference Substitute

House bill.

AVIATION NOISE COMPLAINTS

H512/S—

House bill

Section 512 requires owners or operators of a large hub airport to publish a telephone number to receive noise complaints on the airport's website within 90 days of enactment. Any owner or operator who receives 25 or more complaints per year will be required to submit an annual report to the FAA regarding the number of complaints and a summary of the nature of the complaints, which the Administrator must make available to the public electronically.

Senate bill

No similar provision.

Conference Substitute

House bill modified to remove the annual reporting requirement.

NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS STREAMLINING

H503/S—

House bill

Section 503 incorporates NextGen environmental efficiency projects into projects that are subject to streamlined environmental review and given high priority in environmental review. These include: 1) an airport capacity enhancement project at a congested airport; and 2) a NextGen environmental efficiency project at the 35 largest airports (i.e., OEP airports) or any congested airports. It also clarifies the jurisdictional agencies and the lead agency responsibility for these projects. Defines ''NextGen environmental efficiency project'' as a NextGen project that develops and certifies performance-based navigation procedures; or develops other environmental mitigation projects the Secretary of Transportation may designate as facilitating a reduction in noise, fuel consumption, or emissions from air traffic operations.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

NOISE COMPATIBILITY PROGRAMS

H505/S—

House bill

Section 505 requires operators applying for noise compatibility programs to state the measures they have taken or propose to take to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area. It adds as one of the measures, conducting comprehensive land use planning jointly with neighboring local jurisdictions for community redevelopment in an area in which land or other property interests have been acquired by the operator, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM

H—/S213

House bill

No similar provision.

Senate bill

Section 213 authorizes the Secretary of Transportation to carry out up to six environmental mitigation projects at public-use airports and make grants under special apportionment funding for these demonstrations. To be eligible for the pilot program, an airport would be required to be open to the public, with priority consideration given to projects that would achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts. The federal government would be limited to providing 50 percent of the cost for the projects and limited to a total amount per project of $2.5 million.

Conference Substitute

House bill.

PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES

H—/S609

House bill

No similar provision.

Senate bill

Section 609 requires the Secretary of Transportation to establish a pilot program to foster the acquisition and use of zero emission vehicles on airports. Priority is given to those airports in non-attainment areas and where the greatest air quality benefits will be achieved. In 18 months, the Secretary of Transportation shall report to Congress on the effectiveness of the pilot program.

Conference Substitute

Senate bill modified to: change ''shall'' to ''may'' when directing the Secretary of Transportation to establish a pilot program; allowing public-use airports to be eligible in the pilot program; permitting the Secretary of Transportation to consider applications from public-use airports not in the prescribed areas if there is a shortage of applicants; and allowing participants to use university transportation centers. New language is added that: establishes performance measures; creates assessments of the data collected used in the program; and makes a technical change.

INCREASING THE ENERGY EFFICIENCY OF AIRPORT POWER SOURCES

H—/S610

House bill

No similar provision.

Senate bill

Section 610 requires the Secretary of Transportation to establish a program to encourage airport operators to assess their energy requirements and identify ways to reduce emissions and increase energy efficiency. The Secretary of Transportation may make grants to eligible airports to acquire or construct equipment and infrastructure to reduce emissions and improve energy efficiency.

Conference Substitute

Senate bill modified by removing references to ''reducing harmful emissions'' and makes minor technical corrections.

TITLE VI—EMPLOYEES AND ORGANIZATION

FAA PERSONNEL MANAGEMENT SYSTEM

H601/S313

House bill

Section 601 reforms the process by which the FAA resolves labor disputes with employee unions arising in the collective bargaining process. It requires the FAA and employee representatives to use the services of

the Federal Mediation and Conciliation Service (FMCS). If they are unable to come to an agreement on labor issues, or, by mutual agreement, they may adopt alternate procedures to resolve disputes. If the mediation is unsuccessful, the parties must submit their issues to the Federal Service Impasses Panel (FSIP) that will assist the parties in resolving the dispute by asserting jurisdiction and ordering binding arbitration by a private arbitration board of three members. The board will result from Executive Director of the FSIP will request a list of 15 names from the Director of the FMCS, the parties will select one arbitrator each from the list, and the two arbitrators selected with then choose the third. The arbitration board must render a decision within 90 days after the date of its appointment, and take into account the following factors: 1) the effect of its decision on the FAA's ability to attract and retain a qualified workforce; 2) the effect of its decision on the FAA budget; 3) the effect of its decision on other FAA employees; and 4) any other factors that would assist the board in reaching a fair resolution. Upon reaching a voluntary agreement or at the conclusion of the binding arbitration, the final agreement will be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative. The final agreement must also be approved by the head of the agency.

Senate bill

Section 313 is a similar provision, but it specifies that jurisdiction over enforcement claims is limited to the U.S. District Court for the District of Columbia.

Conference Substitute

House bill modified by deleting language directing the board to take into consideration ''the effect of its arbitration decisions on other Federal Aviation Administration employees'' in making decisions.

PRESIDENTIAL RANK AWARD PROGRAM

H602/S307

House bill

In 1996, the FAA reformed its personnel system under special authority provided by Congress (now codified under 49 U.S.C. section 40122), which exempted the FAA from many requirements of the federal government's personnel system, including the Presidential Rank Award Program. Section 602 would change the exemption and, through an amendment to 49 U.S.C. section 40122, allow the FAA's executives and senior professionals to participate in the program.

Senate bill

Section 307 is the same provision.

Conference Substitute

House bill.

COLLEGIATE TRAINING INITIATIVE STUDY

H608/S—

House bill.

Section 608 requires the U.S. Government Accountability Office to conduct a study on training options for graduates of the Collegiate Training Initiative, and submit the study to Congress within six months of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

FRONT LINE MANAGER STAFFING

H610/S716

House bill

Section 610 requires the Administrator to commission an independent study on front-line manager staffing requirements in air traffic control facilities, and submit the final report to Congress within nine months of enactment. Some considerations to take into account are: managerial tasks; number of supervisory positions; coverage requirements in relation to traffic demands; facility type; complexity of traffic and managerial responsibilities; and proficiency and training requirements.

Senate bill

Section 716 requires the Administrator within 45 days after enactment to study air traffic control front line manager staffing requirements and submit any determinations made as a result of the study to the Congress within six months after enactment.

Conference Substitute

House bill.

FAA TECHNICAL TRAINING AND STAFFING

H603/S708(a),(b)

House bill

Section 603 requires the Administrator to conduct a study on the adequacy of FAA's technical training strategy and improvement plan for FAA transportation systems specialists. The plan must include: recommendations to improve technical training strategy and improvement planning; a description of actions having been undertaken; and recommendations regarding cost-effective approaches to training. The FAA is to report to Congress within one year of enactment. It directs the Administrator to contract with the National Academy of Sciences within 90 days of enactment to conduct a study on the assumptions and methods FAA uses to estimate staffing needs for FAA transportation systems specialists and to ensure proper maintenance and certification in the most cost-effective manner. The Academy must submit its report to Congress one year after contracted.

Senate bill

Section 708(a) and (b) similar provisions but it requires the U.S. Government Accountability Office (GAO) to study FAA Airway Transportation Systems Specialists training and report to Congress within a year of enactment. It includes air traffic controllers and engineers as part of the study; and, the Academy must report to Congress on its study 24 months after the date of execution of the contract for the study.

Conference Substitute

House bill modified removing language requiring the study to be done in the most cost effective manner. The modified provision directs the National Academy of Sciences, when conducting the study on the assumptions and methods used by FAA to estimate staffing needs for FAA systems specialists, to consult with the exclusive bargaining representative of systems specialists. Additionally, language was added requiring the National Academy of Sciences to ''include recommendations for objective staffing standards that maintain the safety of the national airspace.''

SAFETY CRITICAL STAFFING

H604/S708(c),(d)

House bill

Section 604 requires the Administrator to implement, to the extent practicable and in the most cost-effective manner, the staffing model for aviation safety inspectors by October 1, 2011, following the recommendations outlined in the ''Staffing Standards for Aviation Inspectors'' report issued by the National Academy of Sciences in 2007. The FAA is required to consult with interested parties, including aviation safety inspectors, and submit the staffing model to Congress on an annual basis.

Senate bill

Section 708(c) and (d) directs the FAA to increase inspector staffing to levels in its staffing model. The Administrator is required to develop a staffing model for aviation safety inspectors, but differs from the House in that it allows 12 months from the date of enactment, development of a staffing model, but does not require the Administrator to follow the Academy's recommendations, and requires inspector staffing levels to be at least at the levels indicated in the staffing model. It specifies that no later than 180 days after enactment, the Administrator shall submit a report to Congress on the future of flight service stations in Alaska. The report will include: 1) an analysis of the number of flight service specials needed; 2) training needed and need for formal training and hiring program; 3) a schedule for necessary inspections, 4) upgrades and modernization of stations and equipment; and 5) a description of interaction between flight service stations operated by FAA and those operated by contractors.

Conference Substitute

House bill modified to require the FAA to consult with the exclusive bargaining representative for aviation safety inspectors when implementing the staffing model. Additionally, the date of the report was changed from October 1 of each year to January 1 of each year.

AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING AND SCHEDULING

H606/S—

House bill

Section 606 authorizes the Administrator to appoint qualified air traffic control (ATC) specialist candidates for placement directly in ATC facilities. ATC specialists will receive the same benefits and compensation as any other developmental controller. Within 18 months after enactment, the FAA will submit to Congress a report that evaluates the effectiveness of the ATC specialist qualification training. If the Administrator determines that ATC specialists are more qualified in carrying out duties than ATC specialists hired from general public, the Administrator shall increase the number of appointments of candidates with such certification. It includes reimbursement for travel expenses associated with certifications from education entity that provided the training.

Senate bill

No similar provision.

Conference Substitute

House modified to change the due date of the required report from 18 months after enactment to two years after enactment.

FAA AIR TRAFFIC CONTROLLER STAFFING

H605/S708

House bill

Section 605 directs the FAA to enter into an arrangement, within 90 days, with the National Academy of Sciences to conduct a study of the air traffic controller standard used by the FAA to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the NAS in the most cost-effective manner. The study must include examination of representative information on productivity, human factors, traffic activity, and improved technology on ATC, as well as an examination of recent Academy reviews of models from MITRE, and consideration of Administration's current and estimated budgets. The Academy is required to consult employee groups and industry representative in conducting the study. The Academy must transmit the study to Congress within two years of enactment.

Senate bill

Section 708 is a similar provision, but it includes Airway Transportation Systems Specialists and engineers as part of the study.

Conference Substitute

House bill modified to require the National Academy of Sciences to consult with the exclusive bargaining representative of air traffic controllers in conducting the study.

ASSESSMENT OF FAA AIR TRAFFIC CONTROLLER TRAINING PROGRAMS

H607/S516

House bill

Section 607 requires the Administrator to conduct a study to assess the adequacy of training programs for air traffic controllers, including the FAA's technical training strategy and improvement plan, and submit the study to Congress within six months of enactment. The study will include a review of current training systems, an analysis of competencies required of air traffic control for successful performance, an analysis of competence projected to be required in NextGen, an analysis of various training approaches, recommendations to improve current training system, and the most cost effective approach.

Senate bill

Section 516 requires FAA to conduct a comprehensive review of its Academy and facility training efforts, and establish standards to identify the number of developmental controllers that can be accommodated by each facility.

Conference Substitute

House and Senate bills modified and merged. This section includes Senate and House language, with language added requiring the Inspector General of the Department of Transportation to conduct an assessment of FAA's air traffic controller scheduling practices.

FAA FACILITY CONDITIONS

H609/S323

House bill

Section 609 requires the U.S. Government Accountability Office to conduct a study of the conditions of a sampling of FAA facilities across the U.S., including towers, centers, offices and Terminal Radar Approach Control Facilities (TRACONs), as well as reports from employees relating to health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in FAA facilities; conditions of facilities that could interfere with employee's ability to perform their duties; the ability of managers and supervisors to promptly document and seek remediation for unsafe facility conditions; whether employees of the Administration who report facility-related illness are treated appropriately; and utilization of scientific remediation techniques to mitigate hazardous conditions. Its findings must be submitted to the FAA and Congress. Based on the results of the GAO study, the GAO is directed to make recommendations on which facilities are in need of immediate attention, and assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels. The GAO is required to submit its report to Congress within one year of enactment.

Senate bill

Section 323 directs the FAA to create a task force on air traffic control (ATC) facility conditions. This task force must be composed of 11 members (7 appointed by the Administrator and four appointed by employees' unions). Four members are required to have expertise in hazardous building conditions and two members must have expertise in rehabilitation of aging buildings. This task force will have the power to obtain official data. The task force's duties would include studying: 1) the conditions of all ATC facilities; 2) reports from employees; 3) whether employees who reported illness were treated fairly; 4) utilization of remediation techniques; and 5) resources allocated to facility maintenance and renovation. Also, the task force would be required to make recommendations necessary to ensure that: 1) facilities needing the most immediate attention are prioritized; 2) the Administration is using scientifically approved remediation techniques; and 3) ATC facilities do not deteriorate to unsafe levels. The task force also must submit a report to Congress and the Administrator regarding its recommendations and activities within 60 days. The Administrator would be required to submit a plan and timeline to implement the task force's recommendations within 30 days after receiving the task force's report.

Conference Substitute

House bill.

TECHNICAL CORRECTION

H—/S707

House bill

No similar provision.

Senate bill

Section 707 provides technical corrections to guarantee that the Merit Systems Protection Board has jurisdiction to investigate claims made against FAA, and has the enforcement ability at the agency that it does for all other federal employees.

Conference Substitute

Senate bill.

BACK PAY

H—/S707(4)(J)

House bill

No similar provision.

Senate bill

Section 707(4) (J) restores application of the Back Pay Act to FAA employees prospectively (i.e., does not have retroactive application to previously decided MSPB cases).

Conference Substitute

House bill.

FAMILY MEDICAL LEAVE ACT

H—/S707(4)(K)

House bill

No similar provision.

Senate bill

Section 707(4)(K) restores protections of Title II of the Family and Medical Leave Act (FMLA) for FAA employees. In contrast with Title I, there is no individual right of action and employee makes determination as to start of FMLA leave.

Conference Substitute

House bill.

TITLE VII—AVIATION INSURANCE

GENERAL AUTHORITY

H701/S701(c)

House bill

Section 701 requires the Secretary of Transportation to extend the current aviation war risk insurance policies until September 30, 2013, and authorizes the Secretary to extend them until December 31, 2013. After December 31, 2021, coverage for the risks provided by the extended policies shall be provided in an airline industry sponsored risk-sharing arrangement approved by the Secretary. Premiums collected by the Secretary from the airline industry after September 22, 2001, through December 31, 2021, for any policy under this subsection, plus interest and less paid or pending claims, must be transferred to risk-sharing arrangement approved by the Secretary.

Senate bill

Section 701(c) is a similar provision, but it does not authorize a follow-on industry shared-risk program.

Conference Substitute

House bill modified to remove language creating a successor program.

EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY

H702/S701(a)

House bill

Section 702 extends for air carriers the current limitation of liability to third parties for losses arising out of acts of terrorism to December 31, 2013. Current law (section 44303(b)) allows the Secretary of Transportation to limit an airline's third-party liability to $100 million and also prohibits punitive damages against either an airline or the Government for any cause resulting from a terrorist event. A principal objective of the limitation was to encourage commercial insurance companies to provide a reasonably priced amount of third party war risk insurance by defining the maximum third party liability exposure of the airline for a single event. The provision was later expanded by Congress at the request of aircraft manufacturers and aircraft engine manufacturers to permit DOT to similarly limit third-party liability for these parties.

Senate bill

Section 701(a) is the same provision.

Conference Substitute

House bill.

CLARIFICATION OF REINSURANCE AUTHORITY

H703/S—

House bill

Section 703 amends the reinsurance section in title 49 U.S.C. to clarify that the DOT may, as a risk mitigation technique, purchase reinsurance from commercial reinsurers to supplement payment of claims from the aviation insurance revolving fund.

Senate bill

No similar provision.

Conference Substitute

House bill.

USE OF INDEPENDENT CLAIMS ADJUSTERS

H704/S—

House bill

Section 704 authorizes the FAA to use commercial insurance carriers to underwrite insurance and adjust claims, and to use claims adjusters independent of an insurance underwriting agent. This permits expedited claims in the U.S. and foreign jurisdictions.

Senate bill

No similar provision.

Conference Substitute

House bill.

TITLE VIII—MISCELLANEOUS

DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY

H801/S—

House bill

Section 801 clarifies that the FAA has limited authority to release data and reports that are pulled from the FAA's record systems, which are subject to the Privacy Act, to other federal agencies in the interest of national security.

Senate bill

No similar provision.

Conference Substitute

House bill.

FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS

H802/S505

House bill

Section 702 provides legal authority for the FAA to continue to access the National

Crime Information Center and related State criminal history databases for certification purposes only to conduct a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting fingerprint based repository in compliance with the National Crime Prevention and Privacy Compact Act, and to receive relevant criminal history record regarding airman check. In accessing repository information, the FAA shall be subject to procedures established by the Departments of Justice or State as appropriate. The Administrator may not use authority to conduct criminal investigations. The Administrator shall receive reimbursement to process the fingerprint based checks in providing these services. The Administrator shall designate employees of the FAA to carry out these actions.

Senate bill

Section 505 is a similar provision.

Conference Substitute

House bill.

CIVIL PENALTIES TECHNICAL AMENDMENTS

H803/S—

House bill

Section 803 applies civil penalties to violations of chapter 451 on Alcohol and Controlled Substance Testing.

Senate bill

No similar provision.

Conference Substitute

House bill.

CONSOLIDATION AND REALIGNMENT OF FAA SERVICES AND FACILITIES

H804/S308

House bill

Section 804 directs the Administrator to develop proposed criteria for use in making recommendations for the realignment and consolidation of FAA services and facilities, and publish the proposed criteria within 30 days of enactment. The proposed criteria would be open to public comment for 30 days, and the FAA must publish final criteria within 90 days of enactment. It requires the Administrator to make recommendations for the realignment and consolidation of FAA services based on the final criteria and a justification for each recommendation. This information will be published and transmitted to Congress within 120 days of enactment. The Administrator is directed to submit the recommendations to a new Aviation Facilities and Services Board (not subject to the Federal Advisory Committee Act), consisting of: the Secretary of Transportation (DOT) or designee; two private sector members appointed by the DOT Secretary; and a U.S. Government Accountability Organization (GAO) representative (to be a non-voting member). Members would serve for three year terms. The Board will hold public hearings and develop a final report (with GAO input if requested by the Board) containing the Board's findings and conclusions based on public comments. The Board must publish the report and transmit a copy to Congress. The Administrator is prohibited from carrying out a Board recommendation if Congress passes a joint resolution of disapproval within 30 days of issuance of the Board's report. It authorizes the Administrator to make additional recommendations every two years. It specifies that Members of the Board will not receive compensation except for work injuries or travel expenses. The Administrator shall make available to the Board such staff, information and administrative services as may be required enabling the Board to carry out its responsibilities. In order for the Board to carry out its duties, the Administrator is authorized to appropriate for each of FYs 2011 through 2014, $200,000 to carry out this section.

Senate bill

Section 308 creates a specific process for the FAA to complete a comprehensive study and analysis of the how the agency might realign its services and facilities to help reduce capital, operating, maintenance, and administrative costs on an agency-wide basis with no adverse effect on safety. The FAA would be required to develop criteria for realignment within nine months of passage and make any recommendations for action within nine months of the publication of the criteria. The Air Traffic Control Modernization Oversight Board would then be required to study the FAA's recommendations, provide opportunity for public comment, and report the Board's recommendations to Congress. The Administrator would be prohibited from consolidating additional approach control facilities into the Southern California TRACON, the Northern California TRACON, the Miami TRACON, or the Memphis TRACON until the Board's recommendations are completed.

Conference Substitute

House and Senate bills merged and modified. The language now requires the Administrator to develop, in conjunction with the Chief NextGen Officer and Chief Operating Officer of the Air Transportation Organization, a National Facilities Realignment and Consolidation Report within 120 days of enactment and allow 45 days for the submission of public comments on that report. The report shall be developed with the participation of: 1) representatives of labor organizations representing operations and maintenance employees of the air traffic control system; and 2) industry stakeholders. The purpose of this report is to support the transition to NextGen and to reduce capitol, operating, maintenance, and administrative costs of the FAA without adversely affective safety. The report shall include recommendations with justification and project costs and savings. It instructs the Administrator to submit a report to Congress within 60 days after the last day of the public comment period on the Administrator's recommendations on realignment and consolidation of services and facilities of the FAA and it directs the Administrator to follow this report during the realignment process. It maintains the House language on Congressional Disapproval which prohibits the Administrator for carrying out recommendation in the report should a joint resolution of disapproval be enacted within 30 days of submission of the report to Congress.

LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT

H805/S—

House bill

Section 805 requires the FAA, within 180 days of enactment, to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to prohibit individuals, other than authorized flight crewmembers, from accessing the flight decks of all-cargo aircraft. It requires a report within one year of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA

H806/S721

House bill

Section 806 requires the Administrator to issue a report containing a list of obsolete, redundant, or otherwise unnecessary reports that the FAA is required by law to submit to the Congress or publish. It requires an estimate of the cost savings that would result from the elimination or consolidation of those reports.

Senate bill

Section 721 is an identical provision.

Conference Substitute

House and Senate bills.

PROHIBITION ON USE OF CERTAIN FUNDS

H807/S—

House bill

Section 807 prohibits the Secretary of Transportation from using funds available in this act to name, rename, designate or redesignate any authorized project or program after an individual who is currently serving in Congress.

Senate bill

No similar provision.

Conference Substitute

House bill.

STUDY ON AVIATION FUEL PRICES

H808/S727

House bill

Section 808 requires the U.S. Government Accountability Office (GAO) to conduct a study and report to Congress within 180 days of enactment on the impact of aviation fuel price increases on the Airport and Airway Trust Fund and the aviation industry in general.

Senate bill

Section 727 is an identical provision.

Conference Substitute

Senate bill.

WIND TURBINE LIGHTING

H809/S611

House bill

Section 809 directs the Administrator to conduct a study, make recommendations, and report to Congress on wind turbine lighting systems within one year of the date of enactment. The study and recommendations must include the effect of wind turbine lighting on residential areas, the safety associated with alternative lighting strategies, the potential energy savings, and the feasibility of implementing alternative lighting strategies.

Senate bill

Section 611 requires the Administrator to survey and assess the leases for critical FAA facility sites and determine how close these facilities are to wind farms or areas suitable for the construction of wind farms. Following the assessment, the FAA would be required to report to Congress and the U.S. Government Accountability Office (GAO) on its findings and recommendations. It would require the GAO to assess the potential impact wind farms have on the FAA's navigational aids and would require an assessment on methods and restrictions to mitigate the effects of wind farms on navigational aids. Upon receiving the GAO report, the FAA would be directed to issue guidelines for the construction of wind farms near critical FAA facilities.

Conference Substitute

House bill.

AIR-RAIL CODE SHARING STUDY

H810/S725

House bill

Section 810 directs the U.S. Government Accountability Office (GAO) to conduct a study regarding existing airline and intercity passenger rail code-sharing arrangements, and the feasibility of increasing

intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel, and submit the study to Congress within six months of enactment. The GAO is directed to consider: 1) the potential costs to taxpayers and other parties, and the benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers; 2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities; 3) the experience of other countries with airport and intercity passenger rail connectivity; and 4) other issues the GAO deems appropriate.

Senate bill

Section 725 is a similar provision, but the GAO considerations are not as extensive. It requires the report to be completed within one year.

Conference Substitute

House bill.

D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA

H811/S—

House bill

Section 811 requires the Administrator to work with the Secretaries of Defense and Homeland Security on a plan to decrease the operational impacts and improve general aviation access to the Washington, D.C. region impacted by the D.C. Metropolitan Area Special Flight Rules Area, and submit the plan to Congress within six months of enactment. The plan must outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the Washington, D.C. region that are currently impacted by the zone.

Senate bill

No similar provision.

Conference Substitute

House bill.

FAA REVIEW AND REFORM

H812/S—

House bill

Section 812 requires the Administrator to undertake a thorough review of each program, office, and organization within the FAA, including the Air Traffic Organization, to identify: 1) duplicative positions, programs, roles or offices; 2) wasteful practices; 3) redundant, obsolete, or unnecessary functions; 4) inefficient processes; and 5) ineffectual or outdated policies. Directs the Administrator to undertake such actions as may be necessary to address the findings of the review, streamline and reform FAA functions, and submit a report to Congress within 150 days of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

USE OF MINERAL REVENUE AT CERTAIN AIRPORTS

H815/S224

House bill

Section 815 specifies that the FAA may declare certain revenue derived from, or generated by mineral extraction at a general aviation airport to be revenue greater than the long term projects, operation, maintenance, planning and capacity needs of the airport. If the Administrator issues a declaration, the airport sponsor may allocate to itself or governing body within limits of the airport's locality the revenue identified in declaration for use in carrying out a Federal, State or local transportation infrastructure project. In generating revenue from mineral rights the airport sponsor shall not charge less than fair market value. The airport sponsor and Administrator shall agree on a 20 year capital improvement program that includes projected costs, charges and fees. Furthermore, the airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds, and operate as a public-use airport until the Administrator grants a request to allow airport to close. The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments and mitigation plans. The Administrator shall conduct review and issue a determination within 90 days following receipt of an airport sponsor's application and requisite documentation.

Senate bill

Section 224 is a similar provision, but it contains a five year capital improvement program.

Conference Substitute

Senate bill.

CONTRACTING

H818/S—

House bill

Section 818 permits the Administrator to conduct a review, and submit to relevant Committees, a report describing how FAA weighs economic vitality of a region when considering contract proposals for training facilities.

Senate bill

No similar provision.

Conference Substitute

House bill modified by removing language on ''economic vitality'' and inserting language that requires: 1) the proposal is drafted so that all parties can fairly compete; and 2) the proposal takes into consideration the most cost-effective location, accessibility, and services options.

FLOOD PLANNING

H819/S—

House bill

Section 819 permits the Administrator, in consultation with the Federal Emergency Management Administration, to conduct a review and submit to relevant committees a report on the state of preparedness and response capability for airports located in flood plans to respond to and seek assistance in rebuilding after catastrophic flooding.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include a direction to the Federal Emergency Management Agency (FEMA) to consider as an eligible activity for purposes of the National Flood Insurance Act of 1968, ''the demolition and rebuilding of properties to at least base flood levels or higher''.

HISTORICAL AIRCRAFT DOCUMENTS

H823/S—

House bill

Section 823 directs the Administrator to take actions, as seen necessary, to preserve original aircraft type certificate engineering and technical data in possession of the FAA. No later than one year after date of enactment, the Administrator shall revise an executive order to prohibit destruction of historical aircraft documents. The Administrator shall consult with Archivist of the U.S. and Administrator of General Services on the best methods to preserve these documents. The Administrator shall make these documents available under Freedom of Information Act. This provision does not affect the rights of the holder or owner of a type certificate identified above, or require holders or owners to provide, surrender or preserve any original or duplicate engineering data to FAA. Notwithstanding any other provision of the law, the holder of a type certificate identified in this section shall not be responsible for any continued airworthiness or FAA regulatory requirements.

Senate bill

No similar provision.

Conference Substitute

House bill modified by changing the date from one year to three years for the revision of order. The language specifying that holders of type certificates shall not be responsible for any continued airworthiness is deleted. New language is added narrowing the definition of applicability to this section to those ''having a standard airworthiness certificate issued prior to the date the documents are released to a person by the FAA under subsection (b) (1) .

RELEASE FROM RESTRICTIONS

H824/S219

House bill

Section 824 authorizes the Secretary of Transportation to grant an airport, city or county a release from any of the terms, conditions, reservations or restrictions contained in a deed in which the U.S. conveyed to the airport, city or county property for airport purposes pursuant to section 16 of Federal Airport Act or section 23 of the Airport and Airway Development Act. Any release granted by the Secretary shall be subject to the following conditions: 1) the applicable airport, city or country shall agree in conveying interest in the proper which U.S. conveyed to the airport and 2) the city or county will receive an amount for such interest equal to fair market value. Lastly, any amount received must be used exclusively for development, improvement, operation. or maintenance of public airport.

Senate bill

Section 219 is a similar provision, but it specifies airports in St. George, Utah, and Dona Ana County, New Mexico, for release in order to facilitate the development of a replacement airport.

Conference Substitute

House bill modified.

AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES

H814/S—

House bill

Section 814 requires the Administrator to not issue or enforce any regulation regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, if the requirement is more stringent than the requirements of International Civil Aviation Organization.

Senate bill

No similar provision.

Conference Substitute

House bill modified to require that, in almost all circumstances, regulations governing the air transportation of lithium metal or lithium ion cells or batteries be consistent with the provisions of the International Civil Aviation Organization Technical Instructions for the Safe Transportation of Dangerous Goods by Air (commonly known as the ICAO Technical Instructions), as in effect at the time the regulations were adopted. The only exceptions to this directive would be (a) to allow the retention of an existing U.S. prohibition on transportation of lithium metal batteries and cells on passenger aircraft, even if it is not embodied in the ICAO Technical Instructions, and (b) to allow adoption and enforcement of a targeted rule more stringent than the ICAO

Technical Instructions in the event that an authoritative national or international governmental body provides a formal report finding that the presence of lithium metal or lithium ion batteries on an aircraft in compliance with the ICAO Technical Instructions was a substantial contributing factor to the initiation or promulgation of an onboard fire.

Where the conditions set forth in this section are met, the Secretary may issue a targeted emergency regulation that addresses solely the deficiencies identified in the report that triggered the regulation. That regulation may remain in effect for up to one year and is not subject to renewal. Either alternatively or consecutively, the Secretary may undertake a rulemaking in accordance with the Administrative Procedure Act to adopt a permanent regulation. That permanent regulation must be based on substantial credible evidence that the cells or batteries of the type at issue could be expected to substantially contribute or propagate an onboard fire even if they were shipped in accordance with applicable ICAO Technical Regulations; be narrowly tailored to avoid disruption of the shipping of other cells, batteries or products; and employ the least expensive approach while addressing the identified safety concern.

LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATION

H816/S1211–1213

House bill

Section 816 amends the Volunteer Protection Act of 1997 (VPA) to include volunteer pilots and volunteer pilot organizations within the scope of its protections. Under present law, nonprofit volunteer pilot organizations and their pilots that provide lifesaving medical flights without compensation are vulnerable to costly and often frivolous litigation that undermines the ability of these organizations to provide critical volunteer flight services in a timely manner. In addition, institutions that refer patients to volunteer pilot organizations are presently subject to legal jeopardy. Section 816 protects and promotes the important work of volunteer pilot organizations by creating limited protection against liability to volunteer pilot organizations and pilots so that they are able to procure necessary insurance and continue their important operations.

Senate bill

Sections 1221—1213 of the Senate bill contain a similar, but more limited, volunteer pilot provision. The Senate provision only includes volunteer pilots within the scope of its protections. Although the Senate provision does not provide protections to volunteer pilot organizations, it does protect and promote the important work of volunteer pilots.

Conference Substitute

No provision.

AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY

H817/S—

House bill

Section 817 specifies that Congress finds that the federal government's dissemination to the public of information relating to noncommercial flight does not serve a public policy objective. Upon request of private owner or operator the Federal Government should not disseminate to the public information relating to non-commercial flights carried out by that owner or operator as the information should be private and confidential. The FAA shall block the display of the owner or operator's aircraft registration number in aircraft situation display data upon the private owner or operator request, except when the FAA provides such data to a government agency.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

SENSE OF CONGRESS

H825/S—

House bill

Section 825 states that it is the Sense of Congress that Los Angeles World Airports should consult on regular basis with representatives of the community surrounding the airport regarding ongoing operations, plans to expand, modify or realign the Los Angeles International Airport (LAX) facility, and include consultations with any organization which has at least 20 or more individuals.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include consultation with any organization which has at least 100 or more individuals.

HUMAN INTERVENTION MOTIVATION STUDY

H—/S702

House bill

No similar provision.

Senate bill

Section 702 within six months of enactment the FAA shall develop a Human Intervention Motivation Study program for cabin crews employed by commercial air carriers in the United States.

Conference Substitute

Senate bill.

STUDY OF AERONAUTICAL MOBILE TELEMETRY

H—/S719

House bill

No similar provision.

Senate bill

Section 719 requires the Administrator to report to Congress in 180 days on the aeronautical telemetry needs of civil aviation over the next decade and the potential impact of the introduction of a new radio service operating at the same spectrum as aeronautical mobile telemetry service.

Conference Substitute

Senate bill.

CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS

H—/S729

House bill

No similar provision.

Senate bill

Section 729 clarifies that an aircraft owner or aircraft operator can accept reimbursement for all or part of the fuel costs associated with operating a volunteer flight for medical purposes.

Conference Substitute

Senate bill modified by including original language, ''not withstanding any other law or regulation'' for the administering of section 61.113(c) of 14 C.F.R. Furthermore, language is added to allow pilot to accept reimbursement from volunteer pilot organization for fuel costs association with flight operation for medical purpose, and add ''organ'' as a transported item in subsection (a). Language is added that in order for an owner or operator to be eligible for the referenced reimbursement, the aircraft owner or operator must have volunteered and notified any individual on the flight that the flight operation is for charitable purposes and is not subject to the same requirements as commercial flight. Lastly, language was added that allows the Administrator to impose minimum standards with respect to training and flight hours for single-engine, multi-engine and turbine engine operations that is being reimbursed for fuel costs in the above mentioned event, including the authority to mandate that pilot in command of aircraft hold an instrument rating and be current and qualified for the aircraft being flown to ensure safety of flight operations.

PILOT PROGRAM FOR A REDEVELOPMENT OF AIRPORT PROPERTIES

H—/S712

House bill

No similar provision.

Senate bill

Section 702 directs the FAA to create a pilot program fostering the collaboration between airports who have submitted a noise compatibility program and the surrounding neighboring local jurisdictions to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community. The FAA would also have the authority to issue grants for this program.

Conference Substitute

Senate bill.

REPORT ON NEW YORK CITY AND NEWARK AIR TRAFFIC CONTROL FACILITIES

H—/S723

House bill

No similar provision.

Senate bill

Section 723 requires the Administrator within 90 days to report to Congress on FAA's plan to staff Newark Liberty Airport's air traffic control tower at negotiated staffing levels within one year.

Conference Substitute

Senate bill modified to direct FAA to submit a report to Congress on the FAA's staffing and scheduling plans for air traffic control facilities in the New York and Newark Region for the one year period after the date of enactment.

CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES

H813/S730

House bill

Section 813 directs that the transportation within the State of Alaska of cylinders of compressed oxygen or other oxidizing gases aboard aircraft is exempt from compliance from regulations that require such gases to be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders. The exemption is to be applied in circumstances in which transportation of the cylinders by ground or vessel is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination.

Senate bill

Section 730 is a similar provision, but provides an exemption only for certain cylinders.

Conference Substitute

House bill modified to include new language that: 1) specifies that each cylinder is fully covered with fire or flame resistant blanket; 2) requires that the operator complies with the applicable notification procedures under 49 C.F.R. 175.33.; and 3) specifies that the exemption applies to cargo-only aircraft if the destination has cargo-only service at least once a week and passenger and

cargo-only aircraft if the destination does not receive cargo-only service at least once a week.

ORPHAN EARMARKS ACT

H—/S738

House bill

No similar provision.

Senate bill

Section 738 requires all federal agencies to rescind amounts designated as earmarks back to the Treasury if they are nine years or older.

Conference Substitute

Senate bill modified.

PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY

H—/S739

House bill

No similar provision.

Senate bill

Section 739 directs the Transportation Security Administration (TSA) Administrator to ensure that advanced imaging technology used for the screening of passengers is equipped with automatic target recognition software (which would produce a generic image of the individual being screened) beginning on January 1, 2012.

Conference Substitute

Senate bill modified to include language allowing the TSA Administrator to extend the deadline that requires the TSA Administrator to ensure that Advanced Imaging Technology machines meet requirements as specified in this section, if the resulting technology would perform inadequately or additional testing is necessary. In addition, the beginning date for implementation of automatic target recognition software is changed from January 1, 2012 to June 1, 2012.

TERMINATION OF CERTAIN RESTRICTIONS FOR BURKE LAKEFRONT AIRPORT

H820/S—

House bill

Section 820 states that any restriction in FAA Flight Data Center Notice to Airmen, the Administrator may not prohibit or impose airspace restrictions with respect to an air show or other aerial event located at the Burke Lakefront Airport in Cleveland, Ohio, due to a stadium event or event at other venues occurring at the same time. The Administrator may prohibit aircraft from flying directly over applicable stadiums or venues.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

SANTA MONICA AIRPORT, CA.

H821/S—

House bill

Section 821 specifies that Congress finds that the Administrator should enter into good faith discussions with city of Santa Monica, California, to achieve a runway safety area solution consistent with FAA design guidelines.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

INSPECTOR GENERAL REPORT ON PARTICIPATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS

H822/S—

House bill

Section 822 directs the DOT IG to submit a report to Congress on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, such as veterans, that participate in airport programs. The report shall list the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for such small businesses and provide results of the assessments and recommendations to the FAA and Congress on methods for other airports to achieve results similar to those of the top airports.

Senate bill

No similar provision.

Conference Substitute

House bill.

ISSUING REGULATIONS

H826/S—

House bill

Section 826 requires that when proposing or issuing regulation the Administrator shall analyze the different industry segments and tailor any regulation to characteristics of each separate segment, taking into account that U.S. aviation industry is composed of different segments. The Administrator shall analyze for each industry segment: alternative forms of regulation, assess the costs and benefits, ensure proposed regulation is based on best reasonably obtainable scientific, technical and other information, and assess any adverse effects on efficient function of the economy, private markets together with quantification of such costs.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

WEIGHT RESTRICTIONS AT TETERBORO AIRPORT

H—/S711

House bill

No similar provision.

Senate bill

Section 711 prohibits the Administrator from taking action designed to challenge or influence the weight restrictions at Teterboro Airport, except in an emergency.

Conference Substitute

House bill.

FLIGHT CREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES

H—/S720

House bill

No similar provision.

Senate bill

Section 720 requires the Administrator to conduct a study and issue a report on aviation industry best practices with regard to flight crew member pairing, crew resource management techniques, and pilot commuting.

Conference Substitute

House bill because the Senate provision is included in P.L. 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010.

ONGOING MONITORING OF AIRSPACE REDESIGN

H—/S726

House bill

No similar provision.

Senate bill

Section 726 directs the Administrator to work with the New York and New Jersey Port Authority to monitor the noise impacts of the redesign and submit reports to Congress on those impacts within 270 days, and every 180 days thereafter until the New York, New Jersey and Philadelphia airspace redesign is completed.

Conference Substitute

House bill.

LAND CONVEYANCE FOR SOUTHERN NEVADA

H—/S728

House bill

No similar provision.

Senate bill

Section 728 adds language to Title VII to allow certain lands in Clark County, Nevada, to be used for the development of a flood mitigation infrastructure project once the Administrator has: (1) approved an airport layout plan for an airport in Ivanpah Valley, Nevada; and (2) issued a record of decision after the preparation of an environmental impact statement or similar analysis document on the construction and operation for the airport in Ivanpah Valley, Nevada.

Conference Substitute

House bill.

TECHNICAL CORRECTION

H—/S731

House bill

No similar provision.

Senate bill

Section 731 amends the Consolidated Appropriations Act of 2010, to require inspections of rail containers containing firearms or ammunition and permits the temporary suspension of firearm carriage if credible intelligence information indicates that a threat related to the national rail system, specific routes, or trains is identified.

Conference Substitute

House bill.

SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS

H—/S732

House bill

No similar provision.

Senate bill

Section 732 requires the Secretary of Transportation and the Secretary of Commerce to develop a plan to allow federal agencies to fly weather forecasting instruments on commercial flights within 270 days of enactment.

Conference Substitute

House bill.

CONTROLLING HELICOPTER NOISE IN RESIDENTIAL AREAS

H—/S740

House bill

No similar provision.

Senate bill

Section 740 directs the FAA to prescribe standards to measure helicopter noise and regulations to control helicopter noise in residential areas. This section would mandate that within one year, the FAA finalize regulations with respect to helicopters operating over Long Island.

Conference Substitute

House bill.

CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES

H—/S734

House bill

No similar provision.

Senate bill

Section 734 establishes criminal penalties for unauthorized recording or distribution of security screening images. Includes images from backscatter x-rays or millimeter waves and devices. It provides an exception for certain law enforcement or intelligence purposes.

Conference Substitute

House bill.

APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM

H—/S735

House bill

No similar provision.

Senate bill

Section 735 requires the Transportation Security Administration (TSA) Administrator to consider approving applications to participate in the Screening Partnership Program (SPP), which uses private screeners instead of TSA employees, for all airports with pending applications. This section requires the TSA Administrator to reconsider rejected applications for the SPP for a limited number of airports. If the TSA Administrator decides again to deny an application, they must report to Congress on the reason for the denial.

Conference Substitute

Senate bill modified to require the TSA Administrator to approve or deny, within 120 days, an application received by an airport to participate in the SPP. The Administrator is required to approve the application unless a determination is made that such approval would compromise security or have a detrimental effect on the on the cost-efficiency or effectiveness of security screening at that airport. The Administrator must provide a more in-depth explanation in a report to Congress if an SPP application is denied. This explanation must include: (1) the findings that served as a basis for the denial; (2) results of any cost or security analysis conducted in the reconsideration; and (3) recommendations on how the airport operator can address the reasons for the denial. This report has to be issued with 60 days of the denial. Airport Operators who apply for the SPP must also provide TSA a recommendation as to which company would best serve the airport along with an explanation for that choice. The modified provision also requires the reconsideration of SPP applications pending between January 1, 2011, and February 3, 2011, and outlines specific timelines to be followed in issuing decisions regarding SPP reapplications. The provision includes modifications to existing requirements which provide the Administrator with more flexibility in determining what companies can bid for SPP contracts.

The conference committee believes that in determining the cost efficiency and effectiveness of an applicant's screening services, the TSA Administrator shall compare the annual costs to the Federal government and related effectiveness measures associated with screening services at commercial airports using private-sector screeners with comparable costs associated with screening services by Federal screeners, applying the relevant cost and performance metrics equally to the private and Federal screening programs.

CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA

H—/S736

House bill

No similar provision.

Senate bill

Section 736 directs the Secretary of the Interior to convey to the City of Mesquite, NV, without consideration, all right, title and interests of the U.S. in a land parcel at Mesquite Airport.

Conference Substitute

House bill.

TITLE IX—NATIONAL MEDIATION BOARD

AUTHORITY OF THE DOT INSPECTOR GENERAL

H901/S—

House bill

Section 901 gives the DOT IG specific authority to conduct audits and evaluate the National Mediation Board's (NMB) financial management, property management, and business operations. In carrying out this authority, the Inspector General of the Department of Transportation (DOT IG) is to keep the Chairman of the Mediation Board and Congress fully and currently informed, issue findings and recommendations and report periodically to Congress. The Secretary of Transportation may only appropriate for use by the DOT IG no more than $125,000 for each of FYs 2011 through 2014.

Senate bill

No similar provision.

Conference Action

No provision.

EVALUATION AND AUDIT OF THE NATIONAL MEDIATION BOARD

H902/S—

House bill

Section 902 directs the GAO to conduct audits and evaluate the NMB's programs, operations and activities, including: 1) information management and security; 2) resource management; 3) workforce development; 4) procurement and contracting policies; and 5) NMB processes for conducting investigations of representation applications, determining and certifying representation of employees, and ensuring that the process occurs without interference.

Senate bill

No similar provision.

Conference Action

House provision modified. The conference committee agreed to the following modifications. The conference committee agreed to amend the Railway Labor Act by requiring an evaluation and audit of the Mediation Board by the Comptroller General. The Comptroller General of the U.S. shall evaluate and audit the programs and expenditures of the Mediation Board at least every two years, however it may be conducted as determined necessary by the Comptroller or appropriate congressional committees. In conducting the evaluation and audit of the Mediation Board, the Conference Committee sets forth the minimum programs, operations and activities of the Board that shall be included. No later than 180 days after the date of enactment, the Comptroller General shall review the Mediation Board's processes to certify and decertify representation of employees by a labor organization and make recommendations to the Board and appropriate congressional committees regarding actions that may be taken by the Board to ensure the processes are fair and reasonable for all parties.

REPEAL OF RULE

H903/S—

House bill

Section 903 repeals the rule prescribed by the NMB on May 11, 2010, effective January 1, 2011. In May 2010, the NMB changed standing rules for union elections at airlines and railroads, which counted abstentions as votes ''against'' unionizing, to the current rule which counts only no votes as ''against'' unionizing, abstentions do not count either way.

Senate bill

No similar provision.

Conference Action

This provision was not agreed to by the Conference, and is not included in the final bill. The conference committee agreed to the following provisions.

Rule Making

The conference committee agreed to amend title I of the Railway Labor Act by inserting after section 10 that the Mediation Board has authority from time to time to make, amend, and rescind, in the manner prescribed by section 553 of title 5, United States Code and after opportunity for a public hearing, such rules and regulations as may be necessary to carry out the provisions of this Act.

Runoff Elections

The conference committee agreed to amend Paragraph Nine of section 2 of the Railway Labor Act to require that in any runoff election for which there are 3 or more options (including the option of not being represented by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the options receiving the largest and the second largest number of votes.

Showing of Interest

The conference committee agreed to amend section 2 of the Railway Labor Act by raising the showing of interest threshold for elections to not less than fifty percent of the employees in the craft or class.

TITLE X—SCIENCE COMMITTEE, RESEARCH, ENGINEERING AND DEVELOPMENT (R,E&D)

SHORT TITLE

H1001/S—

House bill

Section 1001 titles the section the ''Federal Aviation Research and Development Reauthorization Act of 2011''.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

AUTHORIZATION OF APPROPRIATIONS

($ IN MILLIONS)

H1003(a)/S103

House bill

Section 1003(a) authorizes the Federal Aviation Administration's Research, Engineering and Development (R,E&D) account at $165.2 million in FY 2011, and $146.83 million in FY 2012, FY 2013, and FY 2014.

Senate bill

Section 103 authorizes the Federal Aviation Administration's Research, Engineering and Development account at $200 million in FY 2010 and $206 million in FY 2011.

Conference Substitute

House and Senate bills merged to provide $168 million for Federal Aviation Administration's Research, Engineering and Development account in FYs 2012 through FY 2015.

DEFINITIONS

H1002/S—

House bill

Section 1001 defines the terms Administrator'', ''FAA'', ''Institution of Higher Education'', ''NASA'', National Research Council'', ''NOAA'', and ''Secretary''.

Senate bill

No similar provision.

Conference Substitute

House bill.

PROGRAMS AUTHORIZED

H1003(b), (c)/S103

House bill

Section 1003(b), (c) authorizes Research and Development activities listed in the National Aviation Research Plan.

Senate bill

Section 103 requires the FAA to establish a grant program to promote aviation research at undergraduate and technical colleges including schools serving Historically Black Colleges and Universities, Hispanic, Native Alaskan & Hawaiian populations.

Conference Substitute

House bill.

UNMANNED AIRCRAFT SYSTEMS

H1004/S607(a)

House bill

Section 1004 requires the Administrator in conjunction with other appropriate federal agencies to develop technologies and methods to assess the risk and prevent defects, failures, and malfunctions of products, parts and processes for use in all classes of Unmanned Aircraft Systems (UAS) that could result in catastrophic failure of UAS or endanger other aircraft in the NAS. The Administrator is required to supervise research which will develop better understanding of the relationship between human factors and UAS safety and develop simulation models for integration of all UASs into the NAS without degrading safety for current users.

Senate bill

Section 607(a) permits the FAA to conduct developmental research on UASs. It authorizes the FAA, in conjunction with other federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.

Conference Substitute

House bill.

RESEARCH PROGRAM ON RUNWAYS

H1005/S605

House bill

Section 1005 directs that when researching how to develop and maintain a safe and efficient NAS, the Administrator will include improved runway surfaces and engineered material restraining systems for runways at general aviation and commercial airports.

Senate bill

Section 605 allows the FAA to continue a program that authorizes awards to nonprofit research foundations to improve the construction and durability of pavement for runways.

Conference Substitute

House and Senate bills merged. The provision contains modified Senate language in subsection (a) that will allow the Administrator to maintain a program that will make awards to carry out a research program under which the Administrator may make grants to and enter into cooperative agreements with institutions of higher education and nonprofit pavement research organization. The conference agreement includes House language to cover research that relates to engineered material restraining systems for runways at both general aviation and commercial airports. The conference agreement also includes Senate language on use of grants or cooperative agreements.

RESEARCH ON DESIGN FOR CERTIFICATION

H1006/S—

House bill

Section 1006 requires the Administrator to conduct research on methods and procedures to improve confidence in and the timeliness of certification of new technologies for introduction into the NAS within one year. It specifies that not later than six months after enactment, the FAA will develop a plan for the research that contains objectives, proposed tasks, milestones and a five year budget profile. The Administrator will enter into an arrangement with the National Research Council to conduct an independent review of the plan not later than 18 months after the date of enactment, with results of the review provided to Congress.

Senate bill

No similar provision.

Conference Substitute

House bill.

AIRPORT COOPERATIVE RESEARCH PROGRAM

H1007/S601

House bill

Section 1007 makes the Airport Cooperative Research Program permanent and requires a report on the program no later than September 30, 2012.

Senate bill

Section 601 is a similar provision, but it specifies that a maximum of $15 million of aviation research grant funds may go to the Airport Cooperative Research Program. It directs that at least $5 million of the Airport Cooperative Research Program funds must go to environmental research.

Conference Substitute

House bill.

CENTERS OF EXCELLENCE

H1008/S608

House bill

Section 1008 changes the current Government share of costs for the Centers of Excellence so that the government's share of cost will not exceed 50 percent, with the exception that the Administrator may increase the share to a maximum of 75 percent for a fiscal year if the Administrator determines a center would be unable to carry out authorized activities without additional funds. An annual report is required listing the research projects initiated at each Center of Excellence, the amount of funding and funding source for each project, institutions participating, their shares of funding, and level of cost-sharing for the project.

Senate bill

Section 608 authorizes $1 million per year for each of fiscal years 2008 through 2012 for a Center of Excellence in applied research and training in the use of advanced materials in transport category aircraft.

Conference Substitute

House bill.

CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH

H1009/S—

House bill

Section 1009 permits the Administrator to establish a Center of Excellence to conduct research on human performance in the air transportation environment, and any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system. Activities conducted under this section may include research and development and evaluation of training programs, best practices for recruitment, development of a baseline of general aviation employment statistics, research and development of the airframe and power plant technician certification process, evaluation of aviation maintenance technician school environment, and transitioning mechanics into the aviation field.

Senate bill

No similar provision.

Conference Substitute

House bill.

INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT

H1010/S—

House bill

Section 1010 directs that the Administrator, in coordination with National Air and Space Administration (NASA), may maintain a research program to assess the potential effect of aviation on the environment. The research plan will be developed by the Administrator with NASA and other relevant agencies, and will contain an inventory of current interagency research, future research objectives, proposed tasks, milestones and a five year budgetary profile. The plan shall be completed within one year, and shall be updated as appropriate every three years after initial submission.

Senate bill

No similar provision.

Conference Substitute

House bill.

AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM

H1011/S—

House bill

Section 1011 specifies that, using Research, Engineering and Development (R,E&D) funds, the Administrator, in coordination with NASA Administrator, will continue R,E&D activities into the qualification of unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft. It directs that the Administrator, not later than 270 days after enactment, will provide Congress with a report on a plan, policies, and guidelines on how this will be accomplished.

Senate bill

No similar provision.

Conference Substitute

House bill.

RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT

H1012/S603

House bill

Section 1012 directs the Secretary of Transportation to conduct a research program related to developing and qualifying jet fuel from alternative sources through grants and other measures. The program will allow for participation of industry and educational and research institutions that have existing facilities and experience in the research and development of technology for alternative jet fuels. The Secretary may collaborate with existing interagency programs, including the Commercial Aviation Alternative Fuels Initiative (CAAFI).

Senate bill

Section 603 requires the DOT to establish a research program to develop jet fuel from natural gas, biomass, and other renewable sources. It directs that the FAA, within 180 days, designate a Center of Excellence for Alternative Jet-Fuel Research for Civil Aircraft.

Conference Substitute

Senate bill modified to add language permitting facilities to participate in the program that ''leverage private sector partnerships and consortia with experience across the supply chain'' and changing ''shall'' to ''may'' in directing the Administrator to designate an institution to carry out this section.

REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS

H1013/S—

House bill

Section 1013 directs the Administrator to review FAA energy-related and environment-

related research programs. It initiates a report to be submitted on the agency's review to Congress no later than 18 months after enactment.

Senate bill

No similar provision.

Conference Substitute

House bill modified to direct the FAA to ''enter into an arrangement for an independent external review'' to conduct the review, rather than the Administrator.

REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS

H1014/S—

House bill

Section 1014 directs the Administrator to review FAA's aviation safety-related research programs. It initiates a report to be submitted on the agency's review to Congress no later than 14 months after enactment.

Senate bill

No similar provision.

Conference Substitute

House bill modified to direct the FAA to ''enter into an arrangement for an independent external review'' to conduct the review, rather than the Administrator.

RESEARCH GRANTS FOR UNDERGRADUATES

H—/S103

House bill

No similar provision.

Senate bill

Section 103 authorizes $5 million for research grants program for undergraduate colleges, including those that are Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled institutions and Alaska Native and Native Hawaiian institutions.

Conference Substitute

House bill.

PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT

H—/S604

House bill

No similar provision.

Senate bill

Section 604 requires the Secretary of Transportation to establish a Center of Excellence for a research program related to developing jet fuel from clean coal through grants or other measures, with a requirement to include educational and research institutions in the initiative.

Conference Substitute

Senate bill modified by changing ''shall'' to ''may'' in directing the Administrator to establish a Center of Excellence to carry out this section.

WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH

H—/S606

House bill

No similar provision.

Senate bill

Section 606 directs the Administrator to initiate an evaluation of proposals that would: increase capacity throughout the NAS by reducing spacing requirements between aircraft through research of wake turbulence; begin implementation of a system to avoid volcanic ash; and establish weather research projects, including on ground deicing.

Conference Substitute

Senate bill modified to include research on the nature of wake vortexes and to direct the Administrator to coordinate with National Oceanic and Atmospheric Administration (NOAA), National Air and Space Administration (NASA), and other appropriate federal agencies to conduct research.

REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT

H—/S608

House bill

No similar provision.

Senate bill

Section 608 authorizes $1 million per year for FYs 2008 through 2012 for a Center of Excellence in applied research and training in the use of advanced materials in transport category aircraft.

Conference Substitute

Senate bill with modification removing authorization amounts.

RESEARCH AND DEVELOPMENT OF EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT

H—/S612

House bill

No similar provision.

Senate bill

Section 612 requires the FAA to conduct a research program for the identification or development of effective air cleaning technology and sensors technology for the engine and auxiliary power unit bleed air supplied to passenger cabins and flight decks of all pressurized aircraft. It would require the FAA submit a report to Congress within one year.

Conference Substitute

Senate bill.

EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN

H212/S314

House bill

Section 212 directs the Administrator to enter into an arrangement with the National Research Council to review the enterprise architecture for NextGen. Also, the Administrator must report to Congress within one year on the results of this review.

Senate bill

Section 314 directs the Administrator to publish a report within six months, after consultation with stakeholders, including the development of: 1) RNP/RNAV procedures at 137 airports; 2) a description of the activities required for their implementation; 3) an implementation plan that includes baseline and performance metrics; 4) assessment of the benefits/costs of using third parties to develop the procedures; and 5) a process for the creation of future RNP and RNAV procedures. The Administrator must implement 30 percent of the procedures within 18 months of enactment, 60 percent within 36 months of enactment, and 100 percent by 2014. The Administrator is directed to create a plan for the implementation of procedures at the remaining airports across the country. It would require 25 percent of the procedures at these airports to be implemented within 18 months after enactment, 50 percent within 30 months after enactment; 75 percent within 42 months after enactment, and 100 percent before 2016. The charter of the Performance Based Navigation ARC is extended and directs it to establish priorities for development of RNP/RNAV procedures based on potential safety and congestion benefits. It would require that the process of the development of such procedures be subject to a previously established environmental review process. The FAA is directed to provide Congress with a deployment plan for the implementation of a nationwide data communications system to support NextGen ATC, and a report evaluating the ability of NextGen technologies to facilitate improved performance standards for aircraft in the NAS.

Conference Substitute

House bill modified to direct the FAA to ''enter into an arrangement for an independent external review'' to conduct the review, rather than the Administrator.

AIRPORT SUSTAINABILITY PLANNING WORKING GROUP

H—/S221

House bill

No similar provision.

Senate bill

Section 221 establishes an airport sustainability working group within the FAA that would submit a report on their findings to the Administrator within one year of enactment. The working group would be comprised of 15 members including the Administrator and industry representatives.

Conference Substitute

Senate bill with minor modifications.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

A. Extension of Taxes Funding the Airport and Airway Trust Fund (sec. 1103 of the House bill, sec. 801 of the Senate amendment, sec. 1101 of the conference agreement, and secs. 4261, 4271, and 4081 of the Code)

PRESENT LAW

Overview

Excise taxes are imposed on amounts paid for commercial air passenger and freight transportation and on fuels used in commercial aviation and noncommercial aviation (i.e., transportation that is not ''for hire'') to fund the Airport and Airway Trust Fund. The present aviation excise taxes are as follows:

Tax (and Code section)	Tax Rates
Domestic air passengers (sec. 4261)	7.5 percent of fare, plus $3.80 (2012) per domestic flight segment generally [1]
International travel facilities tax (sec. 4261).	$16.70 (2012) per arrival or departure [2]
Amounts paid for right to award free or reduced rate passenger air transportation (sec. 4261).	7.5 percent of amount paid
Air cargo (freight) transportation (sec. 4271).	6.25 percent of amount charged for domestic transportation; no tax on international cargo transportation
Aviation fuels (sec. 4081): [3]	
1. Commercial aviation	4.3 cents per gallon
2. Non-commercial (general) aviation:	
Aviation gasoline	19.3 cents per gallon
Jet fuel	21.8 cents per gallon

All Airport and Airway Trust Fund excise taxes, except for 4.3 cents per gallon of the taxes on aviation fuels, are scheduled to expire after February 17, 2012. The 4.3–cents-per-gallon fuels tax rate is permanent.

Taxes on transportation of persons by air

Domestic air passenger excise tax

Domestic air passenger transportation generally is subject to a two-part excise tax.

[1] The domestic flight segment portion of the tax is adjusted annually (effective each Januaryյ1) for inflation (adjustments based on the changes in the consumer price index (the ''CPI'')).

[2] The international travel facilities tax rate is adjusted annually for inflation (measured by changes in the CPI).

[3] Like most other taxable motor fuels, aviation fuels are subject to an additional 0.1–cent-per-gallon excise tax to fund the Leaking Underground Storage Tank Trust Fund.

The first component is an ad valorem tax imposed at the rate of 7.5 percent of the amount paid for the transportation. The second component is a flight segment tax. For 2012, the flight segment tax rate is $3.80.[4] A flight segment is defined as transportation involving a single take-off and a single landing. For example, travel from New York to San Francisco, with an intermediate stop in Chicago, consists of two flight segments (without regard to whether the passenger changes aircraft in Chicago).

The flight segment component of the tax does not apply to segments to or from qualified ''rural airports.'' For any calendar year, a rural airport is defined as an airport that in the second preceding calendar year had fewer than 100,000 commercial passenger departures, and meets one of the following three additional requirements: (1) the airport is not located within 75 miles of another airport that had more than 100,000 such departures in that year; (2) the airport is receiving payments under the Federal ''essential air service'' program; or (3) the airport is not connected by paved roads to another airport.[5]

The domestic air passenger excise tax applies to ''taxable transportation.'' Taxable transportation means transportation by air that begins in the United States or in the portion of Canada or Mexico that is not more than 225 miles from the nearest point in the continental United States and ends in the United States or in such 225-mile zone. If the domestic transportation is paid for outside of the United States, it is taxable only if it begins and ends in the United States.

For purposes of the domestic air passenger excise tax, taxable transportation does not include ''uninterrupted international air transportation.'' Uninterrupted international air transportation is any transportation that does not both begin and end in the United States or within the 225-mile zone and does not have a layover time of more than 12 hours. The tax on international air passenger transportation is discussed below.

International travel facilities tax

For 2012, international air passenger transportation is subject to a tax of $16.70 per arrival or departure in lieu of the taxes imposed on domestic air passenger transportation if the transportation begins or ends in the United States.[6] The definition of international transportation includes certain purely domestic transportation that is associated with an international journey. Under these rules, a passenger traveling on separate domestic segments integral to international travel is exempt from the domestic passenger taxes on those segments if the stopover time at any point within the United States does not exceed 12 hours.

In the case of a domestic segment beginning or ending in Alaska or Hawaii, the tax applies to departures only and is $8.40 for calendar year 2012.

''Free'' travel

Both the domestic air passenger tax and the use of international air facilities tax apply only to transportation for which an amount is paid. Thus, free travel, such as that awarded in ''frequent flyer'' programs and nonrevenue travel by airline industry employees, is not subject to tax. However, amounts paid to air carriers (in cash or in kind) for the right to award free or reduced-fare transportation are treated as amounts paid for taxable air transportation and are subject to the 7.5 percent ad valorem tax (but not the flight segment tax or the use of international air facilities tax). Examples of such payments are purchases of miles by credit card companies and affiliates (including airline affiliates) for use as ''rewards'' to cardholders.

Disclosure of air passenger transportation taxes on tickets and in advertising

Transportation providers are subject to special penalties relating to the disclosure of the amount of the passenger taxes on tickets and in advertising. The ticket is required to show the total amount paid for such transportation and the tax. The same requirements apply to advertisements. In addition, if the advertising separately states the amount to be paid for the transportation or the amount of taxes, the total shall be stated at least as prominently as the more prominently stated of the tax or the amount paid for transportation. Failure to satisfy these disclosure requirements is a misdemeanor, upon conviction of which the guilty party is fined not more than $100 per violation.[7]

Tax on transportation of property (cargo) by air

Amounts equivalent to the taxes received from the transportation of property by air are transferred to the Airport and Airway Trust Fund. Domestic air cargo transportation is subject to a 6.25 percent ad valorem excise tax on the amount paid for the transportation.[8] The tax applies only to transportation that both begins and ends in the United States. There is no disclosure requirement for the air cargo tax.

Aviation fuel taxes

The Code imposes excise taxes on gasoline used in commercial aviation (4.3 cents per gallon) and noncommercial aviation (19.3 cents per gallon), and on jet fuel (kerosene) and other aviation fuels used in commercial aviation (4.3 cents per gallon) and noncommercial aviation (21.8 cents per gallon).[9] Amounts equivalent to these taxes are transferred to the Airport and Airway Trust Fund.

HOUSE BILL

The provision extends the present-law Airport and Airway Trust Fund excise taxes through September 30, 2014.

Effective date.—The provision takes effect on the date of enactment.

SENATE AMENDMENT

The provision extends the present-law Airport and Airway Trust Fund excise taxes through September 30, 2013.

Effective date.—The provision takes effect on April 1, 2011.

CONFERENCE AGREEMENT

The conference agreement extends the present-law Airport and Airway Trust Fund excise taxes through September 30, 2015.

Effective date.—The provision takes effect on February 18, 2012.

B. Extension of Airport and Airway Trust Fund Expenditure Authority (sec. 1102 of the House bill, sec. 802 of the Senate amendment, sec. 1102 of the conference agreement, and sec. 9502 of the Code)

PRESENT LAW

In general

The Airport and Airway Trust Fund was created in 1970 to finance a major portion of Federal expenditures on national aviation programs. Operation of the Airport and Airway Trust Fund is governed by the Internal Revenue Code (the ''Code'')[10] and authorizing statutes. The Code provisions govern deposit of revenues into the trust fund and approve the use of trust fund money (as provided by appropriation acts) for expenditure purposes in authorizing statutes as in effect on the date of enactment of the latest authorizing Act. The authorizing acts provide specific trust fund expenditure programs and purposes.

Authorized expenditures from the Airport and Airway Trust Fund include the following principal programs:

1. Airport Improvement Program (airport planning, construction, noise compatibility programs, and safety projects);

2. Facilities and Equipment program (costs of acquiring, establishing, and improving the air traffic control facilities);

3. Research, Engineering, and Development program (Federal Aviation Administration (''FAA'') research and development activities);

4. FAA Operations and Maintenance (''O&M'') programs; and

5. Certain other aviation-related programs specified in authorizing acts.

Part of the O&M programs is financed from General Fund monies as well.[11]

Limits on Airport and Airway Trust Fund expenditures

No expenditures are currently permitted to be made from the Airport and Airway Trust Fund after February 17, 2012. Because the purposes for which Airport and Airway Trust Fund monies are permitted to be expended are fixed as of the date of enactment of the Airport and Airway Extension Act of 2012, the Code must be amended to authorize new Airport and Airway Trust Fund expenditure purposes. In addition, the Code contains a specific enforcement provision to prevent expenditure of Airport and Airway Trust Fund monies for purposes not authorized under section 9502. Should such unapproved expenditures occur, no further aviation excise tax receipts will be transferred to the Airport and Airway Trust Fund. Rather, the aviation taxes would continue to be imposed, but the receipts would be retained in the General Fund.

HOUSE BILL

The provision authorizes expenditures from the Airport and Airway Trust Fund through September 30, 2014, and revises the purposes for which money from the Airport and Airway Trust Fund funds are permitted to be expended to include those obligations authorized under the reauthorization legislation of 2011 (i.e., the ''FAA Reauthorization

[4] Sec. 4261(b)(1) and 4261(d)(4). Unless otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended (the ''Code''). The Code provides for a $3 tax indexed annually for inflation, effective each January 1, resulting in the current rate of $3.80.

[5] In the case of an airport qualifying as ''rural'' because it is not connected by paved roads to another airport, only departures for flight segments of 100 miles or more are considered in calculating whether the airport has fewer than 100,000 commercial passenger departures. The Department of Transportation has published a list of airports that meet the definition of rural airports. See Rev. Proc. 2005–45.

[6] Secs. 4261(c) and 4261(d)(4). The international air facilities tax rate of $12 is indexed annually for inflation, effective each January 1, resulting in the current rate of $16.70.

[7] Sec. 7275.

[8] Sec. 4271.

[9] These fuels are also subject to an additional 0.1 cent per gallon for the Leaking Underground Storage Tank Trust Fund. If there was not a taxable sale of the fuel pursuant to section 4081 of the Code, a backup tax exists under section 4041(c) for such fuel that is subsequently sold or used in aviation.

[10] Unless otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended.

[11] According to the Government Accountability Office, for FY 2000 through FY 2010 the contribution of general revenues has increased to cover a larger share of the FAA's operation expenditures. United States Government Accountability Office, *Airport and Airway Trust Fund: Declining Balance Raises Concerns Over Ability to Meet Future Demands, Statement of Gerald Dillingham, Director Physical Infrastructure Before the Committee on Finance, U.S. Senate* (GAO–11–358T), February 3, 2011, p. 5, Fig. 2. Congressional Budget Office, *Financing Federal Aviation Programs: Statement of Robert A. Sunshine before the House Committee on Ways and Means*, May 7, 2009, p. 3.

and Reform Act of 2011,'' which sets forth aviation program expenditure purposes through September 30, 2014).

Effective date.—The provision takes effect on date of enactment.

SENATE AMENDMENT

The provision authorizes expenditures from the Airport and Airway Trust Fund through September 30, 2013. The provision also amends the list of authorizing statutes to include the ''FAA Air Transportation Modernization and Safety Improvement Act,'' which sets forth aviation program expenditure purposes through September 30, 2013.

Effective date.—The provision takes effect on April 1, 2011.

CONFERENCE AGREEMENT

The conference agreement authorizes expenditures from the Airport and Airway Trust Fund through September 30, 2015. The provision also amends the list of authorizing statutes to include the ''FAA Modernization and Reform Act of 2012,'' which sets forth aviation program expenditure purposes through September 30, 2015.

Effective date.—The provision takes effect on February 18, 2012.

C. Modification of Excise Tax on Kerosene Used in Aviation (sec. 803 of the Senate amendment)

PRESENT LAW

In general

Under section 4081, an excise tax is imposed upon (1) the removal of any taxable fuel from a refinery or terminal,[12] (2) the entry of any taxable fuel into the United States, or (3) the sale of any taxable fuel to any person who is not registered with the Internal Revenue Service (''IRS'') to receive untaxed fuel, unless there was a prior taxable removal or entry.[13] The tax does not apply to any removal or entry of taxable fuel transferred in bulk by pipeline or vessel to a terminal or refinery if the person removing or entering the taxable fuel, the operator of such pipeline or vessel (excluding deep draft vessels), and the operator of such terminal or refinery are registered with the Secretary.[14] If the bulk transfer exception applies, tax is not imposed until the fuel ''breaks bulk,'' i.e., when it is removed from the terminal, typically by rail car or truck, for delivery to a smaller wholesale facility or retail outlet, or removed directly from the terminal into the fuel tank of an aircraft.[15]

The term ''taxable fuel'' means gasoline, diesel fuel (including any liquid, other than gasoline, that is suitable for use as a fuel in a diesel-powered highway vehicle or train), and kerosene.[16] The term includes kerosene used in aviation (jet fuel) as well as aviation gasoline.

Section 4041(c) provides a back-up tax for liquids (other than aviation gasoline) that are sold for use as a fuel in aircraft and that have not been previously taxed under section 4081.

Kerosene for use in aviation

In general

Present law generally imposes a total tax of 24.4 cents per gallon on kerosene. However, reduced rates apply for kerosene removed directly from a terminal into the fuel tank of an aircraft.[17] For kerosene removed directly from a terminal into the fuel tank of an aircraft for use in commercial aviation, the tax rate is 4.4 cents per gallon.[18] For kerosene removed directly from a terminal into the fuel tank of an aircraft for use in noncommercial aviation, the tax rate is 21.9 cents per gallon. All of these tax rates include 0.1 cent per gallon for the Leaking Underground Storage Tank Trust Fund. For kerosene removed directly from a terminal into the fuel tank of an aircraft for an exempt use (such as for the exclusive use of a State or local government), generally only the Leaking Underground Storage Tank Trust Fund tax of 0.1 cent per gallon applies.

''Commercial aviation'' generally means any use of an aircraft in the business of transporting by air persons or property for compensation or hire.[19] Commercial aviation does not include transportation exempt from the ticket taxes and air cargo taxes by reason of sections 4281 or 4282 or by reason of section 4261(h) or 4261(i). Thus, small aircraft operating on nonestablished lines (sec. 4281), air transportation for affiliated group members (sec. 4282), air transportation for skydiving (sec. 4261(h)), and certain air transportation by seaplane (sec. 4261(i)) are excluded from the definition of commercial aviation, and accordingly are subject to the tax regime applicable to noncommercial aviation.

Refunds and credits to obtain the appropriate aviation tax rate

If the kerosene is not removed directly into the fuel tank of an aircraft, the fuel is taxed at 24.4 cents per gallon, the rate applied to diesel fuel and kerosene used in highway vehicles. A claim for credit or payment may be made for the difference between the tax paid and the appropriate aviation rate (21.9 cents per gallon for noncommercial aviation, 4.4 cents per gallon for commercial aviation, and 0.1 cent per gallon for an exempt use).[20]

For noncommercial aviation, other than for exempt use, only the registered ultimate vendor may make the claim for the 2.5–cent-per-gallon difference between the 24.4 cents per gallon rate and the noncommercial aviation rate of 21.9 cents per gallon.[21] For commercial aviation and exempt use (other than State and local government use), the ultimate purchaser may make a claim for the difference in tax rates, or the ultimate purchaser may waive the right to make the claim for payment to the ultimate vendor.[22] For State and local government use, the registered ultimate vendor is the proper claimant.[23]

Commercial aviation claimants are permitted to credit their fuel tax claims against their other excise tax liabilities, thereby reducing the amount of excise tax to be paid with the excise tax return.

Transfers between the Highway Trust Fund and the Airport and Airway Trust Fund to account for aviation use

Kerosene that is not removed directly from the terminal into an airplane (e.g., the jet fuel is transferred from the terminal by highway vehicle to the airport) is taxed at the highway fuel rate of 24.4 cents per gallon. The Highway Trust Fund is credited with 24.3 cents per gallon of the 24.4 cents per gallon imposed. The remaining 0.1 cent is credited to the Leaking Underground Storage Tank Trust Fund. If a claim for payment is later made indicating that the fuel was used in aviation, the Secretary then transfers to the Airport and Airway Trust Fund 4.3 cents per gallon for commercial aviation use and 21.8 cents per gallon for noncommercial aviation use. These transfers initially are based on estimates, and proper adjustments are made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred. Thus, to the extent claims for credit or payment are not made for the difference between the highway rate and the aviation rate, the Airport and Airway Trust Fund will not be credited for fuel used in aviation that was taxed at the 24.4 cents per gallon rate.

Aviation gasoline

The tax on aviation gasoline is 19.4 cents per gallon (including a 0.1 cent per gallon Leaking Underground Storage Tank Trust Fund component). If aviation gasoline is used in commercial aviation, the ultimate purchaser may obtain a credit or payment in the amount of 15 cents per gallon, such that the tax rate on such gasoline is 4.4 cents per gallon.[24] If aviation gasoline is sold for an exempt use, a credit or refund is allowable for all but the Leaking Underground Storage Tank Trust Fund tax (0.1 cent per gallon).[25]

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision creates a separate category of kerosene for tax purposes: aviation-grade kerosene.[26] Aviation-grade kerosene is taxed at 35.9 cents per gallon plus 0.1 cent per gallon for the Leaking Underground Storage Tank Trust Fund. Under the provision, aviation-grade kerosene used in noncommercial

[12] A ''terminal'' is a taxable fuel storage and distribution facility that is supplied by pipeline or vessel and from which taxable fuel may be removed at a rack. A ''rack'' is a mechanism capable of delivering taxable fuel into a means of transport other than a pipeline or vessel. A terminal can be located at an airport, or fuel may be delivered to the airport from a terminal located off the airport grounds.

[13] Sec. 4081(a)(1).

[14] Sec. 4081(a)(1)(B).

[15] In general, the party liable for payment of the taxes when the fuel breaks bulk at the terminal is the ''position holder,'' the person shown on the records of the terminal facility as holding the inventory position in the fuel. However, when fuel is removed directly into the fuel tank of an aircraft for use in commercial aviation, the person who uses the fuel is liable for the tax. The fuel is treated as used when such fuel is removed into the fuel tank. Sec. 4081(a)(4).

[16] Sec. 4083(a).

[17] If certain conditions are met, present law permits the removal of kerosene from a refueler truck, tanker, or tank wagon to be treated as a removal from a terminal for purposes of determining whether kerosene is removed directly into the fuel tank of an aircraft. A refueler truck, tanker, or tank wagon is treated as part of a terminal if: (1) the terminal is located within an airport; (2) any kerosene which is loaded in such truck, tanker, or tank wagon at such terminal is for delivery only into aircraft at the airport in which such terminal is located; and (3) no vehicle licensed for highway use is loaded with kerosene at such terminal, except in exigent circumstances identified by the Secretary in regulations. To qualify for the special rule, a refueler truck, tanker, or tank wagon must: (1) have storage tanks, hose, and coupling equipment designed and used for the purposes of fueling aircraft; (2) not be registered for highway use; and (3) be operated by the terminal operator (who operates the terminal rack from which the fuel is unloaded) or by a person that makes a daily accounting to such terminal operator of each delivery of fuel from such truck, tanker, or tank wagon. Sec. 4081(a)(3).

[18] Tax is imposed at this rate if the commercial aircraft operator is registered with the IRS, and the fuel terminal is located within a secured area of an airport. The IRS has identified airports with secured areas in which a terminal is located. See Notice 2005–4, 2005–1 C.B. 289, at sec. 4(d)(2)(ii) (2005) and Notice 2005–80, 2005–2 C.B. 953, at sec. 3(c)(2) (2005). If the fuel terminal is located at an unsecured airport, the fuel is taxed at 21.9 cents per gallon if the fuel is removed directly from the terminal into the fuel tank of an aircraft.

[19] Sec. 4083(b).

[20] Sec. 6427(l)(4).

[21] Sec. 6427(l)(4)(C)(ii).

[22] Sec. 6427(l)(4)(C)(i).

[23] See sec. 6427(l)(5). Special rules apply if the kerosene is purchased with a credit card issued to a State or local government.

[24] Sec. 6421(f)(2).

[25] Sec. 6416(a); sec. 6420 (farming purposes); sec. 6421(c); and sec. 6430.

[26] Aviation-grade kerosene means, as defined by the IRS, kerosene-type jet fuel covered by ASTM specification D1655, or military specification MIL-DTL–5624 (Grade JP–5), or MIL-DTL–83133E (Grade JP–8). See section 4(b) of Notice 2005–4.

aviation will be taxed at the full rate. The rate of tax for aviation-grade kerosene used in commercial aviation and exempt use remains unchanged.[27]

Because the tax on aviation-grade kerosene used in noncommercial aviation is equal to the full rate of tax collected, the provision repeals the ultimate vendor refund provisions for noncommercial aviation. In addition, the provision eliminates the interfund transfers from the Highway Trust Fund to the Airport and Airway Trust Fund for kerosene used in aviation. Instead, the taxes imposed on aviation-grade kerosene will be credited to the Airport and Airway Trust Fund only.[28] The provision also provides a refund mechanism for aviation-grade kerosene used for a taxable purpose other than in an aircraft.

In the case of aviation-grade kerosene held on April 1, 2011, by any person, a floor stocks tax is imposed equal to the tax that would have been imposed if the increased rates had been in effect before such date less the tax actually imposed on such fuel. The tax is to be paid at such time and in such manner as the Secretary shall prescribe.

The floor stocks tax does not apply to fuel held exclusively for any use to the extent a refund or credit of tax is allowable under the Code. The floor stocks tax does not apply if the amount of fuel held by a person does not exceed 2,000 gallons.

For purposes of the floor stocks tax, a controlled group is treated as one person. ''Controlled group'' for these purposes means a parent-subsidiary, brother-sister, or combined corporate group with more than 50-percent ownership with respect to either combined voting power or total value. Under regulations, similar principles may apply to a group of persons under common control where one or more persons are not a corporation.

All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 also apply to the floor stocks taxes to the extent not inconsistent with the provisions of the provision. For purposes of determining receipts to the Airport and Airway Trust Fund, the floor stocks tax is treated as if it were a tax listed in section 9502(b)(1) (governing transfers of tax receipts to the Airport and Airway Trust Fund).

Effective date.—The provision is generally effective for fuel removed, entered, or sold after March 31, 2011. The floor stocks tax is effective April 1, 2011.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

D. Air Traffic Control System Modernization Account (sec. 804 of the Senate amendment)

PRESENT LAW

Under present law, there is no special subaccount of the Airport and Airway Trust Fund to which funds are dedicated for air traffic control system modernization.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision creates an Air Traffic Control System Modernization Account (''Modernization sub-account'') within the Airport and Airway Trust Fund to ensure sufficient funding is provided for modernization of the air traffic control system. The Modernization sub-account is supported through annual transfers of $400 million from the Airport and Airway Trust Fund that are attributable to the taxes on aviation-grade kerosene. The funds are available, subject to appropriation, for expenditures relating to the modernization of the air traffic control system. Use of the funds also may include facility and equipment account expenditures.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

E. Treatment of Fractional Ownership Aircraft Program Flights (sec. 805 of the Senate amendment, sec. 1103 of the conference agreement, and new sec. 4043 of the Code)

PRESENT LAW

For excise tax purposes, fractional ownership aircraft flights are treated as commercial aviation. As commercial aviation, for 2012, such flights are subject to the ad valorem tax of 7.5 percent of the amount paid for the transportation, a $3.80 segment tax, and tax of 4.4 cents per gallon on fuel. For international flights, fractional ownership flights pay the $16.70 international travel facilities tax.

For purposes of the FAA safety regulations, fractional ownership aircraft programs are treated as a special category of general aviation.[29] Under those FAA regulations, a ''fractional ownership program'' is defined as any system of aircraft ownership and exchange that consists of all of the following elements: (i) the provision for fractional ownership program management services by a single fractional ownership program manager on behalf of the fractional owners; (ii) two or more airworthy aircraft; (iii) one or more fractional owners per program aircraft, with at least one program aircraft having more than one owner; (iv) possession of at least a minimum fractional ownership interest in one or more program aircraft by each fractional owner; (v) a dry-lease aircraft exchange arrangement among all of the fractional owners; and (vi) multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the provision, transportation as part of a fractional ownership aircraft program is not classified as commercial aviation for Federal excise tax purposes. Instead, such flights would be subject to the increased Airport and Airway Trust Fund fuel tax rate for noncommercial aviation and an additional fuel surtax of 14.1 cents per gallon. For this purpose, a ''fractional ownership aircraft program'' is defined as a program in which:

- A single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners;
- Two or more airworthy aircraft are part of the program;
- There are one or more fractional owners per program aircraft, with at least one program aircraft having more than one owner;
- Each fractional owner possesses at least a minimum fractional ownership interest in one or more program aircraft;[30]
- There exists a dry-lease aircraft exchange arrangement among all of the fractional owners;[31] and
- There are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

The fuel taxes are dedicated to the Airport and Airway Trust Fund. Consistent with the general extension of the taxes dedicated to the Airport and Airway Trust Fund, the provision sunsets September 30, 2013.

Effective date.—The provision is effective for taxable transportation provided after, and fuel used after, March 31, 2011.

CONFERENCE AGREEMENT

The conference agreement provides an exemption, through September 30, 2015, from the commercial aviation taxes (secs. 4261, 4271 and the 4.4 cents-per-gallon tax on fuel) for certain fractional aircraft program flights. In place of the commercial aviation taxes, the conference agreement applies a fuel surtax to certain flights made as part of a fractional ownership program.

Through September 30, 2015, these flights are treated as noncommercial aviation, subject to the fuel surtax and the base fuel tax for fuel used in noncommercial aviation.[32] Specifically, the additional fuel surtax of 14.1 cents per gallon will apply to fuel used in a fractional program aircraft (1) for the transportation of a qualified fractional owner with respect to the fractional aircraft program of which such aircraft is a part, and (2) with respect to the use of such aircraft on the account of such a qualified owner. Such use includes positioning flights (flights in deadhead service).[33] Through September 30, 2015, the commercial aviation taxes do not apply to fractional program aircraft uses subject to the fuel surtax. Under the conference agreement, flight demonstration, maintenance, and crew training flights by a fractional program aircraft are excluded from the fuel surtax and are subject to the noncommercial aviation fuel tax only.[34] The fuel surtax of 14.1 cents per gallon sunsets September 30, 2021.

A ''fractional program aircraft'' means, with respect to any fractional ownership aircraft program, any aircraft which is listed as a fractional program aircraft in the management specifications issued to the manager of such program by the Federal Aviation Administration under subpart K of part 91 of title 14, Code of Federal Regulations and is registered in the United States.

A ''fractional ownership aircraft program'' is a program under which:

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[27] Accordingly, commercial aviation use will continue to be subject to a tax of 4.4 cents per gallon and exempt use will be subject to 0.1 cent per gallon.

[28] The 0.1 cent per gallon will continue to be transferred to the Leaking Underground Storage Tank Trust Fund.

[29] 14 CFR Part 91, subpart k.

[30] A ''minimum fractional ownership interest'' means: (1) A fractional ownership interest equal to or greater than one-sixteenth (1/16) of at least one subsonic, fixed wing or powered lift program aircraft; or (2) a fractional ownership interest equal to or greater than one-thirty-second (1/32) of at least one rotorcraft program aircraft. A ''fractional ownership interest'' is (1) the ownership interest in a program aircraft; (2) the holding of a multi-year leasehold interest in a program aircraft; or (3) the holding or a multi-year leasehold interest that is convertible into an ownership interest in a program aircraft.

[31] A ''dry-lease aircraft exchange'' means an arrangement, documented by the written program agreements, under which the program aircraft are available, on an as-needed basis without crew, to each fractional owner.

[32] No inference is intended as to the treatment of these flights as noncommercial aviation under present law.

[33] A flight in deadhead service is presumed subject to the fuel surtax unless the costs for such flight are separately billed to a person other than a qualified owner. For example, if the costs associated with a positioning flight of a fractional program aircraft are separately billed to a person chartering the aircraft, that positioning flight is treated as commercial aviation.

[34] It is the understanding of the conferees that a prospective purchaser does not pay any amount for transportation by demonstration flights, and that if an amount were paid for the flight, the flight would be subject to the commercial aviation taxes and not treated as noncommercial aviation.

• A single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners;

• There are one or more fractional owners per program aircraft, with at least one program aircraft having more than one owner;

• With respect to at least two fractional program aircraft, none of the ownership interests in such aircraft can be less than the minimum fractional ownership interest, or held by the program manager;

• There exists a dry-lease aircraft exchange arrangement among all of the fractional owners; and

• There are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

The term ''qualified fractional owner'' means any fractional owner that has a minimum fractional ownership interest in at least one fractional program aircraft. A ''minimum fractional ownership interest'' means: (1) A fractional ownership interest equal to or greater than one-sixteenth (1/16) of at least one subsonic, fixed wing or powered lift program aircraft; or (2) a fractional ownership interest equal to or greater than one-thirty-second (1/32) of at least one rotorcraft program aircraft. A ''fractional ownership interest'' is (1) the ownership interest in a program aircraft; (2) the holding of a multi-year leasehold interest in a program aircraft; or (3) the holding or a multi-year leasehold interest that is convertible into an ownership interest in a program aircraft. A ''fractional owner'' means a person owning any interest (including the entire interest) in a fractional program aircraft.

Amounts equivalent to the revenues from the fuel surtax are dedicated to the Airport and Airway Trust Fund.

Effective date.—The provision is effective for taxable transportation provided after, uses of aircraft after, and fuel used after, March 31, 2012.

Termination of Exemption For Small Jet Aircraft on Nonestablished Lines (sec. 806 of the Senate amendment, sec. 1107 of the conference agreement and sec. 4281 of the Code)

PRESENT LAW

Under present law, transportation by aircraft with a certificated maximum takeoff weight of 6,000 pounds or less is exempt from the excise taxes imposed on the transportation of persons by air and the transportation of cargo by air when operating on a nonestablished line. Similarly, when such aircraft are operating on a flight for the sole purpose of sightseeing, the taxes imposed on the transportation or persons or cargo by air do not apply.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision repeals the exemption as it applies to turbine engine powered aircraft (jet aircraft).

Effective date.—The provision is effective for transportation provided after March 31, 2011.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment provision, repealing the exemption as it applies to jet aircraft, effective for transportation provided after March 31, 2012.

F. Transparency in Passenger Tax Disclosures (sec. 807 of the Senate amendment, sec. 1104 of the conference agreement, and sec. 7275 of the Code)

PRESENT LAW

Transportation providers are subject to special penalties relating to the disclosure of the amount of the passenger taxes on tickets and in advertising. The ticket is required to show the total amount paid for such transportation and the tax. The same requirements apply to advertisements. In addition, if the advertising separately states the amount to be paid for the transportation or the amount of taxes, the total shall be stated at least as prominently as the more prominently stated of the tax or the amount paid for transportation. Failure to satisfy these disclosure requirements is a misdemeanor, upon conviction of which the guilty party is fined not more than $100 per violation.[35]

There is no prohibition against airlines including other charges in the required passenger taxes disclosure (e.g., fuel surcharges retained by the commercial airline). In practice, some but not all airlines include such other charges in the required passenger taxes disclosure.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision prohibits all transportation providers from including amounts other than the passenger taxes imposed by section 4261 in the required disclosure of passenger taxes on tickets and in advertising when the amount of such tax is separately stated. Disclosure elsewhere on tickets and in advertising (e.g., as an amount paid for transportation) of non-tax charges is allowed.

Effective date.—The provision is effective for transportation provided after March 31, 2011.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except the Effective date is for transportation provided after March 31, 2012.

G. Tax-Exempt Private Activity Bond Financing for Fixed-Wing Emergency Medical Aircraft (sec. 808 of the Senate amendment, sec. 1105 of the conference agreement, and sec. 147(e) of the Code)

PRESENT LAW

Interest on bonds issued by State and local governments generally is excluded from gross income for Federal income tax purposes.[36] Bonds issued by State and local governments may be classified as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental functions or which are repaid with governmental funds. In general, private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons (e.g., private businesses or individuals).[37] The exclusion from income for State and local bonds does not apply to private activity bonds, unless the bonds are issued for certain permitted purposes (''qualified bonds'') and other Code requirements are met.[38]

Section 147(e) of the Code provides, in part, that a private activity bond is not a qualified bond if issued as part of an issue and any portion of the proceeds of such issue is used for airplanes.[39] The IRS has ruled that a helicopter is not an ''airplane'' for purposes of section 147(e).[40]

A fixed-wing aircraft providing air transportation for emergency medical services and that is equipped for, and exclusively dedicated on that flight to, acute care emergency medical services is exempt from the air transportation excise taxes imposed by sections 4261 and 4271.[41]

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision amends section 147(e) so that the prohibition on the use of proceeds for airplanes does not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to, providing acute care emergency medical services (within the meaning of section 4261(g)(2)).

Effective date.—The provision is effective for obligations issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

H. Protection of Airport and Airway Trust Fund Solvency (sec. 809 of the Senate amendment)

PRESENT LAW

The uncommitted cash balance in the Airport and Airway Trust Fund has declined significantly in recent years. At the end of Fiscal Year 2001, the uncommitted cash balance was $7.3 billion. At the end of Fiscal Year 2010, the balance was approximately $770 million.[42]

The current statutory formula requires that estimated Airport and Airway Trust Fund receipts each year must equal trust fund expenditures. However, amounts appropriated from the Airport and Airway Trust Fund are based on revenue receipt projections and have exceeded the amounts actually deposited into the Airport and Airway Trust Fund, resulting in declines in the uncommitted cash balance.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision amends section 9502 to limit the budgetary resources initially made available each fiscal year from the Airport and Airway Trust Fund to 90 percent, rather than 100 percent, of forecasted revenues for that year.

Effective date.—The provision is effective for fiscal years 2012 and 2013.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision, but this matter is addressed by section 104 of Title I of the conference agreement.

J. Rollover of Amounts Received in Airline Carrier Bankruptcy (sec. 810 of the Senate amendment and sec. 1106 of the conference agreement)

PRESENT LAW

The Code provides for two types of individual retirement arrangements (''IRAs''): traditional IRAs and Roth IRAs.[43] In general, contributions (other than a rollover contribution) to a traditional IRA may be deductible from gross income, and distributions from a traditional IRA are includible in gross income to the extent not attributable to a return of nondeductible contributions. In contrast, contributions to a Roth IRA are not deductible, and qualified distributions from a Roth IRA are excludable from gross income. Distributions from a

[35] Sec. 7275.

[36] Sec. 103(a).

[37] See sec. 141 defining ''private activity bond.''

[38] See sec. 103(b) and sec. 141(e).

[39] Other prohibited facilities include any skybox, or other private luxury box, health club facility, facility primarily used for gambling, or store the principal business of which is the sale of alcoholic beverages for consumption off premises. Sec. 147(e).

[40] Rev. Rul. 2003–116, 2003–46 I.R.B. 1083, 2003–2 C.B. 1083, November 17, 2003, (released: October 29, 2003).

[41] Sec. 4261(g)(2).

[42] Government Accountability Office, *Airport and Airway Trust Fund: Declining Balance Raises Concerns Over Ability to Meet Future Demands*, February 3, 2011, p. 5.

[43] Traditional IRAs are described in section 408, and Roth IRAs are described in section 408A.

Roth IRA that are not qualified distributions are includible in gross income to the extent attributable to earnings. In general, a qualified distribution is a distribution that (1) is made after the five taxable year period beginning with the first taxable year for which the individual first made a contribution to a Roth IRA, and (2) is made on or after the individual attains age 59½, death, or disability or which is a qualified special purpose distribution.

The total amount that an individual may contribute to one or more IRAs for a year is generally limited to the lesser of: (1) a dollar amount ($5,000 for 2012); or (2) the amount of the individual's compensation that is includible in gross income for the year.[44] As under the rules relating to traditional IRAs, a contribution of up to the dollar limit for each spouse may be made to a Roth IRA provided the combined compensation of the spouses is at least equal to the contributed amount.

If an individual makes a contribution to an IRA (traditional or Roth) for a taxable year, the individual is permitted to recharacterize (in a trustee-to-trustee transfer) the amount of that contribution as a contribution to the other type of IRA (traditional or Roth) before the due date for the individual's income tax return for that year.[45] In the case of a recharacterization, the contribution will be treated as having been made to the transferee plan. The amount transferred must be accompanied by any net income allocable to the contribution and no deduction is allowed with respect to the contribution to the transferor plan. Both regular contributions and conversion contributions to a Roth IRA can be recharacterized as having been made to a traditional IRA. However, Treasury regulations limit the number of times a contribution for a taxable year may be recharacterized.[46]

Taxpayers generally may convert a traditional IRA into a Roth IRA.[47] The amount converted is includible in income as if a withdrawal had been made, except that the early distribution tax (discussed below) does not apply. However, the early distribution tax is applied if the taxpayer withdraws the amount within five years of the conversion.

If certain requirements are satisfied, a participant in an employer-sponsored qualified plan (which includes a tax-qualified retirement plan described in section 401(a), an employee retirement annuity described in section 403(a), a tax-sheltered annuity described in section 403(b), and a governmental section 457(b) plan) or a traditional IRA may roll over distributions from the plan, annuity or IRA into another plan, annuity or IRA. For distributions after December 31, 2007, certain taxpayers also are permitted to make rollover contributions into a Roth IRA (subject to inclusion in gross income of any amount that would be includible were it not part of the rollover contribution).

Under section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 (''WRERA''),[48] a ''qualified airline employee'' may contribute any portion of an ''airline payment amount'' to a Roth IRA within 180 days of receipt of such amount (or, if later, within 180 days of enactment of the provision). Such a contribution is treated as a qualified rollover contribution to the Roth IRA. Thus, the portion of the airline payment amount contributed to the Roth IRA is includible in gross income to the extent that such payment would be includible were it not part of the rollover contribution.

A qualified airline employee is 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: (1) is qualified under section 401(a); and (2) was terminated or became subject to the benefit accrual and other restrictions applicable to plans maintained by commercial passenger airlines pursuant to section 402(b) of the Pension Protection Act of 2006 (''PPA'').

An airline payment amount is any payment of any money or other property payable by a commercial passenger airline to a qualified airline employee: (1) 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 (2) in respect of the qualified airline employee's interest in a bankruptcy claim against the airline 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. An airline payment amount does not include any amount payable on the basis of the carrier's future earnings or profits. The amount that may be contributed to a Roth IRA is the gross amount of the payment; any reduction in the airline payment amount on account of employment tax withholding is disregarded.

HOUSE BILL

No provision.

SENATE AMENDMENT

The amendment expands the choices for recipients of airline payment amounts by allowing qualified airline employees to contribute airline payment amounts to a traditional IRA as a rollover contribution. An individual making such a rollover contribution may exclude the contributed airline payment amount from gross income in the taxable year in which the airline payment amount was paid.

Qualified airline employees who made a qualified rollover contribution of an airline payment amount to a Roth IRA pursuant to WRERA are permitted to recharacterize all or a portion of the qualified rollover contribution as a rollover contribution to a traditional IRA by transferring, in a trustee-to-trustee transfer, the contribution (or a portion thereof) plus attributable earnings (or losses) from the Roth IRA. As in the case of a recharacterization under present law, the airline payment amount so transferred (with attributable earnings) is deemed to have been contributed to the traditional IRA at the time of the initial rollover contribution into the Roth IRA. The trustee-to-trustee transfer to a traditional IRA must be made within 180 days of the amendment's enactment.

If an amount contributed to a Roth IRA as a rollover contribution is recharacterized as a rollover contribution to a traditional IRA, the amount so recharacterized may not be contributed to a Roth IRA as a qualified rollover contribution (i.e., reconverted to a Roth IRA) during the five taxable years immediately following the taxable year in which the transfer to the traditional IRA was made.

Qualified airline employees who were eligible to make a qualified rollover to a Roth IRA under WRERA, but declined to do so, are now permitted to roll over the airline payment amount to a traditional IRA within 180 days of the receipt of the amount (or, if later, within 180 days of enactment of the amendment). As mentioned above, any portion of an airline payment amount recharacterized as a rollover contribution to a traditional IRA pursuant to the amendment is excluded from gross income in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. Individuals recharacterizing such contributions may file a claim for a refund until the later of: (1) the period of limitations under section 6511(a) (generally, three years from the time the return was filed or two years from the time the tax was paid, whichever period expires later); or (2) April 15, 2012.

An airline payment amount does not fail to be treated as wages for purposes of Social Security and Medicare taxes under the Federal Insurance Contributions Act[49] and section 209 of the Social Security Act, merely because the amount is excluded from gross income because it is rolled over into a traditional IRA pursuant to the amendment.

Surviving spouses of qualified airline employees are granted the same rights as qualified airline employees under section 125 of WRERA and under the amendment.

Effective date.—Effective for all transfers (made after date of enactment) of qualified airline payment amounts received before, on, or after date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with three modifications. First, a qualified airline employee is not permitted to contribute (using either a rollover or recharacterization) an airline payment amount to a traditional IRA for a taxable year if, before the end of the taxable year, the employee was at any time a covered employee, as defined in section 162(m)(3),[50] of the commercial passenger airline carrier making the qualified airline payment. Second, a qualified airline employee who was not at any time a covered employee may only roll over, or recharacterize, into a traditional IRA 90 percent of the aggregate amount of airline payment amounts received before the end of the taxable year. Third, individuals recharacterizing their contributions may file a claim for a refund until the later of: (1) the period of limitations under section 6511(a) (generally, three years from the time the return was filed or two years from the time the tax was paid, whichever period expires later); or (2) April 15, 2013.

K. Application of Levy to Payments to Federal Vendors Relating to Property (sec. 811 of the Senate amendment)

PRESENT LAW

In general

Levy is the IRS's administrative authority to seize a taxpayer's property, or rights to property, to pay the taxpayer's tax liability.[51] Generally, the IRS is entitled to seize

[44] The maximum contribution amount is increased for individuals 50 years of age or older.

[45] Sec. 408A(d)(6).

[46] Treas. Reg. sec. 1.408A–5.

[47] For taxable years beginning prior to January 1, 2010, taxpayers with modified AGI in excess of $100,000, and married taxpayers filing separate returns, were generally not permitted to convert a traditional IRA into a Roth IRA. Under the Tax Increase Prevention and Reconciliation Act of 2005, Pub. L. No. 109–222, these limits on conversion are repealed for taxable years beginning after December 31, 2009.

[48] Pub. L. No. 110–455.

[49] Chapter 21 of the Code.

[50] Section 162(m) defines a covered employee as (1) the chief executive officer of the corporation (or an individual acting in such capacity) as of the close of the taxable year and (2) the four most highly compensated officers for the taxable year (other than the chief executive officer). Treas. Reg. sec. 1.162–27(c)(2) provides that whether an employee is the chief executive officer or among the four most highly compensated officers should be determined pursuant to the executive compensation disclosure rules promulgated under the Securities Exchange Act of 1934. Notice 2007–49, 2007–25 I.R.B. 1429 provides that ''covered employee'' means any employee who is (1) the principal executive officer (or an individual acting in such capacity) defined in reference to the Exchange Act, or (2) among the three most highly compensated officers for the taxable year (other than the principal executive officer) to reflect the 2006 change by the Securities and Exchange Commission to its rules.

[51] Sec. 6331(a). Levy specifically refers to the legal process by which the IRS orders a third party to

Continued

a taxpayer's property by levy if a Federal tax lien has attached to such property,[52] and the IRS has provided both notice of intention to levy[53] and notice of the right to an administrative hearing (the notice is referred to as a ''collections due process notice'' or ''CDP notice'' and the hearing is referred to as the ''CDP hearing'')[54] at least 30 days before the levy is made. A Federal tax lien arises automatically when: (1) a tax assessment has been made; (2) the taxpayer has been given notice of the assessment stating the amount and demanding payment; and (3) the taxpayer has failed to pay the amount assessed within 10 days after the notice and demand.[55]

The notice of intent to levy is not required if the Secretary finds that collection would be jeopardized by delay. The standard for determining whether jeopardy exists is similar to the standard applicable when determining whether assessment of tax without following the normal deficiency procedures is permitted.[56]

The CDP notice (and pre-levy CDP hearing) is not required if the Secretary finds that collection would be jeopardized by delay or the Secretary has served a levy on a State to collect a Federal tax liability from a State tax refund. In addition, a levy issued to collect Federal employment taxes is excepted from the CDP notice and the pre-levy CDP hearing requirement if the taxpayer subject to the levy requested a CDP hearing with respect to unpaid employment taxes arising in the two-year period before the beginning of the taxable period with respect to which the employment tax levy is served. In each of these three cases, however, the taxpayer is provided an opportunity for a hearing within a reasonable period of time after the levy.[57]

Federal payment levy program

To help the IRS collect taxes more effectively, the Taxpayer Relief Act of 1997[58] authorized the establishment of the Federal Payment Levy Program (''FPLP''), which allows the IRS to continuously levy up to 15 percent of certain ''specified payments,'' such as government payments to Federal contractors (including vendors) that are delinquent on their tax obligations. With respect to Federal payments to vendors of goods, services, or property, the continuous levy may be up to 100 percent of each payment.[59] The levy (either up to 15 percent or up to 100 percent) generally continues in effect until the liability is paid or the IRS releases the levy.

Under FPLP, the IRS matches its accounts receivable records with Federal payment records maintained by the Department of the Treasury's Financial Management Service (''FMS''), such as certain Social Security benefit and Federal wage records. When these records match, the delinquent taxpayer is provided both the notice of intention to levy and the CDP notice. If the taxpayer does not respond after 30 days, the IRS can instruct FMS to levy the taxpayer's Federal payments. Subsequent payments are continuously levied until such time that the tax debt is paid or IRS releases the levy.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision amends section 6331(h)(3) to add ''property'' to ''goods or services'' to allow the IRS to levy 100 percent of any payment due to a Federal vendor with unpaid Federal tax liabilities, including payments made for the sale or lease of real estate and other types of property not considered ''goods or services.''

Effective date.—The provision is effective for levies issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision. Section 6331(h)(3) was amended to add ''property'' to ''goods or services'' to allow the IRS to levy 100 percent of any payment due to a Federal vendor with unpaid Federal tax liabilities in section 301 of the ''3% Withholding Repeal and Job Creation Act,'' Pub. L. No. 112–56.

L. Modification of Control Definition for Purposes of Section 249 (sec. 812 of the Senate amendment, sec. 1108 of the conference agreement, and sec. 249 of the Code)

PRESENT LAW

In general, where a corporation repurchases its indebtedness for a price in excess of the adjusted issue price, the excess of the repurchase price over the adjusted issue price (the ''repurchase premium'') is deductible as interest.[60] However, in the case of indebtedness that is convertible into the stock of (1) the issuing corporation, (2) a corporation in control of the issuing corporation, or (3) a corporation controlled by the issuing corporation, section 249 provides that any repurchase premium is not deductible to the extent it exceeds ''a normal call premium on bonds or other evidences of indebtedness which are not convertible.''[61]

For purposes of section 249, the term ''control'' has the meaning assigned to such term by section 368(c). Section 368(c) defines ''control'' as ''ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.'' Thus, section 249 can apply to debt convertible into the stock of the issuer, the parent of the issuer, or a first-tier subsidiary of the issuer.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision modifies the definition of ''control'' in section 249(b)(2) to incorporate indirect control relationships of the nature described in section 1563(a)(1). Section 1563(a)(1) defines a parent-subsidiary controlled group as one or more chains of corporations connected through stock ownership with a common parent corporation if (1) stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of each of the corporations, except the common parent corporation, is owned (within the meaning of subsection (d)(1)) by one or more of the other corporations; and (2) the common parent corporation owns (within the meaning of subsection (d)(1)) stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of each of the other corporations, excluding, in computing such voting power or value, stock owned directly by such other corporations.

Effective date.—The provision is effective for repurchases after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment provision.

M. Repeal of Expansion of Information Reporting Requirements (sec. 1101 of the Senate amendment)

PRESENT LAW

A variety of information reporting requirements apply under present law.[62] These requirements are intended to assist taxpayers in preparing their income tax returns and to help the IRS determine whether such returns are correct and complete. The primary provision governing information reporting by payors requires an information return by every person engaged in a trade or business who makes payments for services or determinable gains to any one payee aggregating $600 or more in any taxable year in the course of that payor's trade or business.[63] Payments subject to reporting include fixed or determinable income or compensation, but do not include payments for goods or certain enumerated types of payments that are subject to other specific reporting requirements.[64] The payor is required to provide the recipient of the payment with an annual statement showing the aggregate payments made and contact information for the payor.[65] The regulations generally provide exceptions from reporting of payments

turn over property in its possession that belongs to the delinquent taxpayer named in a notice of levy.

[52] *Ibid.*

[53] Sec. 6331(d).

[54] Sec. 6330. The notice and the hearing are referred to collectively as the CDP requirements.

[55] Sec. 6321.

[56] Secs. 6331(d)(3), 6861.

[57] Sec. 6330(f).

[58] Pub. L. No. 105–34.

[59] Sec. 6331(h)(3). The word ''property'' was added to ''goods or services'' in section 301 of the ''3% Withholding Repeal and Job Creation Act,'' Pub. L. No. 112–56.

[60] *See* Treas. Reg. sec. 1.163–7(c).

[61] Regulations under section 249 provide that ''[f]or a convertible obligation repurchased on or after March 2, 1998, a call premium specified in dollars under the terms of the obligation is considered to be a normal call premium on a nonconvertible obligation if the call premium applicable when the obligation is repurchased does not exceed an amount equal to the interest (including original issue discount) that otherwise would be deductible for the taxable year of repurchase (determined as if the obligation were not repurchased).'' Treas. Reg. sec. 1.249–1(d)(2). Where a repurchase premium exceeds a normal call premium, the repurchase premium is still deductible to the extent that it is attributable to the cost of borrowing (e.g., a change in prevailing yields or the issuer's creditworthiness) and not attributable to the conversion feature. *See* Treas. Reg. sec. 1.249–1(e).

[62] Secs. 6031 through 6060.

[63] Sec. 6041(a). Information returns are generally submitted electronically on Forms 1096 and Forms 1099, although certain payments to beneficiaries or employees may require use of Forms W093 and W092, respectively. Treas. Reg. sec. 1.6041091(a)(2). The requirement that businesses report certain payments is generally not applicable to payments by persons engaged in a passive investment activity. However, for a brief period starting in 2011, the recipients of rental income from real estate were generally subject to the same information reporting requirements as taxpayers engaged in a trade or business such that recipients of rental income making payments of $600 or more to a service provider (such as a plumber, painter, or accountant) in the course of earning rental income were required to provide an information return to the IRS and to the service provider. Small Business Jobs Act of 2010, Pub. L. No. 11109240, sec. 2101, September 27, 2010. This rule was repealed in the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Pub. L. No. 112099, sec. 3, April 14, 2011.

[64] Sec. 6041(a) requires reporting as to ''other fixed or determinable gains, profits, and income (other than payments to which section 6042(a)(1), 6044(a)(1), 6047(c), 6049(a) or 6050N(a) applies and other than payments with respect to which a statement is required under authority of section 6042(a), 6044(a)(2) or 6045)[.]'' The payments thus excepted include most interest, royalties, and dividends.

[65] Sec. 6041(d).

to corporations,[66] exempt organizations, governmental entities, international organizations, or retirement plans.[67] However, the following types of payments to corporations must be reported: Medical and health care payments;[68] fish purchases for cash;[69] attorney's fees;[70] gross proceeds paid to an attorney;[71] substitute payments in lieu of dividends or tax-exempt interest;[72] and payments by a Federal executive agency for services.[73]

Detailed rules are provided for the reporting of various types of investment income, including interest, dividends, and gross proceeds from brokered transactions (such as a sale of stock).[74] In general, the requirement to file Form 1099 applies with respect to amounts paid to U.S. persons and is linked to the backup withholding rules of section 3406. Thus, a payor of interest, dividends or gross proceeds generally must request that a U.S. payee (other than certain exempt recipients) furnish a Form W–9 providing that person's name and taxpayer identification number.[75] That information is then used to complete the Form 1099.

Failure to comply with the information reporting requirements results in penalties, which may include a penalty for failure to file the information return,[76] and a penalty for failure to furnish payee statements,[77] or failure to comply with other various reporting requirements.[78]

HOUSE BILL

No provision.

SENATE AMENDMENT

The provisions repeals section 9006 of the Patient Protection and Affordable Care Act, Pub. L. No. 111–148, which expanded the class of payments subject to reporting to include payments made to corporations and payments of gross proceeds paid in consideration for any type of property.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision. The expanded information reporting requirements for payments made to corporations and for payments of gross proceeds paid in consideration for any type of property were repealed in section 2 of the ''Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011,'' Pub. L. No. 112–9.

N. Tax Complexity Analysis

Section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (the ''IRS Reform Act'') requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code (the ''Code'') and has widespread applicability to individuals or small businesses.

The staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that have ''widespread applicability'' to individuals or small businesses.

TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

COMPLIANCE PROVISION

H1201/S901

House bill

Section 1201 specifies that the budgetary effects of this Act, in complying with the Statutory Pay-As-You-Go act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act.

Senate bill

Section 901 provides that the budgetary effects of the amendment, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the ''Budgetary Effects'' statement of the House and Senate Budget Committee Chairmen provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

Conference Substitute

Senate bill.

TITLE XIII—COMMERCIAL SPACE

COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS

H1301/S—

House bill

Section 1301would extend the original eight year learning period passed in the Commercial Space Launch Amendments Act of 2004, which expires in 2012.

Current law includes an eight-year regulatory ''waiting period,'' starting with the first FAA-licensed launch of a ''spaceflight participant'' (a person who pays to experience spaceflight), during which commercial spaceflight providers would not be subject to any FAA regulation, barring any perceived or realized endangerment of public safety.

Senate bill

No similar provision.

Conference Substitute

House bill modified to prohibit proposing regulations until October 1, 2015. Nothing in this provision is intended to prohibit the FAA and industry stakeholders from entering into discussions intended to prepare the FAA for its role in appropriately regulating the commercial space flight industry when this provision expires.

SENATE TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENTS

DEFINITIONS

H—/S1001

House bill

No similar provision.

Senate bill

Section 1001 defines the term ''earmark'' as a congressionally directed spending item as defined by Senate rules or a congressional earmark as defined by the rules of the House.

Conference Substitute

House bill.

RESCISSION

H—/S1002

House bill

No similar provision.

Senate bill

Section 1002 rescinds DOT earmark funds with more than 90 percent of the amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available for obligation. Also, it provides an exception if the Secretary of Transportation determines that additional obligation of the earmark is likely to occur during the following 12 month period.

Conference Substitute

House bill.

AGENCY WIDE IDENTIFICATION AND REPORTS

H—/S1003

House bill

No similar provision.

Senate bill

Section 1003 requires each federal agency to identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of the Office of Management and Budget (OMB). Also, it requires the Director of OMB to submit an annual report on these earmarks to Congress and publically post the report on the OMB website.

Conference Substitute

House bill.

SENATE TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

H—/S1101

House bill

No similar provision.

Senate bill

Section 1101 repeals a section of the Patient Protection and Affordable Care Act which required businesses to report purchases of $600 or more to the Internal Revenue Service (IRS).

Conference Substitute

Senate bill dropped because the language was used to create P.L. 112–9, The Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011.

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[66] The regulatory carveout for payments to corporations was expressly overridden for payments made after December 31, 2011 in the Patient Protection and Affordable Care Act (''PPACA''), Pub. L. No. 11109148, sec. 9006 March 23, 2010, which expanded the class of payments subject to reporting to include payments to corporations and payments of gross proceeds paid in consideration for any type of property. However, these rules were repealed in the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Pub. L. No. 112099, sec. 2, April 14, 2011.

[67] Treas. Reg. sec. 1.6041093(p). Certain for-profit health provider corporations are not covered by this general exception, including those organizations providing billing services for such companies.

[68] Sec. 6050T.

[69] Sec. 6050R.

[70] Sec. 6045(f)(1) and (2); Treas. Reg. secs. 1.6041091(d)(2) and 1.6045095(d)(5).

[71] Ibid.

[72] Sec. 6045(d).

[73] Sec. 6041A(d)(3). In addition, section 6050M provides that the head of every Federal executive agency that enters into certain contracts must file an information return reporting the contractor's name, address, TIN, date of contract action, amount to be paid to the contractor, and any other information required by Forms 8596 (Information Return for Federal Contracts) and 8596A (Quarterly Transmittal of Information Returns for Federal Contracts).

[74] Secs. 6042 (dividends), 6045 (broker reporting) and 6049 (interest), as well as the Treasury regulations thereunder.

[75] See Treas. Reg. sec. 31.3406(h)–3.

[76] Sec. 6721. The penalty for failure to file an information return generally is $100 for each return for which such failure occurs. The total penalty imposed on a person for all failures during a calendar year cannot exceed $1,500,000. Additionally, special rules apply to reduce the per-failure and maximum penalties where the failure is corrected within a specified period. Small Business Jobs Act of 2010, Pub. L. No. 11109240, sec. 2102, September 27, 2010.

[77] Sec. 6722. The penalty for failure to provide a correct payee statement is $100 for each statement with respect to which such failure occurs, with the total penalty for a calendar year not to exceed $1,500,000. Special rules apply that increase the per-statement and total penalties where there is intentional disregard of the requirement to furnish a payee statement. Small Business Jobs Act of 2010, Pub. L. No. 11109240, sec. 2102, September 27, 2010.

[78] Sec. 6723. The penalty for failure to timely comply with a specified information reporting requirement is $50 per failure, not to exceed $100,000 for a calendar year.

TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION ACT

DALE LONG EMERGENCY MEDICAL SERVICES PROVIDERS PROTECTION ACT

H—/S1201,1211,1212,1213

House bill

No similar provision.

Senate bill

Section 1201 provides liability protection for volunteer pilots that fly for public benefit, including transportation at no cost to financially needy medical patients for medical treatment, evaluation and diagnosis; flights for humanitarian and charitable purposes; and other flights of compassion.

Section 1211 provides a title for the subtitle, the ''Volunteer Pilot Protection Act of 2011.''

Section 1212 states findings of Congress on the necessity of protections for pilots who volunteer their services.

Section 1213 allows pilots who operate volunteer flights for most charitable institutions to receive reimbursement form those institutions for some operations costs including fuel.

Conference Substitute

No provision.

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, no provision in this conference report or joint explanatory statement includes a congressional earmark, limited tax benefit, or limited tariff benefit.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

JOHN L. MICA,
THOMAS E. PETRI,
JOHN J. DUNCAN, Jr.,
SAM GRAVES,
BILL SHUSTER,
JEAN SCHMIDT,
CHIP CRAVAACK,
NICK J. RAHALL II,
PETER A. DEFAZIO,
JERRY F. COSTELLO,
LEONARD L. BOSWELL,
RUSS CARNAHAN,

From the Committee on Science, Space, and Technology, for consideration of sections 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X, and title XIII of the House bill and sections 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and section 732 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,
STEVEN M. PALAZZO,
EDDIE BERNICE JOHNSON,

From the Committee on Ways and Means, for consideration of title XI of the House bill and titles VIII and XI of the Senate amendment, and modifications committed to conference:

DAVE CAMP,
PATRICK J. TIBERI,
SANDER M. LEVIN,

Managers on the Part of the House.

JOHN D. ROCKEFELLER IV,
BARBARA BOXER,
BILL NELSON,
MARIA CANTWELL,
KAY BAILEY HUTCHISON,
JOHNNY ISAKSON,

From the Committee on Finance:

MAX BAUCUS.

Managers on the Part of the Senate.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

TO EXTEND THE PAY LIMITATION FOR MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES

Mr. ROSS of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3835) to extend the pay limitation for Members of Congress and Federal employees.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3835

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

SECTION 1. EXTENSION OF PAY LIMITATION.

(a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note), as added by section 1(a) of the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; 124 Stat. 3518), is amended—

(1) in subsection (b)(1), by striking ''December 31, 2012'' and inserting ''December 31, 2013''; and

(2) in subsection (c), by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) APPLICATION TO LEGISLATIVE BRANCH.—

(1) MEMBERS OF CONGRESS.—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by subsection (a), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

(2) OTHER LEGISLATIVE BRANCH EMPLOYEES.—

(A) LIMIT IN PAY.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this subparagraph) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.

(B) DEFINITION.—In this paragraph, the term ''legislative branch employee'' means—

(i) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

(ii) an employee of any office of the legislative branch who is not described in clause (i).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. ROSS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. ROSS of Florida. Madam Speaker, I yield myself such time as I may consume, and I ask unanimous consent that the Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. ROSS of Florida. Madam Speaker, I rise today in strong support of H.R. 3835, to extend the pay limitation for Members of Congress and Federal employees. Our Federal employees provide an essential work function for the Federal Government. They're good people. They do good work. And they do good work so long as it's essential government functions. We appreciate their service, and believe Federal employees should be compensated fairly.

Yet, current Federal salaries and benefits are not in line with the marketplace when compared to the private workforce. Federal civilian workers receive generous benefits, pay, and job security. In fact, there is a four times greater chance of losing your job in the private sector than there is with the Federal workforce.

Our Federal workforce performs essential functions. We appreciate their service, and believe Federal employees should be compensated fully.

On Monday, the Congressional Budget Office released a study which found that total compensation for Federal employees was 16 percent greater than for private sector workers. When they looked at the benefits of hardworking taxpayers, they take home 72 percent less in benefits than their government counterparts.

To top it off, these hardworking private sector taxpayers, with a high school diploma or some college, make 32 to 36 percent less than Federal employees with the same education level. Those who work the hardest to pay taxes are the ones bearing the burden of a bloated Federal government.

The contrast between the Federal Government and private sector is troubling. With 13 million Americans unemployed, why would we allow automatic raises to occur for a group of workers whose average compensation exceeds $100,000, and for the Members of Congress, whose compensation is $174,000?

The reality is that the Federal Government has no incentive or no obligation to reduce salaries in order to be competitive to stay in business. We simply raise taxes, or we go into more debt. And our government continues to borrow. Just yesterday, for example, the CBO released a report that our Federal budget deficit will top another $1 trillion for a fourth straight year in a row. This is unprecedented. It is unsustainable.

The President's fiscal commission, a bipartisan commission, the Simpson-Bowles Commission, a commission which not only the President but this Congress should consider, has recommended a 3-year freeze on civilian payroll and Member pay. In its report, the Commissioners reminded us that ''in time of budget shortfalls, all levels of government must trim back.'' Following this advice, the President, to

his credit, did recommend, and this Congress did freeze Federal employee pay through 2012. This measure alone saved the Federal Government $60 billion.

As Americans continue to sacrifice, we must lead by example. H.R. 3835 continues the temporary freeze on across-the-board annual salary adjustments for Federal civilian workers.

Federal employees will continue to receive salary increases under the step program. Now, this has been going on, even despite the Federal pay freeze, a step increase, 3 percent every year. 99.9 percent of all Federal employees eligible for a step increase received it. Where else can a pay freeze equal a 3 percent increase a year but in Washington, DC?

Office of Personnel Management Director Berry said that there should be no place in the Federal Government for non-performers to hide. This chart proves that we continue to fund government at a rate well in excess of that given to the private sector.

If we want to look for ways to cut, maybe we should look in some of the Federal office buildings, because 6 out of every 1,000 employees do not receive a 3 percent increase, despite a pay freeze. These step increases which continue under this bill, if passed, will result in a $1,303 average annual salary increase per Federal employee.

The bill before us today builds on the President's fiscal commission. It follows the President's request to freeze Federal pay for Federal employees. It is consistent with the House resolution, and mirrors the provisions of the Middle Class Tax Relief and Job Creation Act of 2011 passed by this House last December.

Opponents of this bill will argue that Federal employees have already done more with less for the last 2 years. They will claim that supporters of this bill view Federal employees as a cost to cut, and that we want to cut the budget on the backs of Federal employees. I disagree with that.

We have been fortunate, very fortunate throughout the years to have a very good Federal workforce, to have talented and hardworking individuals who have chosen public service. However, our appreciation for their service does not bring a mandate to pay them above market rates, with little regard to their individual performance.

In its March 2011 report to the President, the Pay Agent—and let's go over who the Pay Agent is. The Pay Agent makes up the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management, all appointed by the President, all approved by a Democratic-controlled Senate. This is what they say. They express serious concern about a process that requires a single percentage adjustment in the pay of all white collar civilian Federal employees in each locality area. Adding to their comments: We believe the underlying model and methodology for estimating pay gaps should be reexamined to ensure that the private sector and Federal sector pay comparisons are as accurate as possible.

There is a reason why the Federal pay law has never been implemented as originally enacted. It is based on an outdated, one-size-fits-all model. In testimony before the Federal Workforce Subcommittee, Director Berry agreed that the Federal pay system could use a reexamination, and it ''does not reflect the complexity of the world we live in.''

Study after study has shown that, when compared to the private sector, the Federal Government, on average, pays more than required to recruit and retain a skilled workforce. Paying across-the-board wages that are higher than market rate with no measure of individual performance means less money available to meet the salary required of highly skilled workers such as scientists and professionals, as this graph accurately demonstrates.

We need to bring these high-level professionals in the Federal Government in parity with the others, and this bill will allow us to do that. It shows where we are out of whack from the private sector.

Madam Speaker, I ask Members and Federal employees to share in the sacrifice necessary to help millions of Americans suffering under the Obama economy, and urge support of H.R. 3835.

I reserve the balance of my time.

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

I stand in strong opposition to this legislation, but I want to yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

□ 1240

Mr. HOYER. Madam Speaker, I listened to the gentleman's comments. The gentleman is new to the Congress and probably doesn't have the background in terms of how this developed as to how we pay Federal employees.

As the sponsor of the Federal Employee Pay Comparability Act in 1990, signed by George Bush who worked with President Bush's OMB and OPM on this legislation, obviously one of the things we did was to say if the private sector doesn't get an increase, the public sector won't get an increase. We keyed the increases to the economic cost index, which is all to say that we need to tighten our belts when the private sector tightens their belts.

Which is why, as I think I caught the gentleman's reference, that over the last 2 years, Federal employees have in fact received cuts to existing law which will result in a $60 billion savings. I think the gentleman said that, but it bears repeating. It's not as if the Federal employees haven't tightened their belts. They have. In point of fact, the pay council to which he referred believes on average that Federal employees are in fact behind, not ahead.

Now, I'm aware of the CBO report that was just issued. Mr. CUMMINGS has responded to that. Clearly, what they said is there is a disparity. Those on the lower end of the scale are doing better. Those on the upper end of the scale aren't doing so well. None of them are getting paid as much as the gentleman is who made this speech or that I'm getting. None of them are making as much as we are.

Now, what we have here is a very clever political effort to have Members vote either for their pay or against their pay being adjusted by a cost-of-living adjustment.

I'm going to vote against this bill. I am for bringing a bill to this floor which will freeze our salaries, and I would hope that a unanimous consent to do so would not be objected to on your side of the aisle. I've been for that for the last 2 years, and I have worked in a bipartisan way over the years not to demagogue Members and have Members get cost-of-living adjustment. The sponsor of this bill, as a matter of fact, is quoted as saying how much difficulty he's having supporting his family on his salary.

Now, the fact of the matter is we ought to put a bill on this floor and freeze our salaries. Federal employees have already contributed $60 billion of benefits to which they otherwise would have been entitled because we, for the last 2 years, with my support, have frozen their salaries at the cost-of-living adjustment.

Now, ladies and gentlemen, I would hope that the bill that is sponsored by Mr. VAN HOLLEN, that there would not be an objection to a unanimous consent request to bring that bill to the floor so that Members could express that, yes, we're prepared to tighten our belts one more notch.

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

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. HOYER. But what we should not do is pretend that we're going to balance the budget by undermining middle class workers, middle class workers who work for, in my opinion, the finest country on Earth and who give excellent service, extraordinary service to the people of this country, and who, per capita, are fewer than they were 20 years ago per capita.

The fact of the matter is that we ought to have a bill, we ought to pass Mr. VAN HOLLEN's bill, we ought to take the politics out of this.

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

Mr. CUMMINGS. I yield the gentleman an additional 10 seconds.

Mr. HOYER. Then I tell my friends what we ought to do is we ought to pass a big deal. We ought to pass a $4 trillion to $5 trillion to $6 trillion big deal to get the fiscal house of the United States of America in order. It ought to include all things on the table including Federal employee pay and benefits, including the military pay and benefits and expenditures, and domestic expenditures, as well as entitlements. I've said that. That's what we

ought to do. We ought not to piecemeal it as this bill reflects.

I hope that we'll support Mr. VAN HOLLEN's bill.

Mr. ROSS of Florida. I yield 3 minutes to my colleague from the great State of North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I thank Mr. DUFFY for introducing this bill.

As a consistent opponent of automatic pay increases for Members of Congress, I am pleased to support the bill before us today which would extend the pay freeze for Federal employees and Members of Congress for another year through December 31, 2013.

With the record-shattering budget deficits racked up under the Obama administration, immediate action is needed to restrain runaway government increases and do no more harm to hardworking American taxpayers.

President Obama's liberal Democrat enablers in Congress attempt to ignore the true solution by suggesting endless tax increases, which never have and never will represent the long-term solution to our budget problem.

Excessive pay is part and parcel of a Federal Government that's too large and over budget. While the Federal Government will never be subject to market forces the way the private sector is, fundamental reform of the Federal compensation system is needed.

The simple truth also is that Federal employees are more highly unionized than their counterparts in the private sector. According to a CBO report issued last month: ''The Federal Government and the private sector also differ in the extent to which their workers are represented by unions, which can influence employees' compensation. About 21 percent of Federal workers are members of unions, compared to only 8 percent of private sector workers.''

As a result, the Federal Government pays comparatively higher compensation and provides more generous benefits and job security than private employers.

It's offensive to those unemployed Americans struggling to find a job to see unionized Federal employees continue to enjoy comparatively high compensation which is used to pay dues to government unions which spend heavily to elect politicians who promise them concessions.

According to the Heritage Foundation: ''Government unions were the top political spenders outside the two major parties in the 2010 election cycle.''

That's why I'm pleased Mr. DUFFY is offering H.R. 3835, which is a modest bill estimated to save taxpayers $26.2 billion. This bill also freezes the pay of Members of Congress, which so many taxpayers believe is important in demonstrating our shared commitment to reining in the spiraling Federal ledger. I urge my colleagues to support this bill.

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

I stand in strong opposition to this bill. Federal workers, Madam Speaker, are literally the backbone of our government. They support our troops on the battlefield, and they take care of our veterans when they return home. They protect our borders, safeguard our food supply, ensure that seniors receive their Social Security checks, and hunt down terrorists like Osama bin Laden. They carry out each and every Federal program, service, and initiative Congress has created.

Despite the critical nature of the services that Federal workers provide, the majority believes that their pay should be frozen for yet another year, that their retirement benefits should be slashed, and that the size of the Federal workforce should be reduced sharply, even though it is smaller now than it was under Presidents Reagan and George H.W. Bush.

Federal workers have already made tremendous sacrifices to address our Nation's budget deficits. The 2-year pay freeze to which they are currently subject will save taxpayers $60 billion. Further, Federal workers face the possibility of layoffs and furloughs in coming years as automatic spending reductions mandated by the Budget Control Act of 2011 reduce agency budgets for salaries.

The only workable solution to our country's budget deficit is a balanced one that includes shared sacrifice, including from the wealthiest among us. To date, however, our Republican majority has yet to bring before this House a single bill that will require millionaires and billionaires to contribute more toward deficit reduction. Instead, they are preoccupied with taking money out of the pockets of middle class public servants.

For these reasons, last week I led 17 Members in sending a letter to conferees working on extending the payroll tax cut urging them to reject any and all measures that would disproportionately harm Federal workers. I will continue to oppose any measure that would further cut Federal employee pay or benefits.

Madam Speaker, I'm disappointed but not surprised given the way the majority has run the House that we are now considering this bill under regular order. Instead, the majority introduced a bill on Friday in a pro forma session and is now rushing it to the House floor before any action by appropriate committees can be taken.

□ 1250

I am also disappointed that this measure was placed on the suspension calendar, thereby blocking any amendments to the underlying legislation. Finally, I am disappointed that this bill unfairly links the pay of Federal employees to the pay of Members of Congress.

I strongly support Mr. VAN HOLLEN's bill. The merits of pay increases for Federal workers should be debated separately from our consideration of the pay of Members of Congress. In short, this bill appears to be a disingenuous and disrespectful attack against Federal workers and the regular order of the House.

For these reasons, I strongly urge Members to oppose the bill, and I call on the House leadership to allow us to consider legislation through regular order that does not punish Federal workers in order to score political points.

I reserve the balance of my time.

Mr. ROSS of Florida. I yield 5 minutes to the sponsor of this bill, my distinguished colleague from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman from Florida for yielding.

I think it is important that we review the history of Federal employee pay freezes. In the last Congress, this came up under a Democrat-controlled House, a Democrat-controlled Senate, and a Democrat President. They voted for a 2-year payroll freeze for Federal employees. They rightly excluded our military, and I think everyone in this House agrees that our military should get a pay increase. But who they wrongly failed to include in the pay freeze were Members of Congress. They didn't include Members of Congress, but every other Federal worker they did include.

So now, today, I've brought a bill to the floor to extend the pay freeze for one more year. My bill is the exact same bill as the Democrats' bill from 2 years ago. The only difference is that I've carved in Members of Congress. Every Member in this House will have his pay frozen just like every other Federal worker's. That is the right thing to do. That's what should have been done 2 years ago but was not done.

I was here to listen to the gentleman from Maryland, the former majority leader, who is outraged that he doesn't have an opportunity to singly vote for a pay freeze for Members of Congress. Yet, as the majority leader, he had the opportunity to include Members of Congress in his bill. Republicans didn't have a say. It was a Democrat House, a Democrat Senate, a Democrat President, and Members of Congress were not included. Now to come here today and to be outraged and say that the Republicans are disingenuous because we have carved in Members of Congress doesn't hold water.

I think it is important to also look at the facts behind Federal employees as they are compared to the private sector. The Congressional Budget Office came out and said that Federal employees make 16 percent more on average than those in the private sector. At this point, what my friends across the aisle have come to the House floor to say is, in a very difficult economy, we want the private sector, which is really the American taxpayer—the ones who have been forced to make concessions with regard to pay, the ones who have been asked to work less hours to keep their jobs—my friends across the aisle

come to the House floor and say, what we want these American taxpayers to do is to not get a pay raise themselves, but to pay for a pay increase for Federal workers who already make 16 percent more than they do.

That doesn't make sense. I hear a lot of conversation from my friends across the aisle about fairness and parity. Well, I think you should start to use the term ''fairness'' today. There should be parity between the private sector and the public sector.

I come from central and northern Wisconsin, and we have a large manufacturing sector in the community in my district. Time and time again, there are rules, there are regulations, there is red tape, and there are taxes that attack our way of life that come from this town of Washington, that attack the way of life in Wisconsin. We bring it up. We talk about it. We complain about it. And guess what? My friends across the aisle turn a deaf ear to our complaints. But today we're going to do a 1-year extension of a Federal employee pay freeze, and they are outraged by that. They are listening, they are advocating, they are arguing for more Federal pay.

Come on. Use fairness today. Use the argument of parity today. This was your bill. This is a 1-year extension.

The final point: The President's debt commission, Simpson-Bowles, said we should have a 3-year freeze on Federal pay. That's what my bill does. I don't want the argument to be that my friends across the aisle don't really care about the Federal employee pay freeze and that they only care about their own pay freeze, because that is the only difference. The only difference in my bill is that I've included Members of Congress.

This makes sense. Let's come together. The American people are sick of the partisan bickering. They would expect that there are issues on the left and that there are issues on the right that this House could and should fight about, but I think they're sick of commonsense issues that come down in the middle that we should agree on. Let's get together. Let's pass this bill. Let's freeze Federal employees' salaries for one more year.

Mr. CUMMINGS. I yield 2 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, I think the record should be clear that every year that the Congress has frozen Federal employee pay, we have also frozen congressional pay. What we have not done is try to hold Federal employee pay hostage to what we do on congressional pay. We should also be very clear that all of us on the Democratic side support freezing congressional pay in the year 2013.

Indeed, Mr. CUMMINGS and I, Mr. HOYER and others have introduced legislation to do just that. It's H.R. 3858. The Democratic leadership asked that we be able to bring that up on the suspension calendar today, and we were denied that opportunity.

So I now ask unanimous consent that, after we complete debate on this bill, we add to today's suspension calendar H.R. 3858 so that we can vote as a body on freezing congressional pay.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers, as recorded on page 752 of the House Rules and Manual, the Chair is constrained not to entertain the gentleman's request unless it has been cleared by the bipartisan floor and committee leaderships.

Mr. VAN HOLLEN. This illustrates the point exactly.

As I said, Madam Speaker, we have been denied that opportunity by the Republican leadership, so I want to just be clear.

We were denied the opportunity today to have an up-or-down vote on freezing congressional pay. That's what we should do, and the refusal to allow us to do that demonstrates that what we're really seeing is an effort to use congressional pay as a political weapon to punish all Federal employees: to prevent any COLAs—cost-of-living adjustments—for Federal employees. Otherwise we would be able to bring up that bill separately.

Now, what we're seeing again is an effort to single out Federal employees as scapegoats for the economic problems that they had nothing to do with—they had nothing to do with the meltdown on Wall Street; they had nothing to do with the policies of the previous administration that helped bring our economy to this position. Yet what we're seeing today is what we're seeing in States, where we have Governors in Wisconsin, where we have Governors in Ohio, where we have other, mostly Republican, Governors scapegoating public servants in their States and singling them out as if they were the problem.

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

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

Mr. VAN HOLLEN. I thank the gentleman for yielding.

Federal employees have already seen a 2-year freeze, which saved $60 billion, and Federal employees are willing to do their share. What we should not do is single them out. Now, the President has asked for a one-half percent cost-of-living adjustment. That still is short of the 1.7 percent cost-of-living that they will face.

So it's time that we stop saying to those folks who are out there every day helping keep our food safe, helping track down Osama bin Laden, other people who help protect our borders, and do other things that we're going to single them out for unfair treatment as part of the budget. Let's take it up as part of the full budget and not single them out the way we're doing here.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2012.

Hon. ERIC I. CANTOR,
Majority Leader,
House of Representatives.

REPRESENTATIVE CANTOR: We are writing to request that the bill, H.R. 3858 to extend the pay freeze on Members of Congress, be placed on the suspension calendar. Federal employees have seen no cost-of-living adjustment for two years and will lose $60 billion in income over 10 years.

We believe that members should have the opportunity to vote to freeze the pay of members of Congress without cutting pay for all Federal employees.

Sincerely,

CHRIS VAN HOLLEN,
Member of Congress.
NANCY PELOSI,
Member of Congress.
STENY H. HOYER,
Member of Congress.

Mr. ROSS of Florida. I yield 5 minutes to the distinguished gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. I want to thank the gentleman from Wisconsin for bringing forward this important bill.

I want to refer to some facts here because we do have some good, hard-working Federal employees. Make no mistake about it: They're just as patriotic, if not more, than everybody else in our country. They work hard, and they deserve just compensation. But the compensation trajectory on which we're going forward in this country, Madam Speaker, is neither sustainable nor fair.

I was hoping that when the majority leader was addressing us that he would yield to the question, because one of the stats he threw out is that none of these people are earning as much as Members of Congress. Yet I would point out, for instance, that at the end of 2009 in the Department of Transportation, there was one person earning a salary of $170,000.

□ 1300

And yet 18 months later, there were 1,690 employees in the Department of Transportation earning at least $170,000 in compensation.

I would also point out that since President Barack Obama took office, until now, there are an additional 144,700 civilian Federal employees. These are new people added to the payroll, more than 144,000 new people on the payroll.

In 2010, more than 50 percent of all General Schedule employees received a step increase or a promotion, hardly a pay freeze that President Obama would have led us to believe was happening. Also for 2010, 62.9 percent of all General Schedule employees received an award or bonus. Now, in these dire economic times and people trying to tighten their belts in the private sector, I think it's stunning that close to 63 percent of our General Schedule employees, Federal employees, got an award or a bonus.

Now, this new CBO study that came out this week right here, the average Federal benefits that exceeded the private sector levels by 48 percent, the

benefits that are being given to the Federal employees exceed the private sector by 48 percent, according to the CBO. And the total average Federal compensation is 16 percent when you weigh that in with the other base pay, 16 percent above the private sector. Now, you can find an isolated case where maybe somebody is being undercompensated, but you can find a whole lot more people that are being overcompensated.

Now, most people, if you ask in your mind, how many Federal employees out there are earning at least $100,000 in their base pay, Madam Speaker, that number is in excess of 450,000 people on our Federal payroll who are earning in excess of $100,000.

In fact, if you go back and look at the payroll, the total Federal payroll for the Federal Government, in 2008 it was roughly $400 billion; in 2011 it's projected to be $452 billion. You should also look at one of the more stunning numbers that I saw, Madam Speaker, and that is from 2010 to 2011, there were 16,000 Federal employees that moved up to having at least a base pay of $100,000.

So to suggest that there has been some sort of pay freeze in place, I would argue, is wholeheartedly incorrect. It is a matter of fairness and balance.

I appreciate Mr. DUFFY for his fine work in bringing this bill forward because we should limit the pay of Members of Congress. We should also do so for the Federal civilian workforce.

Mr. CUMMINGS. Madam Speaker, I find it interesting that the other side constantly brings up the CBO report. The much better report is the Bureau of Labor Statistics report. They have more experience at this, and they show that Federal employees were paid 26 percent less than private sector employees.

I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Madam Speaker, Washington is the headquarters of the Congress. It is not the headquarters of Federal employees. Eighty-five percent of them live in other cities and in towns and suburbs.

Let's all agree that deficit reduction is a priority, and that it is appropriate to lead from the top. Nor should Federal employees be exempt from this leadership by example. But it starts at the top, not at the bottom of the Federal workforce.

These Federal employees live under often greatly differing costs of living, depending on where they live in the country. It is up to us to lead by example, not Federal employees, although they should not be exempt from this leadership role.

However, it is an unfair ruse to compare the most-favored Federal employees, Members of Congress, with the least favored, Federal employees across the board. Some are paid a great deal, some are paid very little, some come from high-cost areas of the country, some come from low-cost areas of the country.

Most of our constituents will understand who we were voting for and who we were voting against.

Democrats have a long history of respecting civil servants. Republicans have spent years deriding them in good times and bad. They know full well also that Congress would not dare take a raise now, and they know that Federal employees should not become, as they apparently have, the proverbial piggy bank for all-purpose deficit reduction.

We have had two freezes that were almost automatic on Federal employees. That's the very reason why this bill should be sent to committee to determine what is fair now in the third year after $60 billion in cuts.

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

Mr. CUMMINGS. I yield the gentlelady an additional 30 seconds.

Ms. NORTON. Precisely because there have been two almost automatic freezes with no hearings, it is time to send this bill to the committee to determine what is fair for Federal employees. Have they contributed enough or, using my standard, leadership by example, should they contribute more? If you want to lead by example, Members of Congress should stand up and ask for a freeze for themselves, by themselves, like men and women.

Mr. ROSS of Florida. Madam Speaker, at this time I have no further speakers, and I continue to reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, may I ask how much time remains.

The SPEAKER pro tempore. The gentleman from Maryland has 7½ minutes remaining, and the gentleman from Florida has 3 minutes remaining.

Mr. CUMMINGS. I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman.

Madam Speaker, I rise in strong opposition to H.R. 3835, which would extend the current-year pay freeze for Federal workers for an additional year through 2013. This will be the third year of a pay freeze.

Similar to most of my colleagues who have spoken here today, I do support a freeze for Congress. I have voted six times to freeze Congress' pay.

While my good friend from Utah does point out that there are some high-end, high-salaried Federal employees, you have to remember that we have surgeons at the VA, very competent doctors at the VA that serve our veterans. We have scientists at NIH. We have very, very good attorneys at the SEC prosecuting very complex fraud cases. To attract those individuals, we do need to attract very competent and highly skilled individuals, and that's where those higher salaries are aggregated.

But we should be reminded that the vast majority of our Federal employees are middle-income earners. Oddly enough, we could have addressed this if this bill had gone through committee, through regular order. This bill has come to the floor without going through committee. It has not been subject to amendment.

We could have come up with a bill that said, okay, we are going to freeze the pay of high-income Federal employees. We didn't do that.

So you've got people out there making $30,000, $40,000 a year, secretaries and other staff, that their pay has been frozen for. If this goes through, it will be 3 years. So we could have done a better job if this bill had gone through the regular order and gone through committee.

I'm also concerned about the rationale behind this legislation. Similar to many of my colleagues today, while I support the freeze on congressional pay, we see a lot of legislation coming up in this Congress that attacks Federal employees, and I think this is one more example of that.

I totally oppose it.

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

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. LYNCH. I thank the gentleman.

This is another in a series of legislative attacks that have targeted our Federal workers throughout the 112th Congress. It will further erode employee morale and diminish the Federal Government's ability to attract the best and brightest to perform the important jobs that we need to perform. Our dedicated civil servants play a vital role in such critical areas as law enforcement, national defense, public health, and the delivery of services to America's veterans, elderly, and the disabled. They should not bear a disproportionate burden when it comes to addressing our Nation's budget problems.

So I urge my colleagues to join me in opposing any further efforts to balance the Nation's budget on the backs of our hardworking Federal employees by voting ''no'' on H.R. 3835.

□ 1310

Mr. ROSS of Florida. Madam Speaker, I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Madam Speaker, earlier it was referenced that there was another study showing that the compensation was 26 percent lower than the private sector. I would point out that that did not include compensation for benefits. Certainly when you look at someone's total compensation plan, you have to look at the benefits they are achieving.

I would also point out that in the CBO study on pages 10 and 11, the total compensation is actually more askew for the lower-educated people. People who earned high school diplomas or less are getting 36 percent more than they would in the private sector. It's actually the higher end, people with

professional degrees or doctorates who are actually being undercompensated, at least according to this study. And they only account for about 7 percent of our workforce.

So if you look at the bulk of our workforce, some roughly 93 percent, you're going to see a double digit percentage increase versus the private sector.

This is not an attack on our Federal workforce. Be grateful that you have a job. What we have to understand is that it's the taxpayers' money, and we have to be frugal with it.

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

Mr. MORAN. Madam Speaker, I thank my very good friend, the distinguished ranking member of the committee, for yielding me this time to rise in strong opposition to an extension of the current pay freeze for Federal employees.

This legislation is a cynical attempt to tap into misguided resentment fostered by the far right against the Federal Government and the 2 million men and women who serve our Nation as civil servants.

Of those 2 million, let me point out to my colleagues that nearly two out of three civil servants work for the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, and the Department of Justice. In other words, two out of three Federal employees work in jobs related to our national security at home and abroad or caring for our veterans. Every one of those employees now seems to be the target of this body's misguided anger, and that's just wrong.

Most of our Federal employees work for the Defense Department to enhance our security. Employees at the Department of Homeland Security work to ensure that nuclear materials aren't smuggled into our country by those who want to do us catastrophic harm. The Federal Bureau of Investigation works to investigate and prosecute cybercriminals that steal billions of dollars of intellectual property from our defense and civilian industrial base every year. This body claims to care about preventing nuclear terrorism and halting cyber crime, yet we want to punish those charged with carrying out that mission.

Last year, a constituent of mine was awarded a ''Sammie'' from the Partnership for Public Service for his work at the VA helping to address veterans struggling with the human toll of warfare. My constituent has devoted 30 years of his career building a national network of small, community-based centers where veterans traumatized by combat obtain counseling, job assistance, medical referrals, and other services. The Partnership rewarded him last year, but today the House wants to forfeit his pay raise for a third consecutive year.

This bill is the product of an ideologically extreme group of people who got elected by insisting that our government is broken. And now that they're elected, they want to try to prove that is the case. It's not the case. We ought to be proud of our government and reject this bill.

Mr. ROSS of Florida. Madam Speaker, I continue to reserve the balance of my time.

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

As I listen to the debate and as I listen to the other side—and I do want to associate myself with the words of my colleague, Mr. MORAN, and the others who have spoken—over and over again we hear on the one side of the mouth coming from our Republican colleagues that they love our Federal employees so much and they do such a great job, but on the other hand they say they want to freeze their pay.

One of the things that I have found so interesting, and we've heard the argument over and over, is when it came to taxes with regard to the millionaires and billionaires, they didn't want to tax them one penny more, not one dime. But yet, the person who works here in this building, the ones that work at Social Security and other places, the ones that Mr. MORAN just talked about, the ones who are protecting the homeland, they say to them: We want to make sure we freeze your pay. There's something awfully wrong with that picture.

I believe very strongly that we all should share in the benefits, and we should share in the sacrifice, too. They didn't ask for one dime, not a dime more from the millionaires and the folks that are making all of the money. But yet still you've got people in the Federal system, according to the CBO report, if you want to go there, and that CBO report says those people with a master's degree or above, they are making 23 percent less. What about them? What about the people who day after day sacrifice and could possibly be making a lot more money in the private sector, what about them? Some of them, by the way, are on our staffs.

So I would just urge—and again, it's been implied that we on this side have a problem with a pay freeze for our Members of Congress. We don't have a problem with that. I will go on the record saying that. And these issues should be divided.

With that, Madam Speaker, I urge Members to vote against this very bad bill, and I yield back the balance of my time.

Mr. ROSS of Florida. Madam Speaker, I yield myself such time as I may consume.

I'm new here. I'm one of those freshmen. I'm one of those freshmen who's been told you don't know how Washington works. I'm one of those freshmen who's been told you need to get in line, that's been told you need to get in line.

Well, if successive 4 years of trillion-dollar deficits is the way Washington works, then I don't want it working that way. You see, I wasn't sent here to learn how Washington works; I was sent here to change the way Washington works.

And when we have a President proposing a military budget that cuts our military back to pre-World War II levels, and yet we continue to increase our Federal payroll while private sector payroll employment goes down, there's something wrong with the way Washington works.

Washington is broken, and I submit to you that we need to lead by example. We have done so already by reducing our MRAs, our Members' accounts, by 11 percent. We've done so already by reducing our committee budgets. But we need to go further if we're going to lead by example, because you see, leadership is not a title. Leadership is an act. And I submit to you, Madam Speaker, that today we lead by example, and I urge my colleagues to support the passage of H.R. 3835, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Madam Speaker, once again the Republican leadership is attacking America's 2.3 million civilian Federal employees. In a brazen act of political opportunism, Speaker BOEHNER is using the public's well-founded dissatisfaction with Congress to bludgeon public servants. H.R. 3835, which we will vote on under suspension of the rules on Wednesday, will freeze pay for Members of Congress . . . and Federal employees.

Two million of the 2.3 million Federal employees—which is 86%—do NOT live in the Washington, DC metropolitan region. They live in what has been referred to fondly as the ''real America.'' The region with the highest percentage (37 percent) of Federal employees is the South, home of such venerable institutions as the Oak Ridge research lab, Red Stone Arsenal, and the Tennessee Valley Authority. The majority of Federal employees work on defense and homeland security. They guard our borders, protect the safety of airline travel, fight forest fires, and track down online child predators. Would it be unreasonable to point out that passage of this bill could aid and abet terrorists, cross-border gun runners, and child pornographers?

We can all anticipate the anonymous PAC-funded television ads that will run against those of us who oppose this ignominious legislation: ''Call and ask why Congressman X voted to raise his own pay.'' The other consequences of this bill, should it pass, are far worse. Freezing pay of a workforce that already receives 26 percent less than the private sector, according to the Bureau of Labor Statistics, will further degrade critical public services and weaken an already fragile economy.

Federal employees' pay has been frozen for the last two years. While private sector pay has grown, Federal pay has stagnated. By denigrating public service and dismantling Federal pay and benefits, we are crippling our ability to recruit and retain the next generation of top tier public servants. The victims of this assault on public employees are our constituents—the public we are supposed to serve—who rely on services provided by Federal employees every day in every American community.

I respectfully request that we maintain whatever shreds of dignity this institution has left and reject H.R. 3835.

Mr. WAXMAN. Madam Speaker, I rise in strong opposition to this latest attack on Federal workers.

H.R. 3835 is not a balanced proposal.

Federal employees have already been asked to make significant sacrifices to help reduce our debt. So far, they have contributed $60 billion through a two-year pay freeze and they face the prospect of furloughs and layoffs in the coming years as the Budget Control Act's automatic cuts reduce agency budgets. Despite this, House Republicans continue to push for expanded concessions in compensation and benefits.

H.R. 3835 would require Federal workers to forego an additional $26 billion in pay over the next decade even though Federal employees actually earn less than their private sector counterparts when factors such as skill and education level are taken into account.

H.R. 3835 is not a serious attempt to address the budget deficit. The $26 billion it would raise over 10 years would cover only 2 percent of the projected budget deficit for FY 2012 alone. True deficit reduction will need to be balanced and sacrifice will need to be shared.

H.R. 3835 is also misguided policy.

The Federal government should not be an employer of last resort. Our citizens depend on our ability to recruit the most qualified individuals to treat our wounded veterans, inspect our food, oversee nuclear power plants, protect us from terrorism, and provide a broad range of other critical services. While H.R. 3835 would get us almost nowhere in tackling our long term debt, and shield the wealthiest individuals and corporations from making any kind of contribution, it would have a devastating long-term effect on the quality of government services and operations.

I urge my colleagues to vote against this legislation.

Mr. HOLT. Madam Speaker, I rise today in opposition to H.R. 3835. This bill is yet another example of the Republican majority's desire to play political games instead of promoting commonsense legislative solutions to our Nation's problems.

Madam Speaker, I believe this is exactly the wrong time to raise salaries for me and my colleagues in Congress. We shouldn't get it. But I do not believe that millions of hard-working Federal employees should be punished. They already gave $5 billion with their salary freeze over the past two years.

One of my top priorities in Congress is protecting the rights of middle class families, which includes many millions of Federal workers. I have the utmost respect for the hard work and public service that Federal civilian employees perform each and every day, and I believe they deserve to be compensated fairly. Federal workers are not overpaid. Comparison studies show that for the educational level and job category, they are paid less than others. In fact, Federal workers with a professional or doctorate degree earn 23 percent less, on average, than their private sector counterparts. In order to attract the most talented men and women to Federal service, it is imperative that we offer competitive salaries and benefits. This legislation sends the wrong message to the millions of men and women who serve the American people. It tells them that we may value the work that they do on behalf of the American people, but not enough to compensate them fairly.

Madam Speaker, this bill is a game. It is not a serious attempt to address the deficit or debt. It is ''gotcha'' politics. Pay for Federal workers did not get us into a deficit—two unpaid wars, a prescription drug benefit, and several tax cuts for the rich blew a hole in the budget. But rather than address those root causes, the majority today is blaming hard-working Federal employees.

Madam Speaker, rather than this phony bill, I am a cosponsor of Ranking Member VAN HOLLEN's legislation to extend the pay freeze for Members of Congress through 2013 without affecting the salaries of the men and women of our Federal workforce. Members of Congress should not get a pay increase this year. This is something we all agree on, Mr. Speaker. When the legislation to forego a cost of living pay raise in 2011 came before this body in April 2010, it passed by a vote of 402 to 15. Bring this bill to freeze Members' pay through 2013 to the floor and I will support it. So would most of our colleagues, I believe.

Mr. MARINO. Madam Speaker, it is undeniable that our nation faces dire economic circumstances. This Congress must continue to cut spending and reduce the size and scope of Washington. I strongly support the efforts of House Republicans to make responsible and necessary cuts to the federal workforce. A responsible federal pay freeze is an important part of that equation, particularly for Members of Congress, the President, and political appointees.

However, I rise today to express concerns regarding H.R. 3835 which we are now considering. I believe that the current pay freeze and a continuation of it has a disproportionate impact on employees that face mandatory retirement age, such as many of our law enforcement officers. These employees put their lives at risk every single day to defend our safety and freedom.

I recently toured several federal prisons located in my district and it is unbelievable what these guards go through to ensure that some of the most violent criminals in America remain behind bars. Due to the physical and mental abuse that these guards go through during their careers, it is mandatory that they retire at 57. Unfortunately, the officers currently near the mandatory retirement age will not be able to make up any lost salary by working a few extra years.

Additionally, I am concerned about the effects a continued pay freeze will have on recruitment and retention of federal law enforcement officers. Prison officers already face a long and rigorous hiring process and deplorably low wages. The prospect of not seeing an increase in pay will add yet another barrier to recruiting the best and most fit to guard our prisons and protect our safety.

I will support this legislation because I believe that Members of Congress and political appointees should not see a pay increase and that a responsible pay freeze is needed. I ask the sponsor of this legislation, House and Senate leaders, and the administration to consider the lasting impacts of a pay freeze on the federal law enforcement officers who put their lives at risk every single day to ensure that our families are safe.

Mr. RAHALL. Madam Speaker, today, I voted in favor of extending the pay freeze on Members of Congress. While Members of Congress should not be getting raises during a recession, our federal employees who provide services to our military members and ensure senior citizens receive their checks on time do not deserve to bear the brunt of cost-cutting efforts. The federal employees who daily show up for work in a spirit of service to our country deserve our respect and support.

Federal employees deserve thanks for the work they do, often at lower pay than they could command in the private sector, out of a spirit of service to our country. These federal workers don't deserve to be the pawns in cynical political showdowns. Shared sacrifice is necessary from all Americans as we continue finding ways to balance budget and to preserve critical programs, targeting one group over another out of political spite is not the answer. Federal workers are hard working American and I thank them for their efforts on behalf of the American people.

Mr. REYES. Madam Speaker, tonight the U.S. House of Representatives will vote on a Republican bill that attacks federal employees and aims to balance the budget on the backs of hard-working federal civil servants for political points. Republicans claim this bill freezes the salaries of Members of Congress, but what they fail to mention is that this bill would also freeze the pay of federal employees, including 10,000 civil servants in El Paso.

Federal employees have already made significant sacrifices to help reduce the government's budget deficit. They are now enduring a two-year pay freeze that took effect in January 2011. Federal employees also face the possibility of layoffs and furloughs in coming years as automatic spending reductions mandated by the Budget Control Act of 2011 cut federal agency budgets.

Republicans need to stop attacking federal employees. This pointless legislation only serves to distract from the real issue: helping revitalize the economy and create jobs. I will continue to stand with federal employees and their families.

The Republican message is clear to our hard-working federal employees, over 12,000 in El Paso, who secure our border, care for our veterans, and protect our air and water—they would rather freeze the wages of middle class workers than raise taxes on the millionaires and billionaires. I want to reassure all federal employees in El Paso that I will continue to work hard against attacks that jeopardize their livelihood and ability to support their families.

Mr. WOLF. Madam Speaker, I do not believe that Members of Congress should receive a pay raise, and that is why I am voting for this bill. However, today's bill isn't just a vote on whether or not to freeze salaries for Members of Congress. The second part of this legislation extends the pay freeze for federal employees for a third consecutive year. This gives me serious pause. These issues should not be tied together. There should be one vote on Member salaries and a separate vote on extending the pay freeze for federal employees.

I am concerned that the language in this bill pertaining to federal employees' pay has not been considered through the normal process. I'm not arguing that freezing Members' salaries needs a hearing. That's obvious. Freezing our pay doesn't need to be vetted.

Federal employees are the issue. This bill has been rushed to the floor less than a week

after being introduced. No hearings have been held. Only 40 minutes of debate are being allowed. No amendments are permitted.

Has anyone fully considered the impact that a three-year pay freeze will have on the CIA, the NSA, the National Reconnaissance Office and the National Counter Terrorism Center?

Or the impact on the FBI, which has, since 9/11, disrupted scores of terrorist plots against our country?

Or the impact on our military, which is supported by federal employees every day on military bases across the Nation?

Or the impact on VA hospitals across the country, which are treating military veterans from World War II to today?

Or the impact on the Border Patrol?

Or the impact on NASA, its astronauts, engineers and scientists, especially on the nine-year anniversary of the tragic loss of the Columbia crew and a week after the 45th anniversary of the loss of the Apollo 1 crew?

Or the impact on NIH, and other federal researchers, scientists and doctors?

Clearly, federal employees don't just sit behind desks. They are members of our communities who are out in the field, often in harm's way, protecting our Nation. Just here in northern Virginia, residents recently mourned the loss of two federal employees who died in the line of duty—U.S. Park Police Sergeant Michael Andrew Boehm of Burke, and National Park Service Ranger Margaret Anderson, who previously worshipped in Lovettsville.

Their sacrifices remind us that many federal employees are often put in dangerous situations. Since 1992, nearly 3,000 federal employees have paid the ultimate price while serving their country, according to the Office of Personnel Management. The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent of mine from Manassas Park. I attended his funeral. Over 100,000 CIA, FBI, DEA agents, and State Department employees have served side-by-side with our military to carry out the War on Terror in locations such as Iraq and Afghanistan. Two years ago, I attended funerals for some of the seven CIA agents who were killed by a suicide bomber at Forward Operating Base Chapman near Khost on the Afghanistan-Pakistan border.

And we should not forget that the CIA agents who planned and helped execute the raid that killed Osama Bin Laden are federal employees.

Every day, Border Patrol agents and ICE agents are working to stop the flow of illegal immigrants and drugs across our borders. Federal firefighters work to protect federal lands and mitigate the spread of deadly fires. Immediately following the December 2011 shooting at Virginia Tech, some of the first law enforcement officers on the scene were ATF agents. These are but a few examples of the vital jobs performed by federal employees.

Federal employees who are not in harm's way on a daily basis are also dedicated public servants. The medical researchers at the National Institutes of Health working to develop cures for cancer, diabetes, Alzheimer's and autism are all federal employees. Dr. Francis Collins, the physician who mapped the human genome and serves as director of the NIH, is a federal employee. The National Weather Service meteorologists who track tornadoes and hurricanes, as well as the FDA inspectors working to stop a salmonella outbreak, are federal employees.

It is cheap grace to claim that today's legislation will in any way address our Nation's fiscal obligations. The national debt is over $15 trillion. It is projected to reach $17 trillion next year and $21 trillion in 2021. We have annual deficits of more than $1 trillion. We have unfunded obligations and liabilities of $65 trillion. This bill does not even direct the Congress to use the ''savings'' from today's bill to be used for deficit reduction or any other particular purpose.

I am concerned that this vote is merely an attempt to position the House to use federal employees as a ''pay-for'' to fund the further extension of the payroll ''holiday'' legislation that is currently before a conference committee.

This is wrong. And my vote today to freeze Members' salaries should not be construed in any way to indicate that I would support such a position from the conference committee. Let me be clear, the payroll ''holiday'' should expire on schedule at the end of this month. It does nothing more than steal from the Social Security Trust Fund, which is already going broke. And, according to recent polling reported by The Hill, most Americans haven't noticed any benefit from this ''holiday.''

Social Security is unique because it is paid for through a dedicated tax on workers who will receive future benefits. The money paid today funds benefits for existing retirees, and ensures future benefits. Because you pay now, a future worker will pay your benefits. That is why, until last year, this revenue stream was considered sacrosanct by both political parties.

Social Security is on an unsustainable path. Today's medical breakthroughs were simply not envisioned when the system was created in 1935. For example, in 1950, the average American lived for 68 years and 16 workers supported one retiree. Today, the average life expectancy is 78 and three workers support one retiree. Three and a half million people received Social Security in 1950; 55 million receive it today. Every day since January 1, 2011, over 10,000 baby-boomers turned 65. This trend will continue every day for the next 19 years. Do these numbers sound sustainable to anyone?

The Social Security Actuary has said that by 2036 the trust fund will be unable to pay full benefits. This means that everyone will receive an across-the-board cut of 22 percent, regardless of how much money they paid into the system.

After months of passionately debating the importance of reducing the deficit, the president and Congress are now continuing to advocate for a payroll ''holiday'' that's barely, if at all, improved our economic outlook and further contributes to our crushing debt burden.

And does it make sense that everyone, regardless of income, will get money from this ''stimulus?'' Does anyone think that Warren Buffet changed his buying habits as a result of this temporary suspension? Or did General Electric's CEO, Jeffery Immelt, the head of President Obama's Council on Jobs and Competitiveness who recently shipped GE's medical imaging division from Wisconsin to China, benefit from this ''holiday?'' Leadership from both parties have stated that extending this policy is paramount. I regret that time is being spent on a flawed policy instead of tackling the difficult choices to address our nation's unfunded spending obligations.

We all know what needs to be done to address the deficit and debt and that is why I have supported every serious effort to resolve this crisis, including the Bowles-Simpson recommendations, the Ryan Budget, the ''Gang of Six,'' the ''Cut, Cap and Balance'' plan and the Budget Control Act.

I also was among the bipartisan group of 103 members of Congress who urged the supercommittee to ''go big'' and identify $4 trillion in savings. I voted for the Balanced Budget Amendment to the Constitution, which would have established critical institutional reforms to ensure that the federal government lives within its means. In addition, since 2006, I have introduced my own bipartisan legislation, the SAFE Commission, multiple times.

While none of these solutions were perfect, they all took the necessary steps to rebuild and protect our economy. In order to solve this problem, everything must be on the table for consideration—all entitlement spending, all domestic discretionary spending, including defense spending, and tax reform, particularly changes to make the tax code more simple and fair and to end the practice of tax earmarks and loopholes that cost hundreds of billions of dollars annually.

Yet on the floor today, the Congress won't even, at a minimum, commit the savings from this bill towards deficit reduction. There is something fundamentally wrong with this scenario.

I've always had a policy where my staff in Washington, Herndon and Winchester were treated the same as federal employees. They work hard. But when federal employees faced furloughs, so did my staff. And because federal employees work under a pay freeze, my staff is working under a pay freeze. I have always felt that federal employees, and congressional staff, committee and leadership staff, should be treated equally. I feel that the moral choice has always been to treat everyone equally.

Above all, we should not let today's vote distract us from having the difficult conversations that are necessary to ensure that programs and services are reduced in a manner that responsibly lowers the deficit. There is never a convenient time to make hard decisions, but the longer we put off fixing the problem, the worse the medicine will be and the greater the number of Americans who will be hurt. America is living on borrowed dollars and borrowed time. We must stop leaving piles of debt to our children and grandchildren.

It was disappointing to hear the president deliver a campaign speech from the floor of this House during the State of the Union. It is disappointing that this House is now following his lead.

Federal employees live, work, pay taxes, liaise with contractors and businesses, and spend the money that is driving the private sector growth here in Virginia. We shouldn't use them as offsets for a failed policy that steals from Social Security.

Voting to freeze member pay is the easy thing to do. Let's be sure that today's actions don't distract us from the tough choices ahead. We should let the payroll ''holiday'' expire on schedule. We should put everything on the table—including discretionary spending, tax earmarks and loopholes, defense spending, and entitlements to address our nation's debt. We should be balancing our books to eliminate the need for sequestration. It's time to get to work.

Let's not continue to kick the can down the road as we wait for a better political moment. I stand ready to continue to work with my colleagues to find real, comprehensive reforms to our spending, tax, and entitlement systems to ensure that these programs exist. Our children and grandchildren deserve nothing less.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in opposition to H.R. 3835, which would extend the pay limits for federal employees through 2013. Nearly 2 million federal civilian workers stand to be affected by this pay freeze if it is enacted by Congress.

For the last two years, federal employees and their families have suffered the consequences of an across-the-board pay freeze. While the cost of vital goods such as food and gas, medical expenses, and rent continue to rise, H.R. 3835 seeks to prolong that burden on millions of families by extending this pay freeze for another year. Federal employees and their families are no less affected by downward trends in the economy than any others in the workforce, and it is unfair to ask that they continually make these sacrifices when Congress will not even ask the same sacrifice of millionaires, billionaires, and the largest corporations.

These kinds of pay freezes do more than just take precious disposable income away from working families. So many federal workers came to the federal government because they have excellent credentials and are committed to public service. By limiting the amount of money that the federal government can offer to prospective employees, Congress is effectively limiting its own ability to attract and retain highly-educated and highly-skilled workers to carry out important roles such as national security, maintaining critical transportation infrastructure, and caring for our veterans.

Madam Speaker, H.R. 3835 is simply another partisan attempt to hold working families hostage for petty political gain. Federal employees have already contributed $60 billion toward reducing the deficit the past two years, and it is time to finally ask the wealthiest businesses and members of society to start paying their fair share. H.R. 3835 is sorely misguided and I will oppose this bill in any way that I can.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. ROSS) that the House suspend the rules and pass the bill, H.R. 3835.

The question was taken.

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

Mr. ROSS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ADJUSTING EXPENSES OF CERTAIN HOUSE COMMITTEES IN 112TH CONGRESS

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 496) adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 496

Resolved,

SECTION 1. ADJUSTMENT OF AMOUNTS OF COMMITTEE EXPENSES FOR THE ONE HUNDRED TWELFTH CONGRESS.

(a) AGGREGATE AMOUNT FOR CONGRESS.—Notwithstanding section 1(b) of House Resolution 147, the amount paid out of the applicable accounts of the House of Representatives with respect to the One Hundred Twelfth Congress for the expenses (including the expenses of all staff salaries) of each committee named in such section shall be as follows: Committee on Agriculture, $11,848,132; Committee on Armed Services, $14,900,023; Committee on the Budget, $11,680,246; Committee on Education and the Workforce, $16,158,348; Committee on Energy and Commerce, $21,678,149; Committee on Ethics, $6,218,310; Committee on Financial Services, $16,825,969; Committee on Foreign Affairs, $17,331,982; Committee on Homeland Security, $16,347,050; Committee on House Administration, $10,118,345; Permanent Select Committee on Intelligence, $9,977,660; Committee on the Judiciary, $16,265,122; Committee on Natural Resources, $15,235,867; Committee on Oversight and Government Reform, $20,546,873; Committee on Rules, $6,566,883; Committee on Science, Space, and Technology, $12,671,660; Committee on Small Business, $6,598,427; Committee on Transportation and Infrastructure, $19,195,872; Committee on Veterans' Affairs, $7,049,575; and Committee on Ways and Means, $18,975,444.

(b) SECOND SESSION LIMITATIONS.—Notwithstanding section 3(b) of House Resolution 147, the amount provided for the expenses of each committee named in such section which shall be available for expenses incurred during the period beginning at noon on January 3, 2012, and ending immediately before noon on January 3, 2013 shall be not more than the following: Committee on Agriculture, $5,658,638; Committee on Armed Services, $7,374,759; Committee on the Budget, $5,647,061; Committee on Education and the Workforce, $7,812,094; Committee on Energy and Commerce, $10,697,209; Committee on Ethics, $3,393,775; Committee on Financial Services, $8,384,705; Committee on Foreign Affairs, $8,379,512; Committee on Homeland Security, $7,903,326; Committee on House Administration, $5,169,169; Permanent Select Committee on Intelligence, $4,823,910; Committee on the Judiciary, $7,863,716; Committee on Natural Resources, $7,366,101; Committee on Oversight and Government Reform, $9,933,819; Committee on Rules, $3,174,898; Committee on Science, Space, and Technology, $5,986,023; Committee on Small Business, $3,383,536; Committee on Transportation and Infrastructure, $9,280,649; Committee on Veterans' Affairs, $3,446,830; and Committee on Ways and Means, $9,174,079.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Pennsylvania (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 496.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 496. This resolution adjusts the amounts provided for the expenses of the select and standing committees of the House of Representatives in the 112th Congress.

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Last November, the Committee on House Administration held a full-day hearing at which we heard from our chairs and ranking members. At that hearing, we discussed how each committee absorbed the 5 percent budget reduction implemented at the beginning of the 112th Congress and how, as we continue to reduce government spending, they will manage additional reductions this year.

Madam Speaker, I know, as a committee chairman myself, that we face the difficult task of doing more with less. Yet I also know that my constituents, all of our constituents, need us to do more with less and to rein in government spending. Families have been required to tighten their belts, and they constantly ask us to do the very same thing. They do not suggest it is easy, because it has not been easy for them. But they ask of us that which they have asked of themselves. Today's economy has forced our constituents to sacrifice and, as I say, tighten their financial belts to make ends meet at home. Congress should not be and will not be immune.

While most committees are taking a 6.4 percent cut in line with the reduced funding levels of the 2012 legislative branch appropriation, certain committees faced with additional oversight responsibilities in 2012 were cut at a smaller percentage in order that they might be able to conduct their work.

Particularly daunting will be the Armed Services' charge of managing the automatic sequestration of $600 billion in defense cuts triggered by the Budget Control Act. And I hasten to add that is in addition to, or on top of, the $400 billion cut that is already being enforced by prior decisions by this Congress and the President.

In addition to Armed Services, the Ethics Committee, tasked with holding Members and staff to the highest ethical standards, has requested and will receive a reprieve from funding reductions.

To help offset these exceptions and match the reduced appropriations, we've identified and reduced authorizations of three committee budgets that we feel are able to absorb a slightly higher reduction in 2012. In addition to

our committee, the Committee on House Administration, the Committee on Science, Space, and Technology, and the Committee on Small Business will receive a slightly higher reduction than the 6.4 percent applied to the remaining House committees.

Madam Speaker, as we've demonstrated over the past year, this House is committed to living within its means and leading by example by putting an end to excessive spending. Our committees do vitally important oversight of the executive branch and Federal agencies, and that ought to be underscored if we are, in fact, going to be successful in holding down and controlling spending in the executive branch. We, the legislative branch, are the extension of the people we represent in an oversight capacity, and that is an extremely important responsibility. Our committees, as I say, do vitally important oversight of the executive branch and our Federal agencies; and while these reductions in committee funding will require committees to allocate their resources more judiciously, I am confident, based on the hearing, that they are prudent and manageable.

Madam Speaker, these are extraordinary times. We face extraordinary debt, deficits, and unemployment. Trillion-dollar deficits year after year after year would be practically unheard of just a couple of years ago; yet, unfortunately, they have become commonplace. That is unacceptable. We haven't had an unemployment rate at the levels we have seen for such a sustained period of time since the Great Depression. Those are not facts that I like to recite on this floor, but those are the real facts that face our constituents every single day.

Unfortunately, my area, over the last several years, we have had a higher unemployment rate than that which has prevailed in this country. California has had an unemployment rate, I believe, that has been the third worst in the entire country. We are not immune from what is being felt by the rest of the country. And when I am home, as I am sure other Members have found in their districts when they are home, we constantly hear the refrain, Where are the jobs? And following that, we hear the refrain, Why don't you get your House in order, referring to the entire Federal Government. Why don't you bring spending under control, because we believe it has a specific and direct and immediate drag on our ability to create jobs in this country. That ought to be, along with national defense, homeland security, our greatest objective.

And so this is just a small part of our effort to be responsible. Through the adoption of this resolution and the 5 percent cut during our first session of the 112th Congress, this House is doing its job to step up to the plate and reduce spending and find cost savings wherever possible. We are taking bold steps to demonstrate our commitment to reduced spending and tighter budgets.

This is not easy. I don't suggest it is. It is not easy to say that we are going to bring our budgets down and that our employees are not going to have increased salaries along with Members of Congress, but it is at least what we ought to do.

Combined, I would say these measures—that is, last year and this year—represent the largest percentage cut to committee budgets since the 104th Congress, when the House then adopted a resolution with an amendment by then-House Administration Committee Member JOHN BOEHNER to reduce committee funding by 30 percent.

Madam Speaker, H. Res. 496 was reported out of the committee in December, and I now look forward to its passage by the House. I support H. Res. 496 and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I rise in opposition to House Resolution 496, and I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to House Resolution 496, which would reduce spending in most of the committees of the House by an average of 6.4 percent below the level provided in House Resolution 147, which was adopted last March. That resolution, which passed the House unanimously, cut committee funding 5 percent lower than the levels for the 111th Congress.

I've been pleased to work in a bipartisan fashion with my friend and my chair, Mr. LUNGREN, to find ways to reduce the cost of running Congress. We have worked together in finding cuts in printing, subscription, and technology services, and we have worked together opposing cuts to the Capitol Police and in providing for the safety of our visitors and our staff. But this deeper cut to committees is the wrong cut at the wrong time.

In reality, we have no idea what effect these new cuts will actually have on committee operations. Testimony at our committee's oversight hearing last November by both chairs and ranking members confirmed that additional budget cuts could undermine our ability to conduct legislative and oversight operations.

I am fearful that further cuts to committees could continue to handicap our ability to effectively oversee the executive branch. We are cutting deeply into committees who oversee billions of dollars of Federal spending. We may not agree on this resolution, but we certainly agree that Congress is the first watchdog on executive power and executive spending. We need the necessary tools, and they need the necessary tools, to do that work.

I urge my colleagues to defeat this resolution. I urge a ''no'' vote, and I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. At this time, Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. HARPER), the chairman of the Subcommittee on Elections on House Administration.

Mr. HARPER. Madam Speaker, as a member of the Committee on House Administration, I rise in support of H. Res. 496, the 2012 committee funding resolution, with full knowledge of the impact the reduced funding levels contained in this measure will have on the committee system.

For example, the chairman of the Energy and Commerce Committee, on which I also serve, stated during the day-long hearing on this resolution that his committee would not be able to hold valuable field hearings during 2012 and would have to restrict other committee activities. More severe still, more than one ranking member stated that committee staff would have to be laid off as a result of the funding reductions contained in the resolution. This is unfortunate, but many American families have faced reduced activities and layoffs as a result of the current economic times, and Congress cannot exempt itself from such pain.

This resolution will roll back committee funding to pre-2007 levels and is, I think, a necessary action as we cut spending throughout the Federal budget. The committee went to considerable lengths to be fair both to all the chairmen but also to the minority with no change made to the traditional funding split between the majority and minority. This resolution will mean that the current Congress will spend almost 10 percent less than the previous Congress did. It requires every Member of this body, in a nonpartisan manner, to participate in the austerity that the American people and the rest of their government are experiencing.

I commend Chairman LUNGREN for his work on this resolution, and I urge a ''yes'' vote on the resolution.

□ 1330

Mr. BRADY of Pennsylvania. I continue to reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 3 minutes to the gentleman from Georgia, Dr. GINGREY, who is chairman of the Subcommittee on Oversight on the House Administration Committee.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I rise in strong support of H. Res. 496, offered by my good friend, the chairman of the House Administration Committee, Mr. LUNGREN.

With all due respect to the ranking member, Mr. BRADY from Pennsylvania, I have to agree with the chairman that this runaway spending that we have seen occur over the last 4 to 6 years has got to stop. And the American people clearly, Madam Speaker, are looking to Members of Congress to tighten their own belt. And that's why I think it's very important that we give them the message that we're willing to cut our own salaries, we're really willing to cut our own benefit package. And we have done that; we have voted to do that.

And these cuts, as painful as they are in regard to our House committees—indeed, 9.5 percent when we include this cut over all of the committees, although we do cut the House Committee on Armed Services by a lesser amount, and we plus-up the House Ethics Committee, and we think that's very important.

It is so crucial that we bite the same bullet that everybody else has to bite. And this bloated spending, this runaway spending that occurred during the previous majority in this House has got to stop. Spending $850 billion on a failed stimulus program, increasing the deficit—doubling it, in fact—having over $1 trillion worth of deficit spending for now 4 years in a row when we anticipate the President's next budget, this has got to stop.

So we have to put our money where our mouth is, we have to walk the same walk as everybody else, and we have to tighten our belt. So, Madam Speaker, that's why I stand here today as a member of the Committee on House Administration and one of the subcommittee chairs in strongly endorsing and supporting these necessary, painful cuts in H. Res. 496. I hope we will have support on both sides of the aisle. I'm confident we will.

I respect, as I say, the ranking member. He's a great Member, he works in a bipartisan way, and that's what this is all about.

Mr. BRADY of Pennsylvania. I continue to reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. NUGENT), a distinguished member of the House Administration Committee and the Rules Committee.

Mr. NUGENT. Madam Speaker, I rise today in support of this resolution. This is an important resolution because it brings us back to the greatest cut since the 104th Congress.

You know, in tough times like today where the American people are pinching pennies to get by, shouldn't they have the same expectation of those that serve them in this great House? I believe they should.

You know, when talking to people in my district, they ask and say, what are you doing to get your house in order? By supporting this piece of legislation, this truly talks about cutting the spending in D.C. While it's a small amount comparative to the whole budget, it is the right step in the right direction. It is about doing more with less. The American people are doing that today. So why shouldn't this government do the same thing? I appreciate where the chairman, Mr. LUNGREN, has brought us in regards to this important piece of legislation. It really moves us in the right direction.

Cuts across the board are tough; and if you notice what this committee did is it didn't cover everybody the same, didn't treat everybody the same. Under Chairman LUNGREN's leadership, and also the ranking member, they did it, I believe, in a bipartisan way, that didn't take away from the minority in regards to funding as it relates, nor differently than it did from the majority.

So, Madam Speaker, I strongly support this resolution as we move forward to cut the budget of committees in this House, just like the American people have had to cut their budgets in their house.

Mr. BRADY of Pennsylvania. Madam Speaker, I continue to reserve.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I'm prepared to close out the debate. I have no other speakers. So if the gentleman would finish his time, I would be happy to as well.

Mr. BRADY of Pennsylvania. I thank the gentleman again.

I urge my colleagues to defeat this resolution, and I urge a ''no'' vote.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I would just say that this is an effort on our part to give an example to the rest of the government. This will be a culmination of about a 10 percent cut overall to the committees of this House. We have had combined cuts in terms of our own MRAs, that is, the amount that each Member has for his budget. And I think as we go forward and having to make some very difficult decisions with respect to future controls of spending on the Federal establishment in its entirety, it will serve us well that we have shown the way, that we can make difficult decisions in this regard, and that this is an appropriate, responsible action to take.

With that, I would urge my colleagues to vote for H. Res. 496.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and agree to the resolution, H. Res. 496.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF THE 25TH EDITION OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 90) authorizing the printing of the 25th edition of the pocket version of the United States Constitution, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 90

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 25th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 235,500 copies of the document, of which 220,500 copies shall be for the use of the House of Representatives, 10,000 copies shall be for the use of the Senate, and 5,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $114,849, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

(c) DISTRIBUTION.—The copies of the document printed for the use of the House and the Senate under subsection (a) shall be distributed in accordance with—

(1) a distribution plan approved by the chair and ranking minority member of the Committee on House Administration of the House of Representatives, in the case of the copies printed for the use of the House; and

(2) a distribution plan approved by the chair and ranking minority member of the Committee on Rules and Administration of the Senate, in the case of the copies printed for the use of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on House Concurrent Resolution 90.

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

There was no objection.

PERMISSION TO PRINT STANDARDS FOR ELECTRONIC POSTING OF HOUSE AND COMMITTEE DOCUMENTS AND DATA

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that the Standards for the Electronic Posting of House and Committee Documents and Data, which were adopted by the Committee on House Administration on December 16, 2011, be printed in the CONGRESSIONAL RECORD.

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

There was no objection.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5

legislative days in which to revise and extend their remarks and include extraneous materials on the Standards for the Electronic Posting of House and Committee Documents and Data.

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

There was no objection.

WELFARE INTEGRITY NOW FOR CHILDREN AND FAMILIES ACT OF 2011

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3567) to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3567

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 ''Welfare Integrity Now for Children and Families Act of 2011'' or the ''WIN for Children and Families Act''.

SEC. 2. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following new paragraph:

''(12) STATE REQUIREMENT TO PREVENT UNAUTHORIZED SPENDING OF BENEFITS.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in—

''(i) any liquor store;

''(ii) any casino, gambling casino, or gaming establishment; or

''(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

''(B) DEFINITIONS.—For purposes of subparagraph (A)—

''(i) LIQUOR STORE.—The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

''(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms 'casino', 'gambling casino', and 'gaming establishment' do not include a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.

''(iii) ELECTRONIC BENEFIT TRANSFER TRANSACTION.—The term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.''.

(b) PENALTY.—Section 409(a) of the Social Security Act (42 U.S.C. 609(a)) is amended by adding at the end the following new paragraph:

''(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES.—

''(A) IN GENERAL.—If, within 2 years after the date of the enactment of the WIN for Children and Families Act, any State has not reported to the Secretary on such State's implementation of the policies and practices required by section 408(a)(12), or the Secretary determines, based on the information provided in State reports, that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—

''(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and

''(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.

''(B) REDUCTION OF APPLICABLE PENALTY.—The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.

''(C) STATE NOT RESPONSIBLE FOR INDIVIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A).''.

(c) CONFORMING AMENDMENT.—Section 409(c)(4) of the Social Security Act (42 U.S.C. 609(c)(4)) is amended by striking ''or (13)'' and inserting ''(13), or (16)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

□ 1340

GENERAL LEAVE

Mr. BOUSTANY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

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

I rise today, Madam Speaker, in support of H.R. 3567, a bill to ensure taxpayer dollars in the Temporary Assistance for Needy Families program are used as intended, and that is to provide support for low-income families and children and to help them move from welfare to work.

The TANF program was created in 1996, replacing the prior welfare program with one focused on work, providing short-term help, child care, and other work supports to get people back on their feet and earning a paycheck. In the years following, TANF was lauded as one of the most effective reforms in our social welfare system in American history. Employment rates of those on welfare surged, caseloads plummeted, child poverty rates fell, and taxpayers were confident they were actually helping poor families, knowing that they were providing them with a hand up and not a handout.

Unfortunately, Madam Speaker, an issue has arisen in TANF that is eroding public confidence in the program. This is the issue of TANF funds, money meant to help poor children and their families, being accessed and used in liquor stores, strip clubs, and casinos. What started less than 2 years ago as research by one reporter in Los Angeles has grown into dozens of investigations across the country, with each new investigation adding to the story of how millions of dollars in TANF funds have been accessed in these locations.

Let me just mention some of what has been uncovered:

An Arizona investigation found welfare funds were accessed in liquor stores over 100 times in just 3 months;

A California reporter uncovered that welfare recipients cashed out over $4.8 million in TANF funds in casinos over a 3-year period;

A Colorado news organization found cash was being withdrawn in strip clubs, casinos, and liquor stores, despite a State law on the books prohibiting such transactions;

An investigative report in Georgia revealed $150,000 in TANF money was withdrawn in liquor stores, bars, and nightclubs;

KING 5 News in Seattle found 13,000 TANF recipients who had collectively withdrawn approximately $2 million from casinos in 2010.

Madam Speaker, this is unacceptable. This is unacceptable to the American people.

When the L.A. Times revealed their shocking statistics on the millions in welfare that had been accessed in casinos, liquor stores, and strip clubs, the Governor of California took action to block these transactions immediately. Washington and New Mexico have prohibited access to welfare benefits in casinos. Texas prohibits the use of welfare benefit cards in liquor stores and casinos as well.

The legislation before us today would ensure that taxpayer dollars in the TANF program are being used as intended, and that is to assist poor families with their basic needs and to support them in their efforts to become self-sufficient. Under this bill, States would be required to block welfare benefit card transactions in casinos, liquor stores, and strip clubs and would be penalized if they do not implement such policies within 2 years of this bill becoming law.

This bill will also help restore the public's trust in the integrity of the program while ensuring families across the country continue to receive the assistance they need to move from government dependence to independence.

The bill we're considering today simply consists of one of the TANF provisions in H.R. 3659, the Welfare Integrity and Data Improvement Act that

was unanimously passed in the House in December. A provision closing what has been called the ''strip club loophole'' was also included in the Middle Class Tax Relief and Job Creation Act that also passed the House in December and is now in conference with the Senate.

With the exception of several technical changes suggested by the Department of Health and Human Services, it is also identical to bipartisan legislation introduced in the Senate last year by Senator HATCH and cosponsored by Senator BAUCUS, the ranking member and chairman of the Senate Finance Committee, respectively. I thank them for their hard work on this bill as well.

Passing this bill today will send three clear messages:

First, the House is serious about this bipartisan, bicameral reform becoming law, ensuring welfare funds are spent on families and children as intended;

Second, conferees on the yearlong payroll tax, UI and TANF extenders bill, should include this bipartisan provision in their conference agreement;

Third, if those conference discussions break down, the Senate will be able to join us in quickly passing this important bipartisan reform and getting it to the President's desk.

I urge all my colleagues to support this important legislation.

I reserve the balance of my time.

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

Madam Speaker, I'm against fraud. I think everyone here is against it. I'm for what's in this bill. That's why I voted for it back in December, and I'll vote for it next month, too, if that will make for more cooperation here in the House. I think, in a way, this is this election year's ''welfare Cadillac.'' And I was against welfare Cadillacs, if there ever were any of those, too.

This year, we have the ''strip club loophole'' that has been defined as a political term to suggest that we have a lot of problems with poor people abusing their benefits. And to the extent that any poor person abuses even a dollar of these benefits and keeps those benefits out of the mouths of hungry children, providing the clothes those kids need to go to school, I'm against that, and I plan to vote against it today.

I favor comprehensive legislation against fraud in public assistance. It concerns me when a pharmaceutical company ends up having to settle for $158 million in my home State of Texas because they allegedly lied about drug safety and bribed officials. It concerns me when a pharmaceutical company in the State of Texas has an $84 million Medicaid fraud case brought against it. I think we need to be concerned about fraud in all of its aspects.

I'd feel better about this bill, however—because I think repassing it will accomplish practically nothing, I'd feel much better about this legislative effort if there were just an ounce of the concern that is voiced about the very few people who abuse these benefits, if the same level of concern were expressed about the many who are there who are counting on the safety net, as flawed and frayed as it is, who were concerned about them and their families and their struggle to share in the American Dream and were doing something to get that approved.

Yes, we approved this piece of legislation as part of a broader extension of the Temporary Assistance to Needy Families program in December. And why hasn't that become law?

It is separate legislation pending in the Senate. It is also part of the broader legislation extending the provisions on unemployment, on payroll tax relief. It ought to become law because we need to be concerned about those families that are playing by the rules as well as the very few who are not playing by the rules.

Now, the gentleman has said that in some States action has already been taken—California, notably—to deal with the few who might be cashing their benefits at a casino or a liquor store or whatever. Texas, my home State, was cited as one of those States that has already taken action. I think that's great. There's not anything to keep the States from taking action on this already, if this is a serious problem.

Now, some of them have not acted, not because of a lack of concern about fraud but because the mechanics of correcting these electronic benefit cards may actually be more expensive than the cost that is being experienced by the small number of people that might abuse the card.

You take Arizona, for example. Governor Brewer has plenty of time to shake her finger in the face of the President of the United States, to support legislation to discriminate against Hispanic families, who have been in that State for longer than she and her family have been in the State. If she thinks this is a serious problem, why doesn't she act at the State level, as Texas and California and some other States have done, to address this problem?

I would submit, while I don't object to this legislation in and of itself, that the bigger problem that we face is that the number of poor American families has surged over the last 4 years, up 27 percent. Ten million people are below what is officially agreed on as being the poverty line. And this Temporary Assistance to Needy Families program provides a few of those families a little bit of assistance, to have a chance to turn their lives around until they can find longer term employment to provide for their families.

□ 1350

How much money are we talking about that might be abused or wasted at one of these facilities, which might just happen to be the maintenance crew at the casino that use their benefits there. Or it might just happen to be the only store convenient in a poor neighborhood is one that's mostly selling alcoholic beverages, that they choose to do that. How much might they be abusing?

Let me tell you in my home State of Texas the median benefit for a single parent with two children is $244 for an entire month to take care of those two children, 16 percent of the poverty level.

I want to be concerned, yes, about a dollar that is wasted. These are hard-earned tax dollars that go into these programs. We need to be concerned about every cent of abuse. But we also need to be concerned about the many who stand to benefit, who stand to have hope taken away if they don't see these benefits extended.

My concern about that is not merely academic because of what happened last year, the bipartisan agreement that had extended through many years called the supplemental program, which was really a survival program for Temporary Assistance for Needy Families in poorer States like Texas. The Republicans chose to discontinue that program even though it had enjoyed bipartisan support and had received support letters from a number of Republican officials in our area. They chose to not continue that, and that has severely weakened the safety net in our State. That's not being continued.

Whether they intend to abandon the entire Temporary Assistance for Needy Families program or cut it back substantially, it's hard to tell, given the fact that they're going only with the very modest provisions of this bill and not pushing to provide assistance to all of those who need that help.

I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I am very pleased to yield such time as he may consume to the distinguished chairman of the Subcommittee on Human Resources on the House Ways and Means Committee, the gentleman GEOFF DAVIS from the great State of Kentucky, the author of the TANF reauthorization, who cares deeply about the integrity of this program.

Mr. DAVIS of Kentucky. Madam Speaker, I would like to take a moment before speaking on this measure to respond to the gentleman's remark, my friend, the distinguished gentleman from Texas and ranking member on the subcommittee.

We've worked very hard over the last year on the issue of data standardization, correcting flaws in the system, got the first data standardization language in the history of the country, an act that would begin to address issues like this. I beg to respectfully disagree with the position that the ranking member took on this, talking about the idea of convenience with the casino or adult establishments.

As somebody who grew up in interesting circumstances and has done a lot of volunteer work over the last 30 years with folks with challenges, the

first question that I would ask if somebody is in need of assistance is, what in the world are they doing using a card to get cash inside of a casino. I'm not impugning anybody's integrity, but as somebody who can look across the river from where I live where there are several casinos, there are more than enough establishments, and I think the deeper question that we have to address is how our funds are going to be used when we help those who are in need. There are legitimate needs that these people have, and we've got to make sure that this program is tight, that it has the integrity to function so that every dollar is going to meeting those basic needs. I think it's a very small thing to bring this type of integrity to the program.

I rise in support of H.R. 3567, the Welfare Integrity Now for Children and Families Act of 2011, introduced by my close friend from Louisiana, Congressman CHARLES BOUSTANY.

Temporary Assistance for Needy Families, or TANF, is a program that provides support for low-income families and children that helps them to move from welfare to work. It was a successful reform since it replaced the New Deal-era welfare programs in 1996, and TANF has been successful at cutting welfare dependence by 57 percent.

Are there opportunities to improve the program, to strengthen the program? Absolutely. There are a variety of issues and core processes that need to be addressed to bring more private sector practices into the management and administration of the program, like the data standardization that I talked about earlier, to allow us to understand how funds are being used and how better to serve those who are being helped by providing information to those on the front line.

Even more importantly, though, by promoting work among single parents, who are the most common welfare recipients, it helps significantly reduce child poverty in female-headed families over time. Even at today's elevated unemployment rates, TANF continues to promote more work and earnings and less poverty.

Despite this overall progress, TANF can and should be strengthened. Recently, concern has been raised about TANF benefits being withdrawn and used at strip clubs, liquor stores, and casinos. This is inappropriate as a use of taxpayer dollars and an outright abuse of taxpayer trust. Indeed, as my colleague from Louisiana highlighted, many local news investigations and exposés have verified this unfortunate abuse of a well-intended program.

One of the most shocking reports to me was from King 5 News in Seattle, Washington. They discovered through an investigation that 13,000 TANF recipients withdrew approximately $2 million at casinos just in 2010.

I think it's very reasonable from an oversight position to ask the question, why are they in the casino in the first place? The use of these dollars can't possibly be meeting basic grocery needs and things like that in an establishment like that or any other type of adult establishment.

Luckily, some States like Washington, New Mexico, and Texas have begun to take action on a local basis, but I believe this is one issue that we need to address at the Federal level, at the core, first by stopping this problem as a symptom and then dealing with the deeper systemic and process issues that we can establish through data standardization and simple controls so these cards will not even work in such an establishment.

H.R. 3567 would close the so-called ''strip club'' loophole within 2 years of enactment. The States would be required to block welfare benefit card transactions in casinos, liquor stores, and strip clubs. In plain language, welfare benefits could no longer be accessed at any of these facilities.

The same provision was included in H.R. 3630, the Middle Class Tax Relief and Job Creation Act, as well as H.R. 3659, a standalone TANF extension bill introduced by Congressman ERIK PAULSEN, both of which passed the House in December. This bipartisan, bicameral program integrity provision will safeguard taxpayer funds from abuse and ensure that TANF benefits will continue to provide a helping hand to families that are in need.

I urge my colleagues to support H.R. 3567.

Mr. DOGGETT. Madam Speaker, I commend the gentleman for his service as our subcommittee chair and on the data issue that will be important in reducing any kind of abuse of public assistance.

I now yield 2 minutes to my colleague from the Budget Committee and someone who's very knowledgeable about this, Ms. MOORE from Wisconsin.

Ms. MOORE. Madam Speaker, I rise in strident opposition to the underlying bill. I think that it's fairly cynical in these tough economic times when half of all Americans are either in poverty or at the precipice of poverty the Republicans want to impose even more barriers on families trying to access much-needed benefits.

I really don't think that this bill adds to self-sufficiency of families but rather is just more mean-spirited berating of low-income people who are eligible for these benefits, much like the mythical welfare queen or even the food stamp President.

This bill that includes the provision that blocks EBT cards from being used at liquor stores, strip clubs, and casinos, the proponents of this argue that there is no reason to use EBT cards in places like this. But I say it is an issue of universal access. I mean, if you want to stop to buy gas for your automobile and you live in Nevada and you work at one of the clubs or hotels, or you're living in a food desert in Chicago where the closest ATM is a liquor store, what stops people from going to Whole Foods and using the ATM card there and then going to a casino? It is just another effort to berate those people who are in the lower class.

My colleague has already mentioned the additional burden that this imposes on States and financial institutions who will have to reconfigure thousands of ATMs.

My friends on the right side love to use the term ''class warfare.'' And they love to say that we're just trying to pick on the 1 percent of this country.

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

Mr. DOGGETT. I yield the gentlelady 1 additional minute.

Ms. MOORE. But I say who's really working for the least of these?

Instead of hindering the American people, we need to be helping them, to provide greater access. Instead of passing these unproductive, symbolic, mean-spirited pieces of legislation, we need to create jobs and opportunities. I hope that the American people, Madam Speaker, can see the difference.

□ 1400

Mr. BOUSTANY. I want to thank the gentlewoman for raising the concern about ensuring that TANF recipients have adequate access to their benefits in a variety of locations. That's a very important consideration.

This bill requires States to block access to welfare benefits in casinos, liquor stores, and strip clubs. However, we know some grocery stores, convenience stores, and local markets may sell groceries but also sell alcohol and that some States may have gambling machines there as well. Because of this, the bill allows States to make accommodations for such stores so that they would not have to block transactions in places that sell groceries but that also sell alcohol. If a grocery store happens to have a gaming machine or if it's located in the same building or complex as a casino, there are provisions made in this.

So I thank the gentlewoman for raising this issue, but I'm glad that we can ensure the integrity of this program. I would submit the most important thing we can do is to ensure the integrity of the program so that it is there for the children and families that need it. Yet we want to ensure that there is not an overt abuse of these funds in strip clubs, casinos, and liquor stores while allowing for reasonable exceptions.

Also, I thank the gentlelady and the ranking member from Texas for raising the concern as to the issue of implementation cost, and I want to address that as well.

Some States have expressed that we have a loophole that could potentially be too costly or too difficult to close. However, I want to point out that these difficulties have been overstated. Washington State said the same thing when it was told $2 million in TANF funds were being withdrawn in casinos in 1 year.

Madam Speaker, I submit for the RECORD an article from KING 5 News in

Seattle, Washington, that speaks directly to this issue. It talks about the surprising number of TANF withdrawals in casinos in the State, and it reports the State said the same things that we're hearing today in that it may be hard to close this loophole or that it would be too expensive to stop.

This article goes on to read:

''It turns out the fix wasn't difficult or expensive. For the Iron Horse Casino, it took about 4 minutes on the phone. Kealy,'' the casino owner, ''says, in minutes and at no cost, his ATM vendor blocked EBT cards . . . Kealy and many other casino owners didn't wait for orders from the State. They already reprogrammed their ATMs . . . He's a board member of the Washington Restaurant Association, which he says is preparing to ask bars and taverns—businesses that are more alcohol than food oriented—to block EBT access to their cash machines. Kealy says that would mean another 2,000 ATMs couldn't be accessed for welfare cash benefits.''

So I appreciate the concerns about the cost, but I believe closing this loophole simply won't be as difficult as some are making it out to be.

[From KING5.com, Sept. 23, 2010]

MORE BUSINESSES MAY PULL PLUG ON WELFARE CASH CARDS

(By Chris Ingalls)

Many casinos in the state have taken steps to cut off the flow of cash to welfare recipients. This follows a KING 5 Investigation that showed millions of tax dollars being dispensed through casino cash machines.

Now we've learned thousands more ATMs could be blocked at other businesses where welfare dollars may not belong. Bars and taverns in Washington may follow the lead of casinos, which have already started reprogramming their ATMs so they won't dispense cash from EBT cards that are distributed to welfare recipients.

State records show the two ATMs at the Iron Horse Casino in Auburn dispensed $780 in welfare in the month of July alone.

''Whew! It's unbelievable,'' said Iron Horse customer Louie Vaccaro. ''We have so many problems in this state. To hear something like that is mind boggling.''

''I was surprised by that,'' says the casino's owner Chris Kealy. ''I did not know those cards could be used at these machines.''

Kealy saw our stories last week that showed more than $2 million in welfare cash withdrawn from ATMs in and around casinos in the last year. Initially the Department of Social and Health Services, DSHS, said putting a stop to those questionable withdrawals might be too difficult or costly.

''If we find that this is a small incidence that's happening, it might not justify the expense that it would try to prevent that activity,'' said Deputy DSHS secretary Troy Hutson in a story we aired last week.

It turns out the fix wasn't difficult or expensive. For the Iron Horse Casino, it took about four minutes on the phone. Kealy says in minutes, and at no cost, his ATM vendor blocked EBT cards—debit-type cards which DSHS uses to distribute cash benefits to 68,000 of the state's most needy residents.

Organizations representing both tribal and non-tribal gambling establishments in Washington pledged their full support when DSHS's secretary made an announcement two days after KING 5 Investigation aired.

''I want to shut down every ATM in gambling establishments that has EBT access,'' said Susan N. Dreyfus.

Kealy and many other casino owners didn't wait for orders from the state. They already re-programmed their ATMs. And Kealy isn't stopping with his own casino. He's a board member of the Washington Restaurant Association, which he says is preparing to ask bars and taverns—businesses that are more alcohol than food oriented—to block EBT access to their cash machines. Kealy says that would mean another 2,000 ATMs couldn't be accessed for welfare cash benefits.

''The taxes you are paying are supposed to help fund basic needs, human services,'' Kealy says. ''We're all in this together. I'm supportive of that. But I'm not supportive of those dollars being used in facilities like this.''

Gambling is one of the few restrictions on the use of welfare cash. It is illegal. Welfare cheats can still get their money at other ATMs, but casinos hope to stack the deck against them and send the message that welfare dollars aren't welcome on gaming floors.

Madam Speaker, I reserve the balance of my time.

Mr. DOGGETT. I yield myself 30 seconds to place into the RECORD a letter from the National Conference of State Legislatures as well as a letter from the American Public Human Services Association and the National Association of State TANF Administrators.

The gentleman may be right. He clearly lacks confidence in States' rights in these areas. The letter from the National Conference of State Legislatures points out that there is a financial burden that would be imposed on the States and that ''the States have existing contracts with vendors that may have to be changed at a significant cost to the States.'' Let us hope that does not happen.

They come out firmly in opposition to this bill. I do not share that opposition, but I think they raise a legitimate concern about the added cost as well as the lack of confidence of my Republican colleagues in the ability of the States to police their own programs.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
January 30, 2012.

Hon. JOHN BOEHNER,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader,
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the National Conference of State Legislatures (NCSL), we write in opposition to H.R. 3567, the ''Welfare Integrity for Children and Families Act of 2011,'' which is scheduled for a vote on the Floor under Suspension of the Rules on Wednesday, February 1. States share your concern about the inappropriate use of Temporary Assistance for Needy Families (TANF) benefits; however, NCSL strongly believes that these decisions are appropriately made at the state level.

When Welfare Reform was enacted in 1996 (P.L. 104–193), state and federal policymakers agreed to forgo the open-ended entitlement of AFDC for the flexibility afforded in the fixed TANF block grant. In this agreement, policy decision making authority was left up to the states including state legislatures. Mandating states to limit Electronic Benefit Transfer (EBT) transactions preempts state authority over the TANF block grant and undermines the strong state-federal partnership undertaken in 1996. Additionally, NCSL is concerned about the financial burden this mandate would impose on states, many of whose fiscal situation is still perilous. States have existing contracts with EBT vendors that might need to be changed at significant cost to the state if this bill becomes law.

States are addressing the issues raised in H.R. 3567. To date, California and Washington have limited the use of EBT cards and addressed the complex implementation process of limiting EBT card usage. Many additional states are looking at similar EBT limitations and other ways to combat fraud and abuse in their current sessions.

If you have any questions regarding what states are doing to address the concerns of H.R. 3567 or to discuss the bill, please do not hesitate to contact Sheri Steisel (*sheri.steisel@ncsl.org*) or Emily Wengrovius (*emily.wengrovius@ncsl.org*).

Sincerely,

THE HONORABLE TOM HANSEN,
South Dakota Senate, Chair NCSL Human Services & Welfare Committee.
THE HONORABLE BARBARA W. BALLARD,
Kansas House of Representatives, Chair NCSL Human Services & Welfare Committee.

AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION AND NATIONAL ASSOCIATION OF STATE TANF ADMINISTRATORS,
Washington, DC, December 12, 2011.

Hon. MAX BAUCUS,
Senator, U.S. Senate,
Washington, DC.
Hon. DAVID CAMP,
Representative,
Washington, DC.
Hon. LLOYD DOGGETT,
Representative,
Washington, DC.
Hon. ORRIN G. HATCH,
Senator, U.S. Senate,
Washington, DC.
Hon. GEOFFREY DAVIS,
Representative,
Washington, DC.
Hon. SANDER M. LEVIN,
Representative,
Washington, DC.

DEAR SENATOR BAUCUS, SENATOR HATCH, REPRESENTATIVE CAMP, REPRESENTATIVE LEVIN, REPRESENTATIVE DAVIS, AND REPRESENTATIVE DOGGETT: We are writing today to share our comments on provisions included in the Middle Class Tax Relief and Job Creation Act of 2011.

The American Public Human Services Association (APHSA) and the National Association of State TANF Administrators (NASTA) represent the state health and human services commissioners and the state TANF administrators, respectively. Both APHSA and its TANF affiliate, NASTA, appreciate the need for a fair and flexible block grant program that also ensures accountability for the use of precious federal funds.

Therefore, on behalf of the state health and human service commissioners and the state TANF administrators, we would like to thank you for including proposed legislation that would guarantee funding security for state TANF programs for the remainder of

the federal fiscal year. This is greatly appreciated as states continue to work with families dealing with the impacts of the recession. APHSA is also encouraged to see continued interest in improving the interoperability of data systems by establishing uniform, nonproprietary data elements. However, there is one provision of this language that our members find troubling.

Our members are concerned about the proposed mandate (Section 2304) included in this bill which would require states to develop and implement policies and procedures for state EBT cards, blocking their use at casinos, liquor stores and strip clubs. We believe that, at this moment, there is not enough known about the issue of potential EBT card abuse at these establishments to justify a federal mandate such as the one being proposed; furthermore, if a need does indeed exist for such legislation, we believe that it would be more appropriate for the issue to be addressed in a more thorough five-year reauthorization of the TANF program.

Currently, the Government Accountability Office is conducting an audit of ten states to determine what policies and practices are already in place to track and prohibit the use of EBT cards in specific circumstances or at certain venues. While some states have moved forward with implementation of policy that bars the use of EBT cards at certain types of businesses, not every state has seen the implementation of such a policy necessary, desirable, or cost-effective.

While blocking access to EBT cards at specific ATMs might be possible with existing technology, it is neither easy nor free of cost for the state. Most states do not have access to ATM addresses, only numeric codes. Shutting down ATMs requires considerable time (including on-site visits) to determine which codes are connected to ATMs in questionable locations, followed by constant monitoring to ensure that they remain inactive. Additionally, at this point it seems certain that some states will have more difficulty than others implementing this mandate due to differences in vendors or how their benefits system is set up. Finally, it is important to note that blocking ATM and/or POS device access at these locations will not prevent someone who is determined to patronize these businesses from making a withdrawal at a bank and spending that cash to purchase goods anywhere he or she wants.

APHSA and NASTA have cooperated fully with GAO in its work and we are very much looking forward to the results of the report. That being said, we hope that Congress appreciates that the passage of any legislation mandating policy changes, such as the one proposed in the Middle Class Tax Relief and Job Creation Act, ought to happen only after GAO completes the work commissioned by Congress. The results of the GAO study will provide the necessary information to help determine how states have addressed this issue already and whether or not this is indeed an issue that requires new statutory language.

Again, the state commissioners and the state TANF administrators appreciate the stability provided by this bill for FY 2012 and look forward to the opportunity to discuss the TANF program, as well as the larger issue of integrated human services administration, in the year to come as Congress prepares for a thorough reauthorization of the TANF block grant. If you have any questions please contact Ron Smith or Robert Ek.

Sincerely,

TRACY L. WAREING,
Executive Director, APHSA.
PAUL LEFKOWITZ,
Chair, NASTA.

With that, Madam Speaker, I would yield 2 minutes to a former member of the House Ways and Means Committee, who is very familiar with these issues, and I hope a soon-to-return member of the House Ways and Means Committee, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the chairman very much for yielding.

As I listen to the debate and the discussion and as I listen to my colleague from Wisconsin talk about universal access, I am reminded of something that I read relative to the period of not just dissent but a takeover of Germany. I remember something that a rabbi said: They came for the Communists. I was not a Communist. They came for the Socialists. I was not a Socialist. Then they came for me, and nobody was left.

It seems to me that, when we go after those individuals who are the most vulnerable people in our society and when we categorize and stereotype and make believe that if they get a card that they're going to be at the casino and that they're going to be at the strip joint, well, I can tell you that the people I know who get cards as TANF recipients are not usually found at a casino, and they're not found at a strip joint. As a matter of fact, if I thought that this legislation would provide one iota—one scintilla—of help for TANF recipients, I would be the first in line to support it. The reality is I don't believe it provides any help and that it does not provide any assistance, and I will certainly not be voting for it.

All lawmakers agree that we should limit waste, fraud and abuse of taxpayer dollars. We all agree that government assistance should be used for basic necessities, such as shelter and food. Unfortunately, the Republican bill is not a good faith effort to limit waste, fraud and abuse; in contrast, it fans the flames of prejudice with stereotypes portraying our Nation's poor as abusing government support. Simply put, this bill is a stereotype to rally the cry of the right wing that the poor in our country do not deserve government help.

Rather than proposing programs to spur the economy or get Americans working, this Republican leadership simply takes cheap political shots. There is no evidence of rampant abuse of federal assistance to fuel lewd and lascivious lifestyles. In the state of California that represents one third of the Nation's TANF caseload, over a 3 year period, only .04 percent of Electronic Benefit Transactions occurred at gaming establishments and only .001 percent at adult entertainment establishments. In Florida, over a two year period, only .03 percent of Electronic Benefit Transactions occurred at stores with liquor licenses and .06 percent at casinos or pari-mutuel betting locations. This is not widespread fraud and abuse, as the Republican bill will have you believe.

This bill is a false solution in search of a non-existent problem that serves to portray the poor as undeserving and fraudulent. The TANF extension is under consideration within the Payroll Tax Extension Conference. So, why is this provision on the Floor of the House this week moving separately? Solely to denigrate the poor and impugn their character to make the poor appear undeserving of government assistance.

If the Republican Leadership was serious about trying to address any potential fraud, they would have addressed this issue systematically in the context of reauthorization.

If the Republican Leadership was truly serious about addressing misuse of TANF dollars, they could have required States to detail how they are protecting against abuse while simultaneously ensuring that the state's response does not deny TANF recipients access to adequate access points and while ensuring that TANF recipients have Electronic Benefit access with minimal fees and surcharges.

If the Republican Leadership was truly serious about addressing possible misuse of TANF dollars effectively, they would have addressed the States' concerns about inability to regulate these transactions and the costly burden such government over-regulation would inflict. Indeed, the American Public Human Services Association and the National Association of State TANF Administrators have raised concern about whether there is truly a need for such legislation and about the costs of such policies.

If the Republican Leadership was truly serious about the use of TANF cards at certain establishments, they would have considered why low-income people may need to use ATMs located in these venues—mainly lack of access to a financial institution. In Illinois, an estimated 304,000 households have access to no bank, with an additional 773,000 households having only limited access to financial institutions. This is true in rural and urban areas. So, rather than trying to understand why a small percentage of low-income people use TANF cards in adult locations, the Republican Leadership declares, asserts, and decries these citizens are de-frauding the government.

I—along with all my colleagues—staunchly oppose waste, fraud and abuse of government dollars. However, the purpose of this bill is not to curb abuse; simply put, H.R. 3567 seeks to discredit the poor. Rather than suggesting ways to help the unemployed access well-paying jobs, rather than advancing ways to cut taxes for the middle-class, rather than proposing ways to help our elderly maintain affordable health care, and rather than identifying ways to stop using taxpayer dollars to subsidize billions of dollars in profits of the oil industry or the private airplanes and tax shelters of the ultra-wealthy, the Republican Leadership again targets the poor—characterizing them as cheats and frauds.

Unfortunately, I know that this smear campaign against Americans who are struggling will continue. I am sure we will soon see bills denigrating the unemployed, those needing food stamps, the homeless, people who have historically struggled with substance abuse, and people who have gone to jail and are trying to get their lives back on track.

Mr. BOUSTANY. Madam Speaker, I am pleased to yield such time as he may consume to the chairman of the Human Resources Subcommittee, Mr. DAVIS.

Mr. DAVIS of Kentucky. I do feel compelled to respond since Martin Niemoller—the famous German Christian pastor who was quoted after World War II when talking about inaction—was dealing with the issue of the Holocaust, the scale of which was so unbelievably beyond the pale of a small technical fix

that we're talking about here that, I believe, the gentleman diminished the value of whatever argument he was making by even quoting him.

If I seem to recall my history correctly when I was running a business in 1996, during the welfare debate, Martin Niemoller was resurrected from the dead again, using the same quote that somehow, if we just touch anything that will provide integrity to our programs with which we want to help the poor, that, in fact, this is the march down the slippery slope to the complete takeover and removal of civil rights.

Come on, folks. This is a technical business discussion. If we were running a business together—and I believe the government should be run that way—I think we'd be sitting around a table in the operations room while planning ways to legitimately cut costs to more efficiently help our customers and to eliminate waste.

In using the gentleman's own argument that he brought up, this is the question again: If the vast majority—and I happen to agree with him—don't go in those places in the first place, why would we not want to put in a simple program control for that small percentage that does to prevent them from wasting taxpayer dollars?

From the casinos that we have across the river, from some of the economic hardship that comes from that and from my constituents who have families who have been damaged by this, I know, in walking inside any number of the casinos on the Ohio River, that I'm not seeing grocery stores, that I'm not seeing provisions for food. What I'm seeing are ATMs and access to free chips and for gambling—not to eat.

I think this begs the deeper question: To the average man or woman on the street, if we ask the question ''Is it reasonable?'' absolutely.

I want to bring us back to the central point here as to what this does. First is the idea that it costs too much, and I'll speak for my other life as a systems professional. The gentleman from Louisiana rightly pointed out that the fixing of the system is actually an easy thing to do, and we will find ready participation and cooperation from those who are involved because they understand the stakes in this. The goal of their businesses is not a further recycling of poverty. The goal of their businesses is to make sure, to some degree, that money is not used in a manner that reflects poor stewardship. I think, ultimately, this is a backstop to assure that money that belongs to the United States taxpayer that's being given to them as assistance is going to be used in a proper manner.

At the end of the day, that refutes the baseline of these arguments—again, going back to the great success that our staffs have had and that the gentleman from Texas and I have had over the course of the last year to really begin to move serious, nonpartisan process reforms that will help to fix deficiencies in the system which are not Democrat or Republican at their root but are addressing real questions of broken processes.

If we were sitting there among ourselves in a business together that we were running or if we were sitting with our families and if we noticed that there were an issue, hey, we could put a stop to that and we could fix that. Why don't we do the same thing here? It's not an unreasonable request to look at that.

Again, some of the speakers are not on our subcommittee, and I think we've had great success in keeping the tone of the debate focused on the core process problems, not on extremely energetic and emotional rhetoric that really doesn't address this root issue. That would be my request as we move forward. This is a good fix. It is a cheap way to save taxpayer money to legitimately help those in need.

□ 1410

Mr. DOGGETT. I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Speaker and Members, I came to the floor to address this issue. Despite the fact that I understand that it's kind of a good political issue in an election year where many people will use this to say I'm saving the government money and I'm keeping those folks on welfare who don't deserve government support anyway from using this money or this EBT card to have access in ways that will allow them to be in and take advantage of casinos and strip joints, et cetera, and it's a very sexy argument and it looks good and you'll get a lot of play off of it, so I understand that coming to the floor to protect the poor and the most vulnerable is not popular, but think about it, just think about it.

Many of you come from districts where there are liquor stores. These are small businesses, and most of these liquor stores now serve more other products than they do liquor. They have milk; they have juice; they have bread; they have meats. They have the kinds of things that many of these poor families need and they buy at liquor stores.

Why do they buy them at liquor stores? Because they're in these food deserts that you have heard the First Lady talk about, areas all over this country, whether it is rural or whether it is urban, where they don't have grocery stores. They don't have the big chains. All they have are these small business that are liquor stores who carry all of the products that a family could use to feed their family, not just liquor.

And so I would ask you to take a real close look at this and at least exclude the liquor stores. These small businesses are very important all over this country. Yes, they sell liquor. Many of us don't like the idea that even in some of these places there are problems, but the folks who go there don't have to buy liquor. If there are problems at any of these liquor stores, local law enforcement should do its job.

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

Mr. DOGGETT. I yield the gentlelady 1 additional minute.

Ms. WATERS. And so when you include liquor stores, all you're doing is attacking some small businesses who are providing foodstuffs—not just liquor, but foodstuffs; not only in inner cities, but in rural communities—that families need. So this is punishment, this is being very harsh on the most vulnerable people in our society to include liquor stores in this group of stores that you would not like to have the welfare recipients use.

Again, I could go along with strip joints; I could go along with casinos. But as I travel across the country, I cannot go along with excluding liquor stores from being able to provide food that's needed to these poor families that live in these food deserts where there are no grocery stores, no chains, no other place for them. And when they have transportation problems, it really does wreak havoc on them trying to get even to a place where they could buy food.

So if you would understand that and work to try to make sure that this doesn't stay in here, I would appreciate it.

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

Mr. DOGGETT. I yield the gentlelady an additional 30 seconds.

Mr. STARK. Would the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. STARK. Isn't it true that in most of the liquor stores and other establishments of that type they charge no fees for cashing the checks because they want people to get the cash to gamble? In many of our districts in California they don't have to go to these payday loan places and pay exorbitant fees to get a check cashed and so that it really, in many ways, it is helpful in our communities.

Ms. WATERS. It is very helpful. With the liquor stores, they help to stimulate the economy. They sell all of these foodstuffs. They hire a few people. Some families have three and four family members.

So, yes, I would ask that you exclude liquor stores from this consideration.

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

I thought I made it clear, and I think Chairman DAVIS did also, earlier, that there are provisions to allow for exceptions as long as the facility serves food. We're talking about stores that purely sell liquor. So I think the gentlelady's concerns are addressed with the bill as written.

Furthermore, I would just say that on this side of the aisle, we care very deeply about this program. There's

broad agreement it's a valuable program. It's worked.

If you care about children and you care about needy families in this country, then you should care about ensuring the integrity of the program and making sure that the dollars that taxpayers put forth for these needy families, these needy children, actually go to those families and not buying liquor and patronizing strip clubs and going to casinos.

That's what this bill intends to address. That's what it does address. It creates the proper flexibilities for the concern that the gentlelady has and others on the other side of the aisle have about access. If food is sold, access will not be denied.

I reserve the balance of my time.

Mr. DOGGETT. Well, I couldn't agree with the gentleman more about the importance of preserving, in his words, ''the integrity of this program.'' That means that none of the public funds are wasted or used in an improper way, but it also means that the program's integrity is preserved to deliver the assistance that is needed for the many, many families that are playing by the rules and need a helping hand. And that's the only area we have difference in this regard as far as I personally am concerned.

The House has already spoken on this electronic benefits issue. I don't see any harm in the House speaking again this week or next week or next month—I don't see a great deal of gain from repassing it, but why not? But what I do see harm in is if the many, many people that are playing by the rules and need this assistance see their safety net shredded the way these same folks shredded the safety net last year when they did not renew the bipartisan TANF supplemental program that has been so important in poor States with large populations of poor people, like Texas.

There are families there, there are State programs there that are harmed by the unjustified refusal to extend that program. At least with what's left in the Temporary Assistance for Needy Families program, which we passed here as a freestanding bill in December with this provision in it, let's pass that entire bill. Hopefully, this message says little more than say that the House still feels today the same way that it felt 6 weeks ago.

That's fine, but let's get this entire Temporary Assistance for Needy Families program approved and in place so the States and the families that depend upon it will have it there.

I yield 30 seconds to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. There's some confusion about what is excluded or included. As I understand it, a liquor store that just sells just juice or milk would not be considered a store that sells food.

Is that correct? Is that your understanding?

I yield to the gentleman from Louisiana.

Mr. BOUSTANY. If food products are sold at a store?

Ms. WATERS. Milk.

Mr. BOUSTANY. If any type of food product, including milk, is sold at a store, States can except those from the provisions in this bill.

Ms. WATERS. Reclaiming my time, that is not my understanding, and I would hope we could work together.

Mr. BOUSTANY. Would the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Louisiana.

Mr. BOUSTANY. The definition is staple foods, which include milk.

Ms. WATERS. Milk is included in the bill.

Mr. BOUSTANY. Madam Speaker, I would ask if the gentleman has yielded back all of his time?

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

Mr. BOUSTANY. I am pleased to yield the remaining time to the gentleman from Kentucky (Mr. DAVIS), the chairman of the subcommittee, a gentleman who has diligently worked in good faith with the ranking member to reauthorize a TANF program with integrity that ensures that children and needy families get the assistance that they need.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for the balance of the time which is 3 minutes.

□ 1420

Mr. DAVIS of Kentucky. Madam Speaker, again I remind all of my colleagues that when we talk about such matters, it's helpful to focus on tone. The one thing I'm going to respond to, when the comment was made ''that you people shredded,'' I would have to remind all Members in the Chamber and the Speaker that, in fact, that was passed in a Democratic House when the Speaker was Ms. PELOSI and the leader of the Senate was Senator REID.

We have worked in good faith through this process. And what I would remind folks about the fundamental question as we look at this, the real issue here—and I grew up in a dysfunctional family. I know what it means to see dysfunctional alcoholism with a stepfather leaving and spending the money in places that were inappropriate; and I think it's a fair question, as someone who has lived that as a little boy, to say, wait a minute, if Dad wants to run off with the EBT card and go to one of the boats over in Indiana, we as a body have a responsibility, Democrat and Republican, who care very deeply for this country and for our citizens, to say wait a minute, that's not an appropriate use.

The businesses themselves will cooperate. There's a contextual issue to allow the States to deal with the specific uniqueness of providers of foodstuffs. But at the same time, I think that if an EBT card is being used in a place that may have a drink rack inside of it and pole dancers on the other end, that is not, under any standard of morality, a place where the EBT card should be used.

I can think of no mother who would want the money spent there. I can think of no circumstance that would justify it. And, frankly, having my own stepfather come home drunk and beat up me and my mother after running around out in town with what money she basically earned, I would say in this case it's unacceptable.

Let's come back to the real world, and I'm not going to yield my time. Let's come back to the real world and look at the reality of this. What is being asked is a procedural and a process change to give better stewardship to a program on which we agree about the fundamentals, specifically, the data standardization and control. There's virtually no cost to this.

I understand we have honest differences of opinion here; but I would appreciate that the rhetoric be toned down and we focus on the reality of this. If we ask any mom or dad or recipient or taxpayer out on the street this fundamental question, I think overwhelmingly, when they heard it in the context of reality and not sometimes the things that happen in the Chamber here, they would look at it from a different perspective. That's what we're asking.

With that, I ask all Members to support this very reasonable, very measured, very balanced way to fix a flaw in a program that can be made better as a result of that, be better stewards of our taxpayer dollars. And with that, I urge passage.

Mr. BOUSTANY. Madam Speaker, I yield myself the balance of my time.

This bill closes a loophole that, if left uncorrected, would continue to allow millions in welfare funds to be distributed in liquor stores, casinos, and strip clubs.

Now that this issue has been highlighted by news organizations across the country, we must stop this abuse of taxpayer funds and ensure this money is used as it should be—to help poor children and families make ends meet.

A number of States have already closed this loophole, but this bill will help restore the public's confidence in the program and ensure that States work together to end this abuse once and for all.

I strongly encourage my colleagues to support this measure, as they have done previously, so that we can ensure taxpayer dollars are used as they should be.

Ms. LEE of California. Madam Speaker, as the Co-Founder of the Congressional Out of Poverty Caucus, I rise in strong opposition to this shameful bill, H.R. 3567.

This is a distasteful and misleading bill that tries to make it seem like every American in poverty is somehow immoral or criminal.

Nothing could be further from the truth. The vast majority of TANF recipients want nothing more than a good job to support their families and build a bridge to reach their American Dream.

Now, no one wants TANF dollars to be spent in casinos or in adult entertainment venues, but this bill does nothing to actually

prevent that. Shutting down ATM's in those locations doesn't stop the money being spent there. In addition, this bill would force states to certify nearly every small business as a non-liquor store and how are the standards to be established and maintained?

This bill would create an entire nation wide bureaucracy to address a problem that affects less than 4 one hundredths of one percent (.04%) of all TANF funds and would completely fail to save any money at all.

Instead of passing a jobs bill, Republicans are once again just looking to distract from the real issues, this time by attacking American families in need.

This bill is just a sad attempt to divide our nation by mimicking the Ronald Reagan myth about the Cadillac driving welfare queen. It was untrue then and it is still untrue today.

As a single mother who once relied on food stamps and assistance to get by during a very difficult period in my life, I am appalled to see Republican politicians attack struggling American families just because they need a helping hand. TANF benefits keep children in homes and in school. TANF benefits keep American families from suffering abject poverty.

What we should be doing is helping these families reignite their American Dreams, not making blanket accusations against every low income family in America.

Mr. PAULSEN. Madam Speaker, thank you and thank you Dr. BOUSTANY for introducing this legislation.

I rise today as a co-sponsor of H.R. 3567, the Welfare Integrity Now for Children and Families Act because at a time when millions of Americans are still out of work, and our economy is struggling to recover, we must take every step available to safeguard taxpayer dollars.

Madam Speaker, between January of 2007 and June of 2010 nearly $5 million in state-issued benefits were withdrawn from ATMs in California casinos alone.

We need to correct this problem, and H.R. 3567 does just that.

This provision requires all states to take steps to end this abusive practice, safeguarding taxpayer funds from abuse by ensuring that welfare funds are not accessed in strip clubs, liquor stores, and casinos—a practice which has been highlighted in news stories across the country.

This bill ensures all states take action to close this loophole. I note that this policy is the same as that introduced by Senators HATCH and BAUCUS, the Ranking Member and Chairman, respectively, of the Senate Finance Committee, so it has strong support in the other body as well.

Let's continue the momentum, pass this legislation, and prove to the American people that we are here to get things done in 2012.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3567, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

FISCAL RESPONSIBILITY AND RETIREMENT SECURITY ACT OF 2011

Mr. GINGREY of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1173 and insert any extraneous material on the bill.

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

There was no objection.

The SPEAKER pro tempore (Mr. BOUSTANY). Pursuant to House Resolution 522 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1173.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1173) to repeal the CLASS program, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

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

General debate shall be confined to the bill and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Georgia (Mr. GINGREY) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes. The gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from California (Mr. STARK) each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it has been more than 2 years since the CLASS Act was first debated as part of the President's health care takeover debate. We knew then that the program was flawed and unworkable; yet the Democratic-controlled Congress ignored these concerns and instead rushed the CLASS program through as part of the President's health care law.

Now, 2 years and more than $800 billion later, we have finally heard from the President and his administration that while they have wasted taxpayer dollars, this program is in fact not implementable. Surprised? Well, you shouldn't be.

The truth is that unbiased analysts such as the American Academy of Actuaries had raised concerns with the program as early as July of 2009, some 5 months before the President's plan was even considered on the Senate floor. Members from both sides of the aisle also raised concerns about the program's long-term sustainability during this debate. Most disturbing is what we came to find in a bicameral investigation last year that revealed concerns from within HHS were rampant during PPACA debate, but they were never brought to light by the Democratic leadership or the Obama administration. Yet the program was rushed through so that we can, as then-Speaker PELOSI noted, ''find out what's in it.''

On October 14, 2011, Secretary Sebelius announced what honest accounting told us was inevitable: the Obama administration finally admitted there was no viable path forward and, therefore, was halting any further efforts of implementing the CLASS program.

The failure of Health and Human Services to implement the CLASS program certainly is not a surprise. However, it is a catastrophic consequence of what happens when Congress rushes to enact costly policies and dismisses warnings from independent experts. Most troubling are the budget gimmicks used to sell the CLASS program and, indeed, the entire law.

The Congressional Budget Office, CBO, estimated the CLASS program would save money by collecting premiums from enrollees, premiums that will now never be collected in light of a failed implementation.

We knew, Madam Chair, the savings estimates for the President's health care plan were wrong. It defied common sense that such a massive spending expansion would have no cost. Now the President will have to explain to the American people why the health care law—ObamaCare, PPACA, Patient Protection, Affordable Care Act, Unaffordable Care Act—he'll now have to explain to the American people why this health care law will cost them $80-plus billion more than what they were told.

□ 1430

That is more than $80 billion on top of the trillions the President has added to the books since he took office in January of 2009.

Today, we will have the opportunity to start over on long-term care reform, an issue that's important to all of us as we hear from constituents regularly about the growing cost of long-term care services. The market has not even been penetrated 10 percent, Madam Chair. We will now begin that process. But first, we must take this section out of the health care bill known as CLASS. We must take it off the books.

I urge my colleagues to support just what this bill does, remove CLASS from the statute, H.R. 1173, repeal the failed CLASS program so that we can now move forward with reforms that do work.

With that, Madam Chairman, I reserve the balance of my time.

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

Madam Chair, there are millions of Americans currently in need of a long-term care program and many more that will require these services in the future. Despite the great achievements of our country, the U.S. lacks an affordable and ethical system of financing long-term care services. The CLASS program is a significant step towards finding a realistic solution to this problem. However, many of my Republican colleagues have taken a stance against CLASS without proposing any real solutions for long-term care access in America, and I strongly oppose H.R. 1173 and consider it to be a blatant disregard of a growing crisis in this country.

Madam Chair, Republicans continue to propose repeal of various aspects of the Affordable Care Act. We heard my colleague from Georgia today. And how many other times how many on the other side have said, well, let's just repeal the Affordable Care Act, let's repeal pieces of the Affordable Care Act? But they never come up with any meaningful alternatives. And the same is true today. They're talking about outright repeal of CLASS without any meaningful suggestion of an alternative.

My message to my colleagues on the other side of the aisle is that we should mend the CLASS Act and not end it. This country is already facing a long-term care crisis, but the problem is only going to get worse. As our population continues to age, an estimated 15 million people are expected to need some sort of long-term care support by 2020. If we don't solve the need for affordable long-term care in this country soon, we will also jeopardize our entitlement programs. Currently, Medicaid pays 50 percent of the cost of long-term services, and that price tag is quickly rising every year. The CLASS program was designed to allow people to stay at home and prevent the cost of nursing home care that burdened Medicaid.

Now, I want to correct one thing. I know in the Rules Committee some of my colleagues talk about the administration's position on this bill. The administration made it quite clear in a hearing that we had on this bill that they're opposed to repeal of the CLASS Act. They acknowledge that there are workable solutions under the CLASS program, but didn't feel that they have the legal authority—I stress legal authority—to implement them. So the Department of Health and Human Services has more work to do, and I have suggested on numerous occasions that the CLASS Advisory Council, which is organized under the legislation, be convened in order to offer their expertise.

The CLASS program is a framework that will facilitate a solution to our long-term care crisis. However, all I continue to hear from my colleagues on the other side of the aisle is that Congress can't do anything. It's this negative attitude, the idea that Congress can't address any problem. And I just sincerely hope that my colleagues, when they come to the table, come up with a workable solution. Don't just tell me we have to repeal things, we can't do anything, and the government can't do anything. Cowardly running away from the problem through repeal is simply not the answer.

Overall, the CLASS Act promotes personal responsibility and independence. Those are the values that you talk about a lot. It allows the government to put choice in the hands of consumers while saving Medicaid dollars. American families have too few long-term care options, and they need our help. Rather than repeal CLASS, we need to continue the dialog in the development of a viable plan forward.

Again, let's mend it, not end it. Moving forward with H.R. 1173 shuts the door on a problem that simply cannot be ignored.

I reserve the balance of my time.

Mr. PITTS. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a very valued member of the Subcommittee on Health.

Mr. LANCE. Madam Chair, I rise today in support of repealing the CLASS Act.

In hearings before the Energy and Commerce Committee, my colleagues and I learned that the CLASS program was a ticking time bomb fiscally, a new entitlement program that Health and Human Services Secretary Kathleen Sebelius has said is ''totally unsustainable'' financially. Richard Foster, chief actuary of the Centers for Medicare and Medicaid Services, wrote in 2009: ''Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.'' And Senate Budget Committee Chairman KENT CONRAD has called the CLASS program ''a Ponzi scheme of the first order.'' To her credit, Secretary Sebelius in October called for an end of the CLASS program, adding that there was not ''a viable path forward for CLASS implementation at this time.''

Madam Chair, we have a serious long-term care problem that is driving patients into bankruptcy and weighing down an overburdened Medicaid program. But before we can develop bipartisan solutions to address this important issue, we must first repeal the misguided CLASS program. Only then can we begin anew and properly address the long-term health care problem.

Mr. PALLONE. Madam Chair, I yield such time as he may consume to the ranking member of the full committee, Mr. WAXMAN.

Mr. WAXMAN. Thank you for yielding that time to me, Mr. PALLONE.

Madam Chair, I rise today in strong opposition to H.R. 1173. This bill is another Republican attempt to tear down and dismantle programs that provide health care in the United States. Now we have Medicare, and the Republican alternative to Medicare is to just shift more costs on to seniors, give them a voucher and let them pay more if they want more than that voucher will provide, and that voucher is not going to provide much over time.

On Medicaid, they just want to shift the costs on to the States so the States can tell a lot of very poor people, I'm sorry, we don't have enough money to take care of you, but we're not required to under Federal law. They said that they didn't want the Affordable Care Act; they wanted to repeal it. But they haven't told us what they want to put in its place. They said that this was going to be repeal and replace. They have proposed a repeal, but we have no proposal to replace it.

Republicans now want to take a part of the Affordable Care Act, the CLASS program, that is the one and only significant new initiative to put in place to deal with our country's long-term care crisis. Those who are supporting this bill say that the CLASS Act is not the right solution to our long-term care problem. Well, I don't think it's perfect, either. But the solution is to amend the program, to make it work, not just repeal it and leave nothing in its place.

If we leave nothing in its place, we have the status quo. And what does the status quo mean? The status quo means that for some who are on Medicare, they will have a minimal amount of coverage for their long-term care services. And to get any other help, people will have to go through the indignity of impoverishing themselves. A system that is in place for the very poor would be called upon then, the Medicaid system, to cover their long-term care needs, especially if they had to go to a nursing home. Well, many elderly and disabled individuals will be forced to leave their families and community of friends for institutionalization because that's all that some States will cover.

Families will have to do what they call ''spend down.'' They have to spend their money until they're in poverty. So they lose their dignity along the way in order to qualify for Medicaid assistance. The CLASS Act was trying to take some of the burden off Medicaid, some of the indignity away from seniors. Medicaid expenditures for the most part are paying for long-term care, and that will escalate even further. In 2010 alone, Medicaid spending for these services cost some $120 billion.

□ 1440

And we have a baby boomer population that is continuing to age. The number of Americans in need of long-term care assistance will grow, compounding each of these problems.

So what is the Republican answer to this problem? Nothing. Just repeal the program that attempts to give some effort to deal with these costs for people who need long-term care.

Let's not lose this incremental piece. Let's figure out how to add on to it, how to change it, but don't repeal it.

I urge my colleagues to reject H.R. 1173.

Mr. PITTS. Madam Chair, I just want to remind everyone that under the CLASS Act there's not one person in the United States who would receive long-term care benefits under that act because it doesn't work.

At this time I yield 2 minutes to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. Madam Chair, I rise today in favor of H.R. 1173. This bill would save hardworking taxpayer dollars and eliminate a costly and flawed ObamaCare provision known as the CLASS Act.

This program was sold as a self-sustaining program, one that would reduce Federal spending. However, the program was problematic from the start. The President and the Democrat leadership in the Congress knew this fact over 2½ years ago and still included the CLASS program in the health care bill.

During an investigation, it was revealed that Obama administration officials and Senate Democrats were very much aware that this was not going to work and that Department officials warned for a year before passage that the CLASS program would be a fiscal disaster. As far back as May of 2009, the CMS Chief Actuary sent an email that warned officials that the program doesn't look workable. These 200 pages of exhibits from the investigation show that Department officials were voicing concern to Senate leadership all the way up until passage in December of 2009. This was all concealed from Congress and the American public.

After enactment, the concerns continued. On February of 2011, Secretary Sebelius testified before the Senate Finance Committee that the CLASS program is totally unsustainable in its present form. And finally, this past October, the Department announced that the program was still not financially feasible. What we are seeing now is that, as well intended as it is, the CLASS program is unworkable.

The objective of providing long-term health care is laudable and should be a priority of Congress. Therefore, we must identify a long-term, commonsense solution for our health care. That is why last week I asked GAO to conduct a study of the Medicaid Long-Term Care Partnership Program and survey States on how to improve the partnership program so that more Americans can properly plan for their long-term care needs.

This public-private partnership between States and long-term care insurance plans was designed to reduce Medicaid expenditures by lessening the need for some people to rely on Medicaid to pay for long-term health care services.

The partnership program is not the only solution to our long-term health care, but it is a helpful tool to help Americans plan for their health care long-term needs, unlike the unsustainable and costly CLASS Act embedded in ObamaCare.

The repeal of the CLASS Act marks a small victory. Let's not try to force this costly program on the backs of hardworking American taxpayers without fully investigating how we can improve existing programs or how we can create an affordable, sustainable, long-term care program.

I urge my colleagues to vote ''yes'' on H.R. 1173.

Mr. PALLONE. Madam Chair, I yield 2 minutes to the champion for senior citizens, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman.

You know, there's a lot of areas of agreement. We all agree that we're in the midst of a long-term care crisis. We agree that today there are 10 million Americans in need of long-term care services and support. By 2020, that number will grow to 15 million, and by 2050, the number of seniors who need long-term care will reach 26 million.

The costs associated with long-term care are high. We agree on that. Nursing homes can cost over $70,000 a year, and 20 hours a week of home care can cost nearly $20,000. But repealing the CLASS Act does nothing to address the glaring need for adequate coverage of long-term care services and support. The CLASS Act addressed a number of critical needs, including providing a way for persons with disabilities to remain independent in their community and bringing private dollars into the long-term services system to reduce reliance on Medicaid without impoverishing individuals and families. We agree that the CLASS Act is far from perfect, but it does provide a framework to begin to deal with the problem.

So it seems to me if we all agree on the need, not only the need for long-term care but the need to do better, then instead of repealing the CLASS Act and passing H.R. 1173 with no effective alternative, we could, right now today, sit down and work together to repair this program. Ignoring it or even postponing this long-term care crisis simply is not going to make it go away.

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

Madam Chair, I'd like to speak to H.R. 1173, the Fiscal Responsibility and Retirement Security Act of 2011, which repeals the CLASS program which was rushed into law in the President's health reform bill.

Last February, HHS Secretary Kathleen Sebelius publicly admitted that the more than $80 billion CLASS Act was ''totally unsustainable.'' But it was not until 8 months later, on October 14, that the Department of Health and Human Services announced it was not moving forward with the implementation of the CLASS program ''at this time.''

On October 26, 2011, Assistant Secretary Kathy Greenlee testified before our subcommittee that the Department had spent $5 million in 2010 and 2011 trying to implement the program. The Secretary's conclusion that the CLASS program could not meet the law's 75-year solvency requirement and was not sustainable was not a surprise to anyone who had been following the issue. Even before its inclusion in the President's health care law, PPACA, in March of 2010, we were warned by the administration's own actuary, the American Academy of Actuaries; Members of Congress from both parties; and outside experts that the program would not be fiscally sustainable. On July 9, 2009, approximately 8 months before PPACA was signed into law, CMS's own actuary, Richard Foster, wrote ''36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.''

I support the intent behind the CLASS program to help Americans purchase long-term care policies that most of us will end up needing at some point, but only about 9 million Americans actually purchase. Long-term care costs are frighteningly high, and many Americans face bankruptcy or ending up on Medicaid, or both, in order to get the care they need.

But while the goals of the program were worthy, good intentions do not make up for fundamentally flawed, actuarially unsound policies designed to show the illusion of savings. The President has left us with a budget hole of more than $80 billion. The irresponsible nature of the CLASS program's inclusion in the health care law is just a sample of the budget gimmicks used to pass the health care law in the dark of the night nearly 2 years ago. The President will have to explain why, years later, the taxpayers are left with a failed program that will cost this Nation at least $80 billion. That is more than 150 Solyndra scandals.

□ 1600

Shelving this failed program is not enough. As long as it is on the books, it will continue to create substantial uncertainty in the private sector about what the government's role in long-term care insurance will be. Let's repeal the CLASS program, not try to tinker around the edges of a fundamentally flawed model, and take up real solutions to this problem instead.

I urge my colleagues to support H.R. 1173, to repeal the failed CLASS program so that we can move forward with reforms that work.

And with that, I reserve the balance of my time.

Mr. PALLONE. I yield, Madam Chair, 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from New Jersey for yielding.

Madam Chair, I rise today in opposition to this bill. We all know that we have a long-term care crisis in this

country. What we have now is an unsustainable patchwork approach, with wealthy people having access to private plans, while almost everyone else finds the costs incredibly prohibitive.

These are the folks who fall through the cracks every day, spending down all their assets until there's nothing left, and then relying on our strained Medicaid program for care. This is what the CLASS program tries to avoid. It should provide a modest, but meaningful, benefit to individuals who need support to stay out of costly nursing homes, benefits they've already paid into.

We can all agree that the CLASS program, as currently written in the statute, is not perfect, but few things are. We can use it as a framework upon which to fix and implement this program, one that would be amended, improved and made sustainable, rather than destroyed.

Repealing the CLASS Act does not remove the Nation's need for long-term care. Rather, it makes the path to sustainable solutions much more difficult. Moreover, in the majority's rush to repeal, they have overlooked a vital component that will also be affected by this bill, the National Clearinghouse for Long Term Care.

The clearinghouse, which was established with close-to-unanimous Republican support, is the only dedicated place for individuals to learn about their long-term care options. However, a vote for this bill is a vote to strip funding from this vital public resource. In fact, the original bill abolished the program altogether until I fought to save it in our committee.

And while the authorization has been saved, we all know that a program without any funding is not much of a program. So the result is yet one more obstacle for American families trying to care for their loved ones. These are the people who will lose out, and definitely lose out by this repeal.

So I strongly urge my colleagues to vote against this bill.

Mr. PITTS. Madam Chair, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I rise today in support of fiscal responsibility and in support of H.R. 1173. The CLASS program was created with a good intention, relieving the crushing burden of long-term care. But we have known from the beginning that this program would not be able to sustain itself without a massive bailout from taxpayers. The CBO said so. Medicare's Chief Actuary said so; and, more recently, Secretary Sebelius concluded the CLASS Act was totally unsustainable and decided not to implement it; and for this, I give her credit.

But the program is still in law. And given the trillion-dollar deficits that we face, the only option right now is to make sure that the taxpayers are not left with an unsustainable program in a big bill.

This debate should not be about the health care law in general. It should be about this program. It should be about doing what is fiscally responsible, and that is eliminating the CLASS program and getting to work right now in a bipartisan manner on a solution to long-term care.

Mr. PALLONE. Madam Chair, can I inquire how much time remains on each side.

The Acting CHAIR (Mrs. EMERSON). The gentleman from New Jersey has 9 minutes remaining. The gentleman from Pennsylvania has 7½ minutes remaining.

Mr. PALLONE. Madam Chair, at this time I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the gentleman from New Jersey for yielding.

H.R. 1173 would eliminate the potential for many of our citizens to be able to afford long-term care that provides services and other supports. This effort to remove support services is not the solution, but instead a faulty and irresponsible policy initiative which would burden people in our health systems. Regardless of when individuals may need these services, there is a lack of financing options to help them pay for the services they need to maintain their health, independence, and dignity when they lose the capacity to perform basic daily activities without assistance.

Medicare does provide limited pay for long-term care services. Medicaid does cover, but pays only for services for people with very limited means. Many private long-term care insurance plans are costly and difficult to acquire. I say that the real answer is to retain services that we are currently poised to provide.

I oppose H.R. 1173.

Mr. PITTS. Madam Chair, I yield 1 minute to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the gentleman for yielding.

I rise today in support of H.R. 1173, to repeal the CLASS Act established in the Patient Protection Affordable Care Act.

The CLASS Act was unsustainable and unworkable from the time it was enacted. Even at the time the health care bill was passed, it was evident that the health care program was completely unworkable. The CLASS Act is such an egregious budget gimmick that even Health and Human Services Secretary Kathleen Sebelius has admitted the program is unsustainable.

Repeal of the CLASS Act isn't as scary as those on the other side would have you think it would be. In fact, the Obama administration has already acknowledged the program is unworkable in its current form and has halted efforts to establish the program. However, the CLASS Act remains on the books.

I strongly support ensuring Americans have access to long-term care. In order to move forward with a new plan, we need to get the CLASS Act off the books.

I urge my colleagues to support this bill.

Mr. PALLONE. Madam Chair, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in strong opposition to the repeal of the CLASS Act.

We are at another start of another session of the Congress, and this majority is following the same playbook as last year. The American people are waiting for this institution to do something—anything—to create jobs and restore our economic prosperity instead of putting forward ideological bills that have nothing to do with jobs and that are intended to roll back health care and senior care in America. Right now, less than 10 percent of Americans over 50 have long-term health care insurance, even though a large percentage of individuals will need long-term care services at some point.

Some studies indicate that up to two-thirds of Americans that live beyond 65 will need long-term care. The CLASS Act, a bipartisan addition to the 2010 health reform, seeks to help provide access to quality, affordable insurance for long-term care. The program must be actuarially sound and legally solid.

Why would we repeal this bill? It is time for the majority to stop playing games and to get serious about fixing the economy. America needs more jobs, not less health care.

I urge my colleagues to stand up for seniors and oppose this repeal.

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

Mr. PALLONE. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Is it just too much to ask that seniors that are struggling in a nursing home after a lifetime of work get a little economic security, that they get a little dignity? Is it too much to bring just a little peace of mind to a family that is burdened with a parent that is suffering from Alzheimer's or some other debilitating condition? Sadly, this does appear to be too much to ask from some here.

One year ago, the House Republican majority's first major action, once they gained control of Congress, was to repeal health insurance reform. At the time they did that, they said they were for ''repeal and replace.'' But the only replacement they offered for their repeal was a little flimsy 1½-page bill that I call ''the 12 platitudes.''

□ 1500

They proved to be only platitudes because during the intervening months, they've done nothing about long-term health care or any other kind of health care for the American people.

Today, they continue to deny Americans actual solutions to health care problems, and once again, they have a flimsy 1½ page bill. They don't have ''repeal and replace,'' they have ''repeal and deny.'' They're in a state of

denial that there is a problem with long-term care, and they continue to deny meaningful relief to families that are struggling with health care bills, and particularly, long-term health care bills.

There is a 75 percent chance that some American who reaches age 65 will find themselves in need of long-term care. Paying for that care can bankrupt a family and the children of a parent who needs that kind of care. An average cost for nursing home services, for example, of $70,000 can surely and quickly sink a lifetime of savings.

The CLASS Act is far from perfect. It needs to be changed. But instead of repealing it, we ought to be focusing on necessary changes. Where is the commitment to doing something about long-term care? There haven't even been hearings on how to resolve this problem.

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

Mr. PALLONE. I yield the gentleman another 30 seconds.

Mr. DOGGETT. There was a legendary Texas House Speaker of this body, Sam Rayburn, who said that it takes a master carpenter to build a barn but any mule, I think he said, can tear one down.

Well, it's time that we get together to build a solution for long-term health care, not just tear it down.

Mr. PITTS. It is unconscionable to promise something to people when you know it won't be there.

Your own administration admits the CLASS Act doesn't work. Zero people will be enrolled in the CLASS Act. They have a program that does not work, a program they know that does not work. That is building a false sense of security in people instead of working on the real policy.

I yield 2 minutes at this time to the gentleman from Texas (Mr. HENSARLING), our conference chair.

Mr. HENSARLING. Madam Chair, it is clear that the President's policies have failed. One in seven now have to rely on food stamps. Half of America now is either classified as low income or in poverty, and millions remain unemployed.

Yesterday, the Congressional Budget Office announced one more of the President's failures, and that is, he is on track to deliver his fourth trillion dollar-plus deficit in a row.

Somebody needs to tell the President we've got to quit spending money we don't have for jobs we never get.

One more failure, Madam Chair, is the President's health care program. Not a week goes by that I don't hear from hardworking, small business people in the Fifth District of Texas.

I heard from a furniture businessman in Garland, Texas, who told me: I could start two companies and hire multiple people, but based on this administration and the lack of facts with ObamaCare, I'll continue to sit and wait.

I heard from a gentleman who ran a music business in Palestine, Texas: Our business is hampered by the uncertainty of tax policy, regulations, and ObamaCare.

I had one in Dallas, Texas, after having to lay off 24 people in the last 2 years, who wrote to me and said: You know what? We're going to have to terminate one more in February due almost entirely to the impact on my business of the health care reform we have. We are stymied.

There is no doubt that the President's health care plan is killing jobs. House Republicans have repealed it in its totality. It has been blocked by the President, by Democrats. So if we can't do it in its totality, we'll do it piecemeal.

We need to start out by repealing the CLASS Act, which Secretary Sebelius has said is totally unsustainable. Democrat Senate Budget Committee Chairman KENT CONRAD called it a Ponzi scheme of the first order.

The President's policies have failed. It's time to enact the House Republican Plan for America's Job Creators. It's time to repeal the CLASS Act.

Mr. PALLONE. Madam Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Chair, I'm tired of hearing the President is a failure. I'm tired. You can smirk all you want. There's no perfection on this floor. There's no perfection down the street. You didn't give these speeches in 2008 when we were losing 500, 600, 700,000 jobs a month. Not one of you came to the floor. Shame on you.

Now what we want to do, we want to turn our backs on those 10 million Americans currently who need long-term care. We have no alternative.

We all agree that there needs to be change in the present system that has yet to work. We have to find a way to make long-term care both accessible and affordable. These problems will not simply disappear. They're not going to go away.

This bill certainly does not fix these problems. The bill does not even provide an alternative. All it does is attack the progress made in the Affordable Care Act. You've tried to wean it down. You've tried to bevel it. You've tried to covet. You tried to take all the money away that's going into it in order to have a system in this country that was not sustainable in the first place.

Sixty-two percent of small businesses over the last 5 years went under because they couldn't pay their health care bills, and you stand there with no alternative whatsoever. Whatever happened to the ''replace'' part of the ''repeal and replace?'' Remember that? That nonsense we heard last year?

Without the CLASS Act or an alternative, people who struggle the most with daily tasks due to illness will be the ones to suffer. You know that. You know there are millions of people out there suffering, yet we have not come up with an alternative plan. Yet you condemn this, yet you accuse everybody of failing, but you don't have a plan yourself.

Where is your heart for the middle class? Have you no heart?

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members should remember that all remarks must be addressed to the Chair and not to one another in the second person.

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

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining. The gentleman from Pennsylvania has 4 minutes remaining.

Mr. PALLONE. I suggest that you go next because I only have myself, and then we're going to move to Ways and Means.

Mr. PITTS. Madam Chair, I believe we have the right to close, and we have just one speaker.

I reserve the balance of my time.

Mr. PALLONE. I yield myself the balance of the time.

Madam Chair, I just want to stress again, you know, I hear from the other side of the aisle over the years how people should take personal responsibility. The idea of the CLASS Act is that people pay into the trust fund, and then when they become disabled, they take the money out to pay for services so that they can stay in their home and don't have to go to a nursing home.

Now, when they do that, they save the government money because this is their own money that is being spent to keep them in their home, to keep them in the community so they don't have to spend down and then eventually become a ward of the State, essentially, because Medicaid ends up paying for their nursing home care.

So this is a solution to a long-term care problem. Not a complete solution, but certainly a partial solution.

I agree with Mr. PASCRELL, which is that when I listen to the other side of the aisle, the gentleman from Texas was quite clear: Let's repeal the entire Affordable Care Act. If we can't repeal the whole thing, then we'll repeal it piecemeal piece by piece, which is what's going on here today. Well, again, it's not a very responsible position unless you come up with an alternative.

We're in the Energy and Commerce Committee. We've had hearings on this. I've yet to hear anyone come up on the Republican side with an alternative. All they keep saying is let's just repeal this and we'll figure something out down the line.

The problem with that is that Mr. PASCRELL said there are 10 million Americans who need long-term care. Soon it will be 15 or eventually 20 million. So every day that goes by there is not a solution for these people, and the disabled community and the senior citizen community are crying out for some kind of relief.

So all I say to my colleagues on the other side of the aisle is, don't just keep talking about repeal. I'll use the term ''mend it, don't end it.'' Let's not

end today the effort to try to find long-term care solutions for America's seniors and for the disabled.

□ 1510

It simply isn't fair to come here on the floor repeatedly and say ''repeal, repeal, repeal'' and not have an answer. At any time, I am more than willing to sit down with the chairman of the subcommittee or with any other Member and come up with a bipartisan solution, but I haven't heard it yet.

The Acting CHAIR. The gentleman's time has expired.

Mr. PITTS. Madam Chair, to close on our side, I yield such time as he may consume to a distinguished member of the Health Subcommittee, the gentleman from Georgia, Dr. GINGREY.

The Acting CHAIR. The gentleman from Georgia is recognized for 4 minutes.

Mr. GINGREY of Georgia. Madam Chairman, as the co-lead sponsor of this bill, I rise in strong support of H.R. 1173. I commend Dr. BOUSTANY and Chairman PITTS for their leadership on this issue, and I thank Mr. LIPINSKI on the Democratic side.

In response to a question I put to him in March of last year, CBO Director Douglas Elmendorf wrote: ''The Secretary of Health and Human Services has now concluded that the CLASS program cannot be operated without mandatory participation so as to ensure its solvency.'' HHS Secretary Kathleen Sebelius called the program insolvent, and Democratic Senator KENT CONRAD, chairman of the Senate Budget Committee, called the program in 2009 a Ponzi scheme. In fact, he went on to say that it would make Bernie Madoff proud.

Madam Chair, during its consideration in 2009, CMS Actuary Richard Foster told the Obama administration staff: ''Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.'' He was ignored. In fact, he was eventually cut out of the email loop. The Health Committee on the Senate side and the staff of Senator Kennedy didn't want to hear any more from him.

Subsequently, in December of 2010, the President's fiscal commission recommended Congress reform or repeal—not amend—the CLASS Act. The commission report stated: ''Absent reform, the CLASS program is . . . likely to require large general revenue transfers or else collapse under its own weight. The commission advises the CLASS Act be reformed in a way that makes it credibly sustainable over the long term. To the extent this is not possible, we advise it be repealed.''

In February of 2011, Secretary Sebelius testified before a Senate Finance Committee hearing that the CLASS program was ''totally insolvent'' as structured and needed to be reformed in order to work. Then, in October of 2011, the Secretary released a report on the CLASS Act that essentially found the Obama administration could not make the program actuarially sound or credibly sustainable, to quote the President's fiscal commission, over a 75-year period.

Thank God for Senator Judd Gregg for putting that amendment in on the Senate side that called for fiscal sustainability and the certification by the Secretary over a 75-year period of time or it could not go forward, and that's exactly what happened.

Based on the evidence the CLASS program is not simply flawed—it is broken. As currently written, it poses a clear danger to the fiscal health of our budget and to the American taxpayer. In defending this broken program, some of my colleagues have told me that there is no need to repeal CLASS because the Secretary has already abandoned it. Yet every day that we delay in repealing CLASS, we prevent Congress from passing meaningful, true long-term care reform. All sides admit that CLASS does not work, so the prudent step is to repeal it.

In closing, I urge all of my colleagues to support this legislation so that we can get to the meaningful reform of long-term care and have the marketplace work its magic in regard to this so that the penetration is greater than the current penetration, which is less than 10 percent.

With that, Madam Chairman, I would urge all of my colleagues to support the repeal of a broken, failed program, the CLASS Act.

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

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

As a physician, I know firsthand of this really dire need to solve the problem for many families across this country who are struggling with their long-term care needs. I am the oldest of 10 children, and my father was a physician. He died 3 years ago from a lengthy illness, and required a lot of care at home. He did not have long-term care, but we gladly bore that burden and were able to provide for him even though it was somewhat of a strain.

This is a serious problem facing every single family in this country. Yet what we've seen now is a program that was created in ObamaCare, a program that is clearly unsustainable by the administration's own admission. After almost a year now of wrangling about this, they've finally come to the conclusion that we knew before the bill even passed: that this was unsustainable, that it was unworkable, that it was fatally flawed.

As a physician, I know the worst thing you can do for someone is to create false hope, and that's what this has done. As long as this stays on the books, on the statute books, we're not going to get anything done on this. We're not going to solve it. Now, there are many good ideas on both sides of the aisle, and we've discussed some of them in the Ways and Means Committee. There are bills on both sides of the aisle on which I believe we could work together in a true bipartisan fashion to solve this problem—but the CLASS program is clearly not the answer.

Washington should learn three lessons from this debacle, ObamaCare's failed government-run program:

First, don't ignore reality. Democrats ignored the expert actuarial warnings when they used CLASS as a budget gimmick in ObamaCare. President Obama cannot create a self-funded sustainable program that prohibits underwriting unless he intends to force healthy Americans to participate. What does that mean? Madam Chair, that means an individual mandate, another individual mandate.

Many constitutional scholars think that this is unconstitutional. We don't need another individual mandate. In fact, Senator HARKIN said that the problem with CLASS is that it's voluntary. I think he basically put the cards on the table and showed that what they want to do to fix CLASS is to give us another individual mandate. Most enrollees in CLASS will be high-risk, causing premiums to skyrocket under the current program, making CLASS even less appealing to average American families. The premiums will be unsustainable, and it will require subsidies from the taxpayer.

So, the first lesson: Don't ignore reality.

The second lesson: Don't break the law.

The administration planned to break the law by excluding Americans made eligible by the statute. When the Congressional Research Service attorneys warned of lawsuits, I sent letters to Secretary Sebelius for her legal authority to make this change. She then subsequently suspended the program, but this doesn't correct the bad law. Unless we repeal CLASS, the Department of Health and Human Services will break the law when it misses the deadline in October and again in 2014. That's not a very good example to set for the American people to have the administration breaking the law.

So, first, don't ignore reality.

Second, don't break the law.

Third, don't compound our Nation's long-term fiscal problems.

A Democrat under the Clinton administration, former Congressional Budget Office Director Alice Rivlin, wrote: Since the CLASS program is a new unfunded entitlement, it should be repealed because it will increase the deficit over the long term. In fact, the President's own deficit commission agrees that our grandchildren simply cannot afford a new budget-busting entitlement.

We can do better than this, Madam Chair, and we can work together to solve this problem. I urge my colleagues on both sides of the aisle to support this CLASS repeal, to support

H.R. 1173. Beyond this, we will have the impetus to actually do some real work to create a real program that works for the American people. We can make it easier for disabled Americans to save for future needs; we can expand access to affordable, private long-term care coverage; and we can better educate Americans on the need for retirement planning.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 31, 2012.

Hon. KATHLEEN SEBELIUS,
U.S. Department of Health & Human Services, Independence Ave., SW., Washington, DC.

DEAR SECRETARY SEBELIUS: We write this as a follow up to our unanswered November 2011 letter to President Obama regarding the failed CLASS program. In the letter, we asked whether the Administration has a legal obligation to implement the program.

Last year, you announced you could not find ''a viable path forward for CLASS implementation at this time.'' Legal experts at the Congressional Research Service (CRS) say you do ''not appear to have discretion to decide whether or not to designate a plan by October 1, 2012.'' If the deadline expires, they say you will be ''committing a facial violation'' of the 2010 health law. Finally, ''the CLASS Act does not preclude judicial review'' and ''a failure by the Secretary to designate a CLASS benefit plan by October 1, 2012 . . . would appear to be a final agency action from which 'legal consequences will flow.'''

In light of the findings by the CRS, does the Obama Administration intend to openly violate the law as the 2012 and 2014 deadlines for CLASS expire? If not, when do you intend to resume implementation of CLASS? What justifications can the Administration provide to Congress and the American people in the event that the Secretary's failure to adhere to the law results in a costly court battle, effectively delaying meaningful long-term care reform in the process? Please expedite a written response to these questions.

Democrat and former Congressional Budget Office Director Alice Rivlin wrote: ''Since the CLASS program is a new unfunded entitlement, it should be repealed because it will increase the deficit over the long term.''

Our grandchildren simply cannot afford a new budget-busting entitlement. We urge you to join us in support of CLASS repeal, and to support bipartisan efforts to expand access to affordable private long-term care coverage.

We appreciate your attention to this matter.

Sincerely,

CHARLES W. BOUSTANY, JR., MD,
Member of Congress.
PHIL GINGREY, MD,
Member of Congress.

I reserve the balance of my time.

□ 1520

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

I'd like to point out that the last time I watched television, they told me that we still have troops in Afghanistan who should be brought home. And we've not addressed the Medicare physician payment cuts, the payroll tax cut extension, unemployment insurance extension. Roads, bridges, and public transit systems are falling apart, and Congress hasn't brought forth legislation to invest in the infrastructure to repair those vital structures. And we continue to have an imbalanced Tax Code that lets Members of Congress get richer at the expense of working families, and we've done nothing to change that.

Yet rather than tackle any serious problems, the Republicans are using the very little time that they permit Congress to be in session to debate repealing the law that the President has already made clear will not be implemented. In other words, we should repeal a law that isn't going to happen. Now, that's a vital use of our time. He's clearly stated, the President has, that the CLASS Act, as part of the Affordable Care Act, can't meet the tests put in the statute.

Now, remember that Republicans probably would like to repeal all of ObamaCare, and I'm not sure exactly which part they want mostly to repeal. In other words, I assume that the 2.5 million youngsters who now get health insurance, the Republicans would like to kick them off the rolls and let them go to work or earn their own way to health insurance.

It's lowered prescription drug costs, ObamaCare has, for millions of seniors, for a bill that the Republicans wrote that was too costly. I presume the Republicans would like to raise the cost of pharmaceuticals for seniors. Republicans generally like to do anything that the pharmaceutical obviously asks them to do, and I'm surprised they haven't brought that up yet.

I understand that my good friend, Dr. BOUSTANY, actually has the makings of a bill that would help long-term care. And I also understand that the only reason he hasn't introduced it—I'd be glad to make it an amendment if it's ready to go right now—is that the health insurance industry doesn't like it. Well, if the health insurance industry doesn't like it, it must be spectacular, and I hope we'll see it. Maybe you'll tell us a little bit about it, and I'd like to applaud it because he has done some great work in this area, and we need to do this.

The fully implemented ObamaCare, health care, whatever you want to call it, by 2014 will extend affordable, quality medical care to 32 million uninsured Americans. That's a plan. Maybe we could change it. Maybe we could make it quicker. Maybe we would extend it to more people. Maybe we could save some money. But that has to come from the other the other side of the aisle.

We oppose this, and I'd like to think that our Republican friends would work with us to improve it and move us in that direction.

I'd like to highlight a letter of opposition to repealing the CLASS Act that is signed by more than 70 organizations representing millions of senior citizens, people with disabilities, and people suffering from various diseases. These groups include: AARP, the Autism National Committee, the AFL–CIO, and Easter Seals, and United Cerebral Palsy.

They urge Congress to ''reject H.R. 1173, and instead focus on a constructive path forward.''

I ask that this letter be inserted into the CONGRESSIONAL RECORD as part of this debate.

JANUARY 31, 2012.

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

Hon. NANCY PELOSI,
Democratic Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND DEMOCRATIC LEADER PELOSI: The undersigned organizations write to oppose legislation, H.R. 1173, to repeal the Community Living Assistance Services and Supports (CLASS) program and respectfully urge members to reject such legislation.

In 2008, 21 million people had a condition that caused them to need help with their health and personal care. Medicare does not cover long-term services and supports (LTSS), yet about 70 percent of people over age 65 will require some type of LTSS at some point during their lifetime. As our population ages, the need for these services will only grow. In addition, about 40 percent of the individuals who need LTSS are under age 65 and LTSS can enable individuals to work and be productive citizens.

Regardless of when individuals may need these services, there is a lack of financing options to help them plan and pay for the services they need to help them live independently in their homes and communities where they want to be. Family caregivers are on the frontlines. They provided care valued at $450 billion in 2009—more than the total spending on Medicaid that year. Private long-term care insurance helps some people pay for the cost of services, but it is not affordable for most, and some people are not even able to qualify for it. Too often, the cost of services wipes out personal and retirement savings and assets that are often already insufficient—as a result, formerly middle class individuals are forced to rely on Medicaid to pay for the costs of LTSS. There are few options for individuals to help them pay for the services they need that could help them delay or prevent their need to rely on Medicaid, the largest payer of LTSS.

That's why we support the CLASS program—to give millions of working Americans a new option to take personal responsibility and help plan and pay for these essential services. CLASS could also take some financial pressure off Medicaid at the state and federal levels—paid for by voluntary premiums, not taxpayer funds. For us, this is about the financially devastating impact that the need for LTSS has on families across this country every day and the essential, compelling and urgent need to address this issue. Every American family faces the reality that an accident or illness requiring long-term care could devastate them financially. This issue affects the constituents of every U.S. Representative. CLASS is an effort to be part of the solution. The CLASS actuarial report established that CLASS can still be designed to be a ''value proposition,'' although development work was still needed. The actuarial report also noted that federal actuaries ''. . . agreed that certain plans, designed to mitigate the adverse selection risk . . . can be actuarially sound and attractive to the consumers.'' Rather than repeal CLASS, we urge continued dialogue and development of a viable path forward. The need to address LTSS and how these services will be paid for in a way that is affordable to individuals and society as a whole will not go away.

Families will continue to need a workable LTSS option to protect themselves; and a

path forward is essential because the need for these services will only continue to grow. We appreciate your consideration of our views that are based on the experiences of millions of families across this country. We urge you to reject H.R. 1173, and instead focus on a constructive path forward.

Sincerely,

AAPD; AARP; ACCSES; AFL-CIO; AFSCME; Alliance for Retired Americans; Alzheimer's Foundation of America; American Association on Health and Disability; American Counseling Association; American Dance Therapy Association; American Geriatrics Society; American Music Therapy Association; American Network of Community Options and Resources; American Society on Aging; The Arc of the United States; Association of Assistive Technology Act Programs; Association of University Centers on Disabilities (AUCD); Autism National Committee; Autistic Self Advocacy Network; Bazelon Center for Mental Health Law; Brain Injury Association of America (BIAA).

California Foundation for Independent Living Centers; Cape Organization for Rights of the Disabled (CORD); Center for Independence of Individuals with Disabilities; Center for Independent Living of South Florida; Inc.; Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD); Coalition of Geriatric Nursing Organizations; Council for Exceptional Children; The Council on Social Work Education; Direct Care Alliance; Disability Rights Education & Defense Fund; Easter Seals; Epilepsy Foundation; Health & Disability Advocates; Inter-National Association of Business; Industry and Rehabilitation; LeadingAge; Lutheran Services in America; Mental Health America; The National Alliance for Caregiving; National Alliance on Mental Illness (NAMI); National Association of Area Agencies on Aging (n4a).

National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD); National Association of the Deaf; National Association for Geriatric Education (NAGE); National Association for Home Care & Hospice; National Association of Councils on Developmental Disabilities; National Association of Nutrition and Aging Services Programs (NANASP); National Association of Professional Geriatric Care Managers; National Association of Social Workers; National Association of State Directors of Special Education (NASDE); National Association of State Head Injury Administrators; National Center on Caregiving; Family Caregiver Alliance; The National Center for Learning Disabilities; National Committee to Preserve Social Security and Medicare; The National Consumer Voice for Quality Long-Term Care (formerly NCCNHR); National Council on Aging; National Council for Community Behavioral Healthcare; National Council on Independent Living; National Disability Rights Network; National Down Syndrome Congress.

National Multiple Sclerosis Society; The National Rehabilitation Association; National Respite Coalition NISH; Paralyzed Veterans of America; PHI–Quality Care through Quality Jobs; Physician-Parent Caregivers SEIU; Self-Reliance; Inc.; Services and Advocacy for GLBT Elders (SAGE); Social Work Leadership Institute/The New York Academy of Medicine; United Cerebral Palsy; United Spinal Association; Volunteers of America.

LEADERSHIP COUNCIL OF AGING ORGANIZATIONS,
January 30, 2012.

DEAR MEMBER OF CONGRESS: The Leadership Council of Aging Organizations, (LCAO) strongly opposes H.R. 1173, legislation to repeal the Community Living Assistance Services and Supports (CLASS) program. Please do not support this bill when it comes to the House floor this week.

The Leadership Council of Aging Organizations (LCAO) is a coalition of 66 national nonprofit organizations concerned with the well-being of America's older population and committed to representing their interests in the policy-making arena.

We support the CLASS program as a promising means of effectively financing the long-term services and supports that thousands of Americans come to need as they age or develop a disability. Every family faces these potential costs. CLASS gives families a framework for responsibly planning for their own long-term services and supports needs.

Our currently fragmented system of paying for long-term services and supports is in danger of crumbling under the weight of the baby boom generation. Already an estimated 10 million Americans need long-term services and supports, and this number is projected to increase to 26 million by 2050. Acknowledging the growing demand for services, the law also created the Personal Care Attendants Workforce Advisory Panel, work which must move forward if we are to build the strong workforce that America needs to provide personal care services.

CLASS was developed to provide a coordinated, national public-private system for delivering long-term services and supports. Nearly half of all funding for these services is now provided through Medicaid, which is a growing burden on states and requires individuals to become and remain poor to receive the help they need. There is also an institutional bias in Medicaid whereby approximately two-thirds of all spending is directed towards nursing homes and other institutions instead of preferred community-based services and supports.

CLASS is a promising approach to effectively meeting the costs of long-term services and supports. Thousands of Americans do not qualify for private long-term care insurance due to underwriting practices, and this kind of insurance is unaffordable for many more. Reverse mortgages assume home ownership with substantial equity, which excludes thousands more individuals and families.

There is no effective and affordable alternative to CLASS at this time. We urge you to vote against H.R. 1173 when it comes to a vote this week in the House.

Sincerely,

WILLIAM L. MINNIX, Jr.,
President and CEO,
Chair, LCAO.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO,
Washington, DC, January 24, 2012.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I write to urge you to oppose H.R. 1173, the misnamed Fiscal Responsibility and Retirement Security Act of 2011. The bill repeals the Community Living Assistance Services and Supports (CLASS) program, which was designed to be a voluntary insurance program to help American workers pay for long-term care services and supports that they may need in the future.

The need for the CLASS program is huge and growing. Nearly 70% of people turning 65 today will need, at some point in their lives, help with basic daily living activities, such as bathing, feeding and dressing. Repealing the CLASS program and replacing it with absolutely nothing offers no help to millions of Americans who want to maintain their health, independence, and dignity when they lose the capacity to perform basic daily activities without assistance.

Medicare does not cover long-term care services. Medicaid does cover long-term care but Medicaid pays only for services for people with very limited financial means. Private long-term care insurance can be costly and difficult to purchase, especially if an individual has a pre-existing condition. Indeed, only about one-in-ten Americans age 55 and older has long-term care insurance.

The CLASS program is not perfect and may need modifications, but now is not the time to accept the status quo for the financing of long-term services and supports, which relies by default almost exclusively on Medicaid. Repealing the CLASS program is not a solution and promotes a fiscal default policy of increasing Medicaid costs and requiring middle-class Americans to impoverish themselves in order to obtain long-term care. We urge you to oppose H.R. 1173.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

LEADINGAGE,
Washington, DC, January 17, 2012.

DEAR WAYS AND MEANS COMMITTEE MEMBER: I understand that the Ways and Means Committee will vote January 18 on H.R. 1173, legislation to repeal the Community Living Assistance Services and Supports (CLASS) program.

I strongly urge you oppose this bill. American families need the CLASS program to effectively plan for the costs of long-term services and supports.

These costs now are covered primarily by Medicaid, an entitlement program that is a growing and unsustainable burden on both federal and state budgets. Currently Medicaid covers 49% of the total cost of paid long-term services and supports, making it the predominant source of financing in this field.

These costs will not disappear if the CLASS program is repealed, and there is no effective alternative to cover them. All but the wealthiest Americans have insufficient income and savings to cover the cost of long-term nursing home care or even extensive services provided in a home- and community-based setting. Private long-term care insurance, for which there already are tax incentives, covers only a small fraction of long-term services and supports. Reverse mortgages are becoming less useful as a source of long-term services and supports financing due to the current state of the real estate market.

Without CLASS, people who need help with the most basic activities of daily living will continue to be thrown onto the Medicaid rolls. The federal and state governments will have to continue paying for needed long-term services and supports, but without the revenues that the CLASS program would generate.

Over the last several decades, policymakers, health economists and other experts have given much thought and debate to the issue of financing long-term services and supports. CLASS developed out of all of this deliberation as the proposal with the most promise for establishing a healthy, ethical and affordable system of financing these costs. This program can give families an affordable means of planning for their futures and for the long-term services and supports needs that inevitably arise.

I hope you and members of your family will never come to need the kinds of services for which CLASS was designed to pay. But if you ever do, you will understand fully why the CLASS program has attracted such broad support.

Repealing CLASS would undo years of work toward an effective means of financing long-term services and supports needed and

used by thousands of Americans and their families. What other option addresses these needs?

Please oppose H.R. 1173 when it comes before the Ways and Means Committee.

Sincerely,

WILLIAM L. MINNIX, JR.,
President and CEO.

Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 7½ minutes remaining.

Mr. STARK. I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend from California for yielding me this time.

Madam Chair, I rise in support of the resolution. I do so because I believed at the time when the CLASS Act was inserted in the Affordable Care Act it wasn't a sustainable program. And sure enough, when Secretary Sebelius and those at the Department of Health and Human Services had a chance to analyze it and try to implement it, they reached the same conclusion.

I just hope that today my Republican colleagues don't take too much glee or delight over the fact that this resolution will pass and it repeals yet another small section of the Affordable Care Act, because just by repealing it without replacing it doesn't solve the problem with the rising long-term health care costs that our Nation faces.

I know my friend Dr. BOUSTANY shares his interest in trying to find a fix to this situation, and I hope that the parties are able to come together and address one of the paramount challenges that we're still facing in health care: How do you incent young, healthy people to invest in their long-term health care needs? It's difficult to do.

And I appreciate the work by those who supported CLASS, recognizing the challenge that we faced and trying to come up with a solution. This just wasn't the answer.

And to my Democratic colleagues, I never believed that passage of the Affordable Care Act—which I did support—was the end-all, be-all for health care reform. In fact, the great potential of the Affordable Care Act was the vast experimentation that needs to take place in reforming the health care delivery system and the payment system to learn what's working and what isn't working and then drive the system to greater efficiency, better quality outcomes, and a better bang for our buck. That, to me, is what health care reform is going to look like in the years to come. It's going to be an ongoing effort trying to determine what is working and what isn't. The CLASS Act, clearly, the way it was structured, was something that wasn't going to work.

So I agree with the resolution today that we should repeal it. It's the same conclusion the administration, having a chance to look at it, reached themselves. But it doesn't leave us off the hook of trying to find a solution to one of the great challenges of long-term health care in this country.

So I would encourage my Republican colleagues—and I know many of them share this sentiment, that this does not end the work that has to go on. We've got to figure out a way to start talking to each other, listening, trusting each other to come up with some solutions. This isn't that solution today.

Mr. BOUSTANY. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. HERGER), the distinguished chairman of the Health Subcommittee on the House Ways and Means Committee.

Mr. HERGER. Madam Chair, I rise in strong support of H.R. 1173, the Fiscal Responsibility and Retirement Security Act.

It's now clear that long before the Democrats' health care overhaul was passed, the Obama administration knew that the CLASS Act was a seriously flawed program that could not be implemented. For example, Medicare actuary Rick Foster said way back in June of 2009: ''Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.''

Yet these warnings went unheeded and the CLASS Act remained in the health care bill 9 months later because it created an illusion of budget savings, an illusion based entirely on the fact that it was designed to collect premiums for a full 5 years before it would have to start paying benefits. Yesterday the Congressional Budget Office estimated that the cost of Federal health care entitlement programs will more than double over the next decade.

Madam Chairman, for the sake of our Nation's future, we must get these costs under control. The CLASS Act is an unsustainable program that, if it ever begins operating, would inevitably need a major taxpayer bailout. By repealing it today, Congress can send a clear message that we are going to start finding solutions to rising health care costs instead of making the problem worse.

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

Mr. BOUSTANY. Madam Chair, may I ask how much time remains?

The Acting CHAIR. The gentleman from Louisiana has 3½ minutes remaining, and the gentleman from California has 5½ minutes remaining.

Mr. BOUSTANY. I yield 1½ minutes to the gentlewoman from Kansas (Ms. JENKINS), a member of the House Ways and Means Committee.

□ 1530

Ms. JENKINS. I thank the gentleman for yielding.

There aren't many areas where the former Kansas Governor and current Secretary of Health and Human Services, Kathleen Sebelius, and I agree, but one thing that we do agree on is that the CLASS Act portion of the President's health care package is completely unviable and needs to be stopped.

That's why I was glad to hear the Secretary backtrack on her prior support and pull the plug on the program, and it's why I support a statutory repeal of the CLASS Act today. This act was designed as a new national entitlement for purchasing community-living assistance services, and it was used by this administration as a pay for to substantiate their faulty claim that ObamaCare was going to reduce the deficit.

However, as I and many others pointed out at the time, the deficit reduction claim was bogus and based on budget gimmicks that proved false when HHS began implementation. You see, the CBO can only project the cost of bills in a 10-year budget window, so the Obama administration used a budget trick by setting up the CLASS Act to begin collecting premiums in 2012 but not paying out benefits until 2017. Great for years 1 through 10, but very bad for years 5 through 15 or later.

This gimmick led CBO to report that the program would reduce the deficit, but it certainly doesn't take a CPA to realize that these initial savings can't be sustained over time. While we anxiously await the Supreme Court's decision on the constitutionality of ObamaCare's individual mandate, I urge my colleagues to support the repeal of this failed portion of the bill today so we can get this budget gimmick off the government's books.

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

Mr. BOUSTANY. Madam Chair, I'm pleased to yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACK), a member of the Ways and Means Committee.

Mrs. BLACK. I thank the gentleman for yielding.

Madam Chair, I rise today in support of my colleague from Louisiana's legislation repealing this unsustainable budget gimmick created to make the health care law look less expensive.

The CLASS Act was a long-term entitlement that was plagued with problems from the very beginning. From day one, concerns were raised about the CLASS program's unsustainable cost structure, and the administration ignored it.

I have a chart that was presented to us in our Ways and Means Committee in the markup of this bill, and from the very beginning there were six different occasions, and up until March 20 when it was passed, of experts who said this was unsustainable, and they've already been referenced by prior speakers.

Since that time of passage there were four others, including Secretary Sebelius in October of 2011, who also said: ''I do not see a viable path forward for the CLASS implementation.''

This program, again, has been unsustainable from the very beginning. I think what is so sad is we continue to put our head in the sand and make the American people believe that this program is somehow workable. This needs to be removed from our law so we can

start again. This is a nonpartisan issue, and we all need to work together in a bipartisan way. As a nurse for over 40 years working with the elderly, I recognize the need for long-term care.

The Acting CHAIR. The gentleman from Louisiana has 1 minute remaining and the right to close. The gentleman from California has 5½ minutes remaining.

Mr. STARK. Madam Chair, in closing, I repeat that there are real problems in this country of much more urgency than trying to repeal a bill that doesn't do anything, that won't work, that the President has said won't be effective. I urge my colleagues to join me in voting ''no'' on this Republican agenda to tear down our health system. It's mugwumpish. It just sticks your head in the sand and says let's repeal things and let's not go about fixing it.

As I said before, I'm sure Dr. BOUSTANY has a great bill, and I'm hoping that he'll bring it to us and we can proceed to deal with the problem of long-term care for our senior citizens.

I have seven children who would like to see that done very quickly and get me off their hands, thank you very much. And so anything we can do together, I look forward to working with the distinguished gentleman.

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

Mr. BOUSTANY. Madam Chair, I'm pleased to yield my remaining time to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

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

Mr. PAULSEN. Madam Chairman, I also want to rise in strong support of repealing this misguided CLASS Act. We knew from the start that the CLASS Act was fiscally unsustainable. But the President and those who supported the new health care law used this and inserted it as a budget gimmick to help pass the law. This new program was an illusion, an illusion that was crafted so government would start collecting funds long before it would pay anything out, making it seem as if it would raise revenue and save money. But in the long run it was obvious and it was clear the program would have disastrous effects.

The CMS Chief Actuary himself said that if implemented, the program would collapse. And after months of failed attempts, even the administration has finally admitted that the program was unworkable.

Madam Chair, Minnesota families and small businesses are tired of the smoke and mirrors coming out of Washington. Let's do the right thing today and repeal this terrible program, and let's focus on what's really important: putting Americans back to work. I want to thank my colleague on the Ways and Means Committee from Louisiana. He's a doctor, he's a physician, he's a leader in health care. Let's do the right thing and repeal this legislation.

Mr. STEARNS. Madam Chair, we need to repeal this bad legislation. As Chairman of the Oversight and Investigations Subcommittee, we looked into the CLASS Act and the actions of HHS. We issued a bicameral report on the failures of this fiscally reckless program.

Some Senate Democrats expressed that they ''had grave concerns that the real effect of the [CLASS Act] would be to create a new federal entitlement with large, long-term spending increase that far exceed revenues.''

Perhaps the most damning indictment came from the Senate Budget Chairman who characterized CLASS Act as ''a ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of.''

This legislation is so fiscally unsound that even the Secretary of HHS has announced that she does ''not see a viable path forward for CLASS implementation at this time.'' This despite all her statements in support of CLASS when the Democrats were ramming Obamacare down our throat.

Under CBO rules, the CLASS failure will cost American taxpayers $86 billion—the most recent CBO project of the supposed savings from the CLASS Act. However, if CLASS had gone into effect, it would have increased our deficit by the third decade.

We need to repeal this fiscally unsound entitlement. We need to stop wasteful spending. We need to bring our country back to the path of fiscal responsibility and repealing CLASS is an important first step.

Ms. JACKSON LEE of Texas. Madam Chair, I rise in opposition to H.R. 1173, ''The Fiscal Responsibility and Retirement Security Act of 2011.'' This bill would repeal title VIII of the Patient Protection and Affordable Care Act and Supports, CLASS, Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports. Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information, clearing house. H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

The CLASS Act was designed to provide an affordable long-term care option for the 10 million Americans in need of long-term care now and the projected 15 million Americans that will need long-term care by 2020.

The CLASS program would allow the disabled to be treated with respect and class. Yet, once again, instead of focusing on creating jobs, instead of finding means to reduce our deficit, instead of addressing the most pressing needs of our nation today, my Republican colleagues have put forth a measure that targets the aging and the disabled. They are supporting a measure that literally lacks class. This measure is a blatant attempt to repeal the Affordable Health Care Act one title at a time.

Like many Members of this body, I am disappointed that the Department of Health and Human Services, DHHS, has not been able to implement the CLASS provision of the Affordable Health Care Act. Although the CLASS program is not perfect, I cannot in good conscience support repealing it at a time when we have no viable alternative for affordable long-term care.

We have a growing aging population some of whom will require long-term care. CLASS provides the aging and the disabled with a solution that is self-sustaining, at no cost to tax payers.

As the estimated 76 million baby boomers born between 1946 and 1964 become elderly, Medicare, Medicaid, and Social Security will nearly double as a share of the economy by 2035.

With each generation, Americans have been fortunate to live longer lives; we continue to plan on how to meet the needs of the aging and the disabled. It is reasonable to assume that over time the aging of baby boomers will increase the demand for long-term care. Estimates suggest that in the upcoming years the number of disabled elderly who cannot perform basic activities of daily living without assistance may be double today's level.

Repealing the CLASS program does nothing to address the fact that private long-term care insurance options are limited and the costs are too high for many American families, including many in my Houston district, to afford.

In 2000, spending from public and private sources associated on long-term care amounted to an estimated $137 billion, for persons of all ages. By 2005, this number has risen to $206.6 billion.

Unless we act now, the costs associated with long-term care will continue to rise. As it stands, families are bearing the brunt of these costs. Less than a decade ago those who needed long-term care spent nearly $37.4 billion in out-of-pocket expenses. This is not sustainable for the majority of families; less than a decade ago we were not recovering from a recession.

The issue before us today is how we intend to treat our aging and disabled at a time when they are in need of assistance that will have a direct impact on their quality of life.

CLASS comes into effect when a person is at his most vulnerable. For example, when individuals are unable to clothe or bathe themselves. CLASS would allow some individuals to remain in their home. It gives the aging, the disabled and their families a viable option. Long-term care encompasses a wide range of services for people who need regular assistance because of chronic illness or physical or mental disabilities.

Although long-term care might include some skilled nursing care it consists primarily of help with basic activities of daily living, such as bathing, eating, and dressing, and with tasks necessary for independent living such as shopping, cooking, and housework, in essence helping people who need help.

Traditionally, most long-term care is provided informally by family members and friends. Some people with disabilities receive assistance at home from paid helpers, including skilled nurses and home care aides. Nursing homes are increasingly viewed as a last resort for people who are too disabled to live in the community, due to a number of factors, cost being one.

Madam Chair, I believe that we must leave the framework that exists in place and work with seniors, families, industry, HHS and others to find a way to make the CLASS Act or an alternative long-term care program work. We cannot and we must not allow Medicaid to continue to be the only affordable long-term care service available to Americans. American families should not have to spend down their savings or assets to access long-term care. We must not forget that this is an issue we must address. As of January 1, 2011, baby

boomers will begin to celebrate their 65th birthdays for that day on 10,000 people will turn 65 every day and this will continue for the next 20 years

My career in Congress has been dedicated to expanding access to affordable, quality health care for the residents of the state of Texas, Houstonians, and all Americans, and the CLASS Act furthers that goal. It is clear that the CLASS Act is not perfect, and almost no piece of legislation can ever be, but that's why we rely on the professionals in federal agencies to work on implementation of the law.

I strongly believe that we can find a way to make this program work and I hope my colleagues on the other side of the aisle will work with me to ensure that affordable long-term care is available for anyone who needs it.

American families spend almost twice as much on health care through premiums, paycheck deductions, and out-of-pocket expenses as families in any other countries. In exchange, we receive quality specialty care in many areas that is the envy of many. Yet, they do not receive significantly better care than countries that spend far less.

Considering the amount that we spend on health care, it is surprising that Americans do not live as long as people in Canada, Japan, and most of Western Europe. Our health care system was in need of an overhaul. The landmark bill signed by President Obama in 2010 is designed to provide coverage to millions of people who currently lack it.

Under the Affordable Health Care law more than 32 million additional Americans are expected to get insurance, either through an extension of Medicaid or through exchanges where low and moderate income individuals and families will be able to purchase private insurance with federal subsidies.

A key part of the new health law also encourages the development of ''accountable care organizations'' that would allow doctors to team up with each other and with hospitals, in new ways, to provide medical services. There are dozens of good provisions in the Act that will ultimately benefit the public, if they are not repealed one title at a time. The CLASS Act is a good provision too—I stand by that notion—but just improperly designed.

At this stage, any change is difficult and change especially during a recession is extremely difficult. It is not possible to change a system as large and as hugely flawed, as ours without some disruptions. We are using fresh thinking and innovation to make sure everyone benefits—our citizens, our health care providers, small businesses, large corporations. I think the public is starting to slowly accept it. Over the course of several years and as more beneficial provisions take effect, this law will be more accepted, popular and possibly expanded.

Unfortunately, some in this Congress seems intent on not just undoing the CLASS Act, but the entire Affordable Health Care law. Everyone should have equal access to affordable health care and affordable health care service. Repealing a program that is intended to assist the aging and the disabled is not where this Congress should be spending its energy. We should be focused on legislation, like the one I proposed that would reduce the deficit, boast our nation's energy production, and create jobs. It appears as though my Republican colleagues seem more focused on putting forth bills that would cut taxes, cut services to the aging and disabled, and cut discretionary spending. Our priority should be to focus on legislation that will create jobs.

Mr. VAN HOLLEN. Madam Chair, H.R. 1173 exemplifies the GOP agenda in the 112th Congress: to reject constructive Democratic ideas, and fail to introduce any practical solutions to our nation's problems.

I think we are all in agreement that the Community Living Assistance Services and Supports, CLASS, Program—in its current form—needs work. However, simply repealing it conveniently ignores that we have a long-term care crisis in this country. Private long-term care insurance is too costly for most Americans and the alternative, spending down their assets in order to qualify for Medicaid, is financially devastating. Medicaid now accounts for nearly half of all long-term care spending, and as the nation's baby boomers age, federal and state budgets will face further strain. The CLASS program is intended to lessen the burden, providing working families a national, voluntary, and premium-financed insurance program that enables them to responsibly plan for long-term care.

Secretary Sebelius made the right decision to delay implementation of program because, under existing parameters, it could not be done in a financially solvent way. The Congressional Budget Office, CBO, estimated that the program would run surpluses through approximately 2029 but would begin adding to the budget deficit after that. We need to fix that. But let's try to mend it, not end it. Let's exhaust all of our options, confer with experts and beneficiaries, and see if we can find a viable path forward for the CLASS program. We must make every effort to make it solvent before we leave seniors and disabled individuals to the status quo for the foreseeable future.

Mr. CONNOLLY of Virginia. Madam Chair, we are not prepared, either as families or as a society, to pay for the long-term care supports and services most of us will need before we die.

Today 10 million Americans require some level of long-term assisted care, and that number is on pace to triple as the Baby Boom generation ages. Annual costs top more than $200 billion, and that doesn't count the time and energy of family caregivers. The growing demand and costs for long term care cannot be ignored, yet that is precisely what this legislation does.

Not only does this legislation repeal the voluntary, self-supporting long-term care insurance program created by the Affordable Care Act, but it also repeals funding for the national clearinghouse of information on long-term care services that helps seniors, their families and caregivers navigate the maze of options.

HHS said it could not implement the CLASS Act as written. It did not say such a program should not be implemented at all. In fact, HHS said that 15 million Americans will require some form of long-term care in 2020, yet fewer than 3 percent will have long-term insurance coverage. It went on to say that allowing that to persist will only increase the burden on taxpayers at a time when we're working to reduce such federal health care costs.

Madam Chair, this is nothing more than an ideologically-driven attempt to undermine the President's signature initiative and score political points at the expense of our seniors. I urge my colleagues to reject this bill, so we can pursue a workable solution to this mounting challenge that threatens the safety and security of our seniors and our economy.

Mr. HOLT. Madam Chair, I rise today in opposition to the so called ''Fiscal Responsibility and Retirement Security Act of 2011'', H.R. 1173.

H.R. 1173 would repeal the Community Living Assistance Services and Supports (CLASS) Act, which was included in health reform.

The CLASS Act would make it easier for people to save for long-term care services. This program would give working adults the opportunity to plan for long-term care needs by providing cash benefits that can be used to purchase non-medical services and supports like home health care. The Congressional Budget Office estimates that the CLASS Act would reduce the federal deficit and Medicaid spending.

Our nation is facing a long-term care crisis and repealing the CLASS Act does not help. Over ninety percent of Americans do not have long-term health insurance coverage. This crisis becomes more serious over the next two decades, when the number of Americans 65 and older will be 71 million—making up around 20 percent of the U.S. population. Long-term care is expensive: nursing homes can costs over $70,000 a year and home health care costs hundreds of dollars a day.

Instead of debating how to help Americans pay for long-term care, we are spending our time repealing the only program that is trying to help.

I oppose H.R. 1173 and urge my colleagues to vote no on this piece of legislation.

Mr. DINGELL. Madam Chjair, I rise today in opposition of H.R. 1173. This bill is yet another in a long list of efforts by the Republicans to dismantle and repeal the Affordable Care Act piece by piece. Despite the fact that my colleagues on the other side of the aisle sit in Committee hearing rooms and profess to support addressing our long term care crisis, one of their first pieces of legislation on the floor this session is a bill that will repeal one option to address this crisis.

H.R. 1173 does nothing to protect the security of our country's retirees. Repealing the CLASS Act does not protect the 70 percent of today's 65 year olds who will need some sort of health or personal care in the future. Nor does repealing the CLASS Act do anything for the 40 percent of long term care users between the ages of 18–64.

While I recognize that the CLASS Act is not fiscally feasible in its current form, I also recognize that a lack of a long term care initiative is not financially feasible for Americans. The average cost of a nursing home is currently a staggering $78,000 per year while in-home long term care averages $21,600 per year. We must continue to try and solve the problem of our nation's lack of adequate long term care options, and I call on my Republican friends to come to the table and work with us to do so.

Instead of wasting valuable floor time, my Republican friends should take this opportunity to work with Democrats as well as the Department of Health and Human Services to find a solution to this critical issue. We all must continue to champion the effort to create a safe and secure future for our nation's citizens.

It is my concern that if the CLASS Act is repealed, the impetus to implement a crucial

long term care act will fall by the wayside. If my friends across the aisle wish to repeal this provision, it is vital they work expeditiously to implement a substitute for CLASS.

In 2008, 21 million Americans utilized some form of long term care. That number is only going to continue to increase, and it is our duty to protect the quality of life of our fellow Americans. I urge my colleagues to vote against H.R. 1173 until we have a viable long term care program to replace the CLASS Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I rise today in opposition of H.R. 1173, legislation to repeal the Community Living Assistance Services and Supports program. America has a long-term care crisis, and it is only getting worse. Currently, there are over 10 million Americans who require long-term care, and this number is expected to grow to 15 million by 2020.

Long-term care places a huge burden on family budgets. CLASS makes long-term care more affordable and accessible by providing a national, voluntary, self-sustaining insurance program for the purchase of long-term care services and supports.

While CLASS may need to be tweaked, it should not be repealed without the existence of a viable alternative. Rather than repeal this bill today, Republicans and Democrats need to work together to identify ways to strengthen CLASS so that it becomes a sustainable long-term care program. Our nation's seniors are counting on us, and we must not let them down.

As our population ages, the need for long-term care services will only grow. Repealing the CLASS Act, without providing a viable alternative, will result in millions of seniors exhausting their retirement savings and personal assets. I cannot support H.R. 1173, as it undermines the personal dignity of our seniors.

Mr. GOODLATTE. Madam Chair, today I rise in strong support of the Fiscal Responsibility and Retirement Security Act. This important legislation repeals the failed government-run long-term care insurance program, known as the CLASS Act, which was included in the President's Health Care Law, PPACA.

Nearly two years ago, with total disregard for the will of the American people, Congress passed and President Obama signed the health care reform overhaul into law. This law, which I voted against, is defined by federal regulations, mandates, a myriad of new big government programs, and a significant increase in federal spending and debt at a cost to our country too high to bear.

The CLASS program is a prime example of the inherent problems with this new law. In fact, the Obama Administration announced in October that they would halt implementation of the CLASS program, recognizing that the program was unsustainable despite claims that it would save as much as $80 billion over 10 years.

Today the House has an opportunity to pass the Fiscal Responsibility and Retirement Security Act, which is an important piece to dismantling the President's Health Care Law and allows Congress to consider new long-term care reform proposals that work for the American people without busting the federal budget.

Madam Chair, I intend to continue working to repeal and defund the new health care law that kills jobs, raises taxes, threatens seniors' access to care, will cause millions of people to lose the coverage they have and like, and increases the cost of health care coverage. While we can all agree that our current health care system needs to be reformed, the new health care law was not the right way to do it. Instead we must focus on a positive, patient-centered strategy that puts patients, families and doctors, not Washington bureaucrats, in control of personal health care decisions.

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

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 3 hours.

The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1173

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 ''Fiscal Responsibility and Retirement Security Act of 2011''.

SEC. 2. REPEAL OF CLASS PROGRAM.

(a) REPEAL.—Title XXXII of the Public Health Service Act (42 U.S.C. 300ll et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1)(A) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119, 846–847) is repealed.

(B) The table of contents contained in section 1(b) of such Act is amended by striking the items relating to title VIII.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting ''and'' at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) is amended—

(A) in paragraph (2)(A)(iv)—

(i) by inserting ''not'' before ''include''; and

(ii) by striking ''and information'' and inserting ''or information''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''APPROPRIATION'' and inserting ''FUNDING'';

(ii) by striking ''2015'' and inserting ''2012''; and

(iii) by adding at the end the following new sentence: ''There is authorized to be appropriated to carry out this subsection $3,000,000 for each of fiscal years 2013 through 2015.''.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated January 31, 2012, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who causes it to be printed or a designee and shall be considered read if printed.

Are there any amendments to the bill?

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, after line 19, add the following:

SEC. 3. STUDY ON THE IMPACT OF NOT HAVING LONG-TERM CARE INSURANCE ON THE FEDERAL, STATE, AND LOCAL GOVERNMENTS.

(a) STUDIES.—Section 2 shall not take effect until—

(1) the Director of the Congressional Budget Office completes a macroeconomic study and submits a report to the Congress on the impact on the Federal, State, and local governments of not having long-term care insurance; and

(2) the Secretary of Health and Human Services completes a study and submits a report to the Congress on the best practices necessary to have a viable, financially secure, and solvent long-term care insurance program.

(b) EXCEPTION.—Notwithstanding subsection (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

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

Ms. JACKSON LEE of Texas. Madam Chair, first of all, let me say that I was on the floor yesterday regarding the CLASS Act and my approach to the CLASS Act. And I recognize that we have had some difficulty with putting together the right balance, the right financial structure for a very large program. But it does not mean that it does not have purpose.

The CLASS program deals with long-term care. In my readings I've determined that private families and loved ones have given in essence $450 billion in private care, meaning that they have taken care of their loved ones on their own; $101 billion has been spent by the Medicaid program. And I said yesterday that I've had the experience of taking care of a dear mother who I lost in 2010, and right now an aunt who I am taking care of in 2012. And I've seen a number of friends and others who need long-term care. And so the idea of disposing of it to me seems incomplete, without projecting back to Health and Human Services how can we get this done.

My amendment would not repeal the CLASS Act until the completion of a macroeconomic study.

□ 1540

We must determine the cost of not having long-term care insurance on the Federal, State and local governments before we repeal any programs like CLASS that are self-sustaining. CLASS is not taxpayer funded. The lack of affordable care is a very serious problem which, if not addressed, will only add to our growing national debt. H.R. 1173 would repeal the CLASS Act in its totality, and I believe that that is the wrong direction to go. And so I would be offering my amendment to help 26 million Americans who need long-term care services in the near future.

The CLASS Act is a positive intent, and it deals with the fact that we all must have balance of burden and benefit. We have to recognize that there

are those whom we have to help. My amendment would ask for that study to be engaged and to ask for the Secretary to come back with an analysis of how devastating the impact would be and how high the deficit would grow. As the former executive director for the National Governors Association noted, failure to reform the underfunded, uncoordinated patchwork of long-term care supports and services is a failure to truly reforming health care.

Long-term care is not just for the elderly. It's for those who have had catastrophic illnesses, maybe the injured football player or the injured skier or a major accident when our loved ones need our attention. And, oh, how much can be done with long-term care. How do I know it? My mother went into a nursing home and could not walk—but she walked out.

Yes, there is value to helping people restore their lives. And baby boomers are already turning 65; 10,000 people will turn 65 every day as of January 1, 2011, over the next 25 years. And I'm grateful that because of health care and the Affordable Care Act, they will be living longer. Therefore, I'm asking that we not throw the baby out with the bath water. Allow the Secretary to do this study and to do this study that will be helpful to all of us. By 2050, the number of individuals using long-term care will increase.

I would like to reserve the balance of my time.

The Acting CHAIR. The gentlewoman may not reserve the balance of her time.

Ms. JACKSON LEE of Texas. Let me just say, Madam Chair, to my disappointment, I wanted to reserve to engage with my friend. But let me just say this: that care involves home residential care, skilled-nursing facilities, and it will likely double from the 10 million services in 2000 to, as I said earlier, 26 million people.

So it makes sense to accept my amendment that would allow this macroeconomic study to look closely at the benefit and the burden of not having long-term care. I can assure you that we will be better informed to be able to have those instructions, and I would ask my colleagues to support this amendment.

Madam Chair, I rise today in support of my amendment #2, to H.R. 1173, "The Fiscal Responsibility and Retirement Security Act of 2011." My amendment would delay the repeal of the CLASS PROGRAM until the completion of a macroeconomic study. We must determine the costs of not having long-term care insurance on the federal, state, and local governments before we repeal programs, like CLASS, that are self sustaining. CLASS is not tax payer funded! The lack of affordable care is a very serious problem which, if not addressed, will only add to our growing national debt.

H.R. 1173 would repeal Title VIII of the Patient Protection and Affordable Care Act and Supports (CLASS) Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports. Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information (clearing house). H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

I ask my colleagues to ensure that the 26 million Americans, who will need long term care services in the near future, will be able to purchase this care at reasonable prices.

The CLASS Act is a noble and notable attempt to legislate this issue but when the Administration realized that the legislation did not do what we thought it would they came forth and did the right thing and deemed it to be unsustainable.

Policy won out over politics because it would be easy to obfuscate and forge ahead with implementation even in the face of an obviously problematic bill. This indeed was a bold act of integrity for the Department of Health and Human Services.

The inclusion of the long term care infrastructure (CLASS) in health care reform was a signature issue for one of the foremost advocates in this bicameral body, the late Senator Ted Kennedy who worked tirelessly to achieve its enactment.

As Raymond Scheppach, former Executive Director for National Governors' Association noted, "failure to reform the under-funded, uncoordinated patchwork of long-term care supports and services is a failure to truly reforming health care." This failure defines the revolving door of our health care system.

An estimated 10 million Americans currently need long term care services, and that number is projected to reach 26 million by 2050. Nearly half of all funding for these services is now provided through Medicaid, which is an ever-growing and inexorable burden on states and requires individuals to "spend down" or, become and stay poor to receive the help they need.

This spend-down activity runs contrary to the American notion of putting something away for a rainy day, or to allow for passing on to your heirs so that they can see a better day than you.

Estimates suggest that in the upcoming years the number of disabled elderly who cannot perform basic activities of daily living without assistance may double today's level. CLASS provides the aging and the disabled with a solution that is self sustaining, at no cost to tax payers.

As the estimated 76 million baby boomers born between 1946 and 1964 become elderly, Medicare, Medicaid, and Social Security will nearly double as a share of the economy by 2035.

Baby boomers are already turning 65. As of January 1, 2011, 10,000 people will turn 65 every day and this will continue for the next 20 years. It is reasonable to assume that over time the aging of baby boomers will increase the demand for long-term care.

In addition, individuals 85 years and older are one of the fastest growing segments of the population. In 2005, there are an estimated 5 million people 85+ in the United States; this figure is expected to increase to 19.4 million by 2050. This means that there could be an increase from 1.6 million to 6.2 million people age 85 or over with severe or moderate memory impairment in 2050.

Repealing the CLASS program does nothing to address the fact that private long-term care insurance options are limited and the costs are too high for many American families, including many in my Houston district, to afford.

An estimated 10 million Americans needed long-term care in 2000. Most but not all persons in need of long-term care are elderly. Approximately 63% are persons aged 65 and older (6.3 million); the remaining 37% are 64 years of age and younger (3.7 million).

The lifetime probability of becoming disabled in at least two activities of daily living or of being cognitively impaired is 68% for people age 65 and older.

By 2050, the number of individuals using paid long-term care services in any setting (e.g., at home, residential care such as assisted living, or skilled nursing facilities) will likely double from the 10 million using services in 2000, to 26 million people. This estimate is influenced by growth in the population of older people in need of care.

Of the older population with long-term care needs in the community, about 30% (1.5 million persons) have substantial long-term care needs—three or more activities of daily living limitations. Of these, about 25% are 85 and older and 70% report they are in fair to poor health. 40% of the older population with long-term care needs are poor or near poor (with incomes below 150% of the federal poverty level).

Between 1984 and 1994, the number of older persons receiving long-term care remained about the same at 5.5 million people, while the prevalence of long-term care use declined from 19.7% to 16.7% of the 65+ population. In comparison, 2.1%, or over 3.3 million, of the population aged 18–64 received long-term care in the community in 1994.

Mr. PITTS. Madam Chair, I rise in opposition to the amendment.

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

Mr. PITTS. Madam Chair, again, this amendment continues to ignore the reality around the CLASS program.

The CLASS program has been reviewed by outside analysts, by the HHS actuary and the Congressional Budget Office; and just last year the Obama administration finally admitted what so many already knew, the CLASS program is not workable. In fact, the Congressional Budget Office has certified that not a single person would ever receive benefits from the CLASS program. Any effort to preserve a failed program on the books simply delays any real attempt to ensure every American has access to affordable long-term care coverage.

From the start, the CLASS program was a Big Government idea that independent analysts believed was flawed and unworkable. The American Academy of Actuaries, the Congressional Budget Office and even officials at the Department of Health and Human Services run by Secretary Sebelius had grave concerns about the workability of this program. It has been studied. It does not work. If you would have done this study before you passed it, we would not have wasted millions of taxpayer dollars on a program that was

doomed from the start. Perhaps we should visit what the failed implementation of the CLASS program has done, rather than spend millions on a study of what its removal would do.

I begin by reminding my colleagues that the CLASS program has done nothing to help reduce Federal or State spending. In fact, the Department spent at least $5 million to implement a failed program and an $80 billion hole in the Federal budget. I would also remind my colleague that the CLASS program has done nothing for consumers who are left with a failed program that was overpromised to the public as part of the President's monstrous health care law.

We must move to take the CLASS program off the books so that we can move forward with solutions that work with the private market that are affordable for consumers and don't place additional strain on the Federal and State budgets.

Mr. PALLONE. Madam Chair, I move to strike the last word.

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

Mr. PALLONE. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman. Madam Chair, first of all, I want to make sure that my amendment is amendment No. 2 to H.R. 1173, and I have another amendment which is amendment No. 1.

But I do want to respond to the gentleman and just indicate that best practices have not been assessed. The point of my amendment is to get us focusing on what the numbers need to be to increase the viability of life and care for those needing long-term care, juxtaposed against the enormous debt and deficit that will occur if no one has long-term care or we continue to have to utilize Medicaid, which is at $101 billion, private insurance is only at $14.5 billion, and then the burden on family members, aging family members, their care. They have put in their pound of support at $450 billion. We can at least pay attention to new numbers by asking for best practices to be assessed.

I believe if we do that, we will have the opportunity to do the right thing by the American people; and we will be, in essence, being productive. No one can deny the fact that having insurance that has people being eliminated from insurance for preexisting conditions is not good. No one can say that having children on your insurance to 26 is not good. No one can say that not being kicked out of a hospital bed because you have flat-lined on your insurance is not good. It is good.

We recognize that coming together in a bipartisan manner, we can, in fact, make this right, and we can find a way to help those families right now. Alzheimer's, where families are taking care of that loved one, they need support; and they need it in a structure that can help provide them with resources for long-term care.

I ask my colleagues to support a thoughtful amendment that deals with providing additional information. I thank the gentleman for his time. I ask my colleagues to support the Jackson Lee No. 2 amendment on a macroeconomic study on the benefits and burdens of repealing the CLASS Act.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. 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 Texas will be postponed.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. I have an amendment, No. 1 I believe.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

H.R. 1173

At the end of the bill, add the following:

SEC. 3. ENSURING MARKET PENETRATION FOR PRIVATE LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Section 2 shall not take effect until such date as the Secretary of Health and Human Services certifies to the Congress that at least 60 percent of individuals in the United States who are 25 years of age or older have private long-term care insurance.

(b) EXCEPTION.—Notwithstanding subsection (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

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

Ms. JACKSON LEE of Texas. Madam Chair, I rise with great concern about H.R. 1173. And, again, I want to make it very clear that in all the course of traveling throughout my district when the Affordable Care Act was passed in 2010, there was a great deal of emotion and celebration. I take, for example, those senior citizens who were continuously falling through the hole on Medicare part D. This particular legislation helped close the doughnut hole where seniors' prescription drugs did not skyrocket, so they would not have to make a decision among their drug prescriptions or their rent or what they ate.

□ 1550

This amendment is very clear. It simply states Congress resolves that health care is necessary for a healthy population, humane treatment of impoverished citizens, and to help reduce the budget deficit, and that long-term care insurance represents one-third of Federal and State spending on Medicaid. It's a simple statement of fact, Madam Chairwoman, and I would ask that this simple statement of fact be added to this legislation. I think it will be a positive statement. It will give us the connectedness to say that we have got to get back to the drawing boards and make sure that we have, in fact, the right kind of insurance for people in need.

I can't imagine why we would want to abandon those who need long-term care. As I've indicated, it may be a young person who faces a catastrophic illness or accident; it may be a child suffering from a chronic disease; it may be some of our friends who suffer from issues dealing with mental health. In my own community, just recently, one of our major hospitals with mental health beds was closed down, 148 beds. Who knows what will happen to those patients, some of whom actually stayed in that facility for a period of time. We know we don't have enough mental health beds and beds for those who need long-term care, suffering from conditions dealing with their mental health.

My amendment is recognition of the fact that the issue of long-term care services is not going away. The enormous cost of not providing the rainy-day umbrella, the cushion for families and those who are suffering from devastating disease just cannot happen. It cannot be swept under the rug. The cost curb is steep and growing, and we cannot continue to kick the can down the road. Long-term care, again, is fundamental. And so, this particular legislation acknowledges that.

Forty percent of long-term care users today are between the ages of 18 and 64, as I said. While most people who need long-term care are in their seventies and eighties, as I said, many younger people are facing the horror of disability or a disability without any way of paying for it, without giving relief to their family members. Long-term care is expensive and can quickly wipe out hardworking families' savings, which gives many families a Hobson's choice: spend down and wipe out years of hardworking services to qualify for Medicaid.

For those of you who don't know how Medicaid works, because we want to be responsible with Federal tax dollars, you have to be down to zero—your house has to be sold, your car has to be sold, any assets have to be sold, and everything you have goes back into the system.

Well, I know there are people who believe that they want to pay part of this burden, but there are others who understand that, in addition to paying, why should they be made completely indigent? Why can't that person remain in their home, even with care—which is another part of long-term care. It gives the opportunity for families to be together and for that individual who is injured to be able to be taken care of inside their home with a loving family but yet having the long-term care providers.

This is a simple statement. I hope my colleagues will not oppose the idea that long-term care is important and that we have to respond to it by way of ensuring that we don't grow the deficit.

The average lifetime long-term care spending for a 65-year-old is $47,000; 16 percent will spend $100,000 and 5 percent will spend $250,000.

There's no doubt that we need relief. Nationwide, the median annual cost of a nursing home in 2010 was $75,000, room and board, in an assisted living facility. This is a crisis that will impact the debt; and, therefore, I would argue that repealing the CLASS Act without a positive statement, Madam Chair, of how important it is is tragic.

I ask my colleagues to support the Jackson Lee amendment. Stand up and be counted for the value of long-term care support here in America.

Madam Chair, I rise today in support of my amendment #1 to H.R. 1173, ''The Fiscal Responsibility and Retirement Security Act of 2011.'' My amendment states, ''Congress resolves that health care is necessary for a healthy population, humane treatment of impoverished citizens, and to help reduce the budget deficit; and that long-term care insurance represents one-third of federal and state spending on Medicaid.''

H.R. 1173 would repeal Title VIII of the Patient Protection and Affordable Care Act and Supports (CLASS) Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports. Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information (clearing house). H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

My amendment is recognition of the fact that the issue of long-term care services is not going away. It cannot be swept under the rug. The cost-curve is steep and growing. We cannot continue to kick the can down the road: long-term care is fundamental.

As our nation's population ages, there is an increasingly urgent need to find effective ways to help Americans prepare for their individual long-term care needs. Almost seven out of ten people turning age 65 today will need some help with their activities of daily living at some point in their remaining years.

Forty percent of long-term care users today are between the ages of 18 and 64. While most people who need long-term care are in their 70s and 80s, many younger people, particularly those living with a significant disability, also may need assistance.

Long-term care is expensive, and can quickly wipe out hardworking families' savings, which gives many families a Hobson's choice: spend-down and wipe out years of hard-earned savings to qualify for Medicaid.

While costs for nursing home care can vary widely, they average about $6,500 a month, or anywhere from $70,000 to $80,000 a year. And these costs are only becoming more expensive.

People who receive long-term care at home spend an average of $1,800 a month. The average lifetime long-term care spending for a 65 year old is $47,000; 16 percent will spend $100,000 and 5 percent will spend $250,000. And many of these people have other expenses as well.

Nationwide, the median annual cost of a nursing home in 2010 was $75,000; room and board in an assisted living facility, with no additional help, was $37,500; an attendant that provides home care and no medical tasks, like the dispensing of medication, is paid approximately $19 an hour.

These expenses are left to America's seniors and people with disabilities (and their adult children) to pay for out of pocket until their pockets are all but empty. As this body knows well, Medicare only covers short-term and limited long-term care services, and the Medicaid safety net is only available to those who have depleted virtually all of their resources as a result of being frail or suffering from dementia. Many people are left in dire situations and are truly at society's mercy.

Today, there are many Americans with disabilities who want to and are able to work and thereby maintain independence and contribute financially to their families. However, if they depend upon an attendant to drive them to their job or help them shop, use the toilet, or bathe, they must have enough additional financial resources to pay for such assistance, or have low enough incomes to qualify for Medicaid.

Long-term care insurance is the most popular of the private options available, but less than 3-percent of the American people have long-term care insurance, meaning there is a wide gap and acute lack of awareness. The CLASS Act sought to bridge this gap and has come up a little short. However we cannot, as a Congress, pretend the problem is going away.

My amendment recognizes that long-term care must be addressed as millions of baby boomers have already begun turning 65. The aging population and the disabled need viable options for their care. Taking away a program that is intended to meet the future needs of our aging is the wrong approach. We should be focused on ways to boost our economy, providing increased access to affordable care to seniors, low income, and the disabled, and job creation. We should not be eliminating programs that aim to sustain our aging population.

Mr. PITTS. Madam Chair, I rise in opposition to the amendment.

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

Mr. PITTS. Madam Chair, this amendment continues to ignore the reality. The CLASS program is simply not workable. Keeping the CLASS program and pretending that it will ever work does absolutely nothing and offers no help to millions of Americans who want to maintain their health. Any effort to preserve a failed program on the books simply delays any real attempt to ensure every American has access to affordable, long-term care coverage.

From the start, the CLASS program was a Big Government idea that independent analysts believed was flawed and unworkable. In fact, the Obama administration officials pointed out serious concerns with the CLASS program as early as the beginning of 2009. While those concerns went ignored by the administration until earlier this fall, now is not the time to stall its repeal.

Yesterday, Senator HARKIN told reporters that the only way to make CLASS work is to make it mandatory. Are the supporters of the CLASS Act really advocating another mandate? Keeping CLASS on the books is a step in that direction.

Keeping the CLASS program on the books also further threatens the private market and the nearly 8 million Americans who have private long-term care insurance today. You cannot have a functioning long-term care insurance market if there is a continued threat of a government takeover of that market.

We need long-term care reform that builds on what the private market provides, not destroys it. I hope that those on the other side of the aisle have the courage to admit their mistake, repeal this law, and begin to work on a real, workable long-term care policy.

I urge Members to oppose this amendment.

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

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

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

Mrs. BLACKBURN. Madam Chairman, I oppose the amendment, and I stand here today in support of repealing the CLASS Act.

You know, it's been almost 2 years since we sought passage of the ObamaCare bill in this Chamber, and it is something that we have worked since taking the majority to repeal this and get it off the books; and, indeed, what we are seeing is a need to get this CLASS Act off the books.

Despite the Federal Government's best efforts, there is no way to show that this is going to save money. Indeed, in a budget gimmick, as we were discussing this bill in committee a couple of years ago, what they did was to come in and say, Oh, this will save $80 billion. Oh, let's add title 8 to the bill, let's add sections 8001 and 8002 to this legislation, and let's create this little pool here where we're going to have near-term expenses that are supposed to yield us some long-term savings. The problem is all the new math you wanted to put to work on this, Madam Chair, there was no way to show that it was ever going to save money. And, indeed, Secretary Sebelius, who is the Health and Human Services Secretary, was forced to admit last October that there was no path forward for this program.

So what we need to do is to say this was a mistake. It doesn't save money. It is not going to address a problem. It is something that needs to come off the books. It is a way we can step forward and we can take a program off the books. And I encourage my colleagues to support ending the CLASS Act, getting it off the books.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. 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 Texas will be postponed.

□ 1600

AMENDMENT NO. 4 OFFERED BY MR. DEUTCH

Mr. DEUTCH. Madam 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, add the following new section:

SEC. 3. PREVENTING AN INCREASE IN MEDICAID SPENDING.

Section 2 (other than subsection (b)(3)(B) of such section) shall not take effect until 90 days after the date on which the Comptroller General of the United States certifies to Congress that failure to implement the CLASS program established under title XXXII of the Public Health Service Act will not increase State and Federal spending for long-term care under the Medicaid program under title XIX of the Social Security Act.

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

Mr. DEUTCH. Madam Chair, although I regret that this Congress is considering the full repeal of a promising effort to address the looming long-term care crisis in our country, I have to admit I'm not surprised. This is the action of a Congress deserving of America's low opinion of us.

We know the facts. A vote against this amendment is a vote for increased Medicaid spending.

No one is immune from becoming disabled or growing old, yet just 10 percent of Americans over age 50 can afford long-term care insurance. As a result, a staggering 90 percent of Americans rely on long-term care provided by Medicaid. It is no wonder that over a third of Medicaid spending is on long-term care, not on checkups for impoverished children, not on prenatal care for poor, expectant mothers. No, it is the expensive, institutionalized long-term care funded by Medicaid.

The goals of the CLASS program represented an alternative to this system on which we all could have agreed, a fully solvent, affordable, premium-financed, long-term care program. It emphasizes personal responsibility, lessens the burden on taxpayers, and reduces unnecessary Medicaid spending.

Sometimes, as things happen here, Congress passes imperfect legislation. But rather than address these imperfections, the legislation before this House today gives up on our grappling with this long-term care crisis altogether.

We've overcome challenges like this before. In the early 1980s, Social Security faced a crisis. So what happened? Did my Republican friends, concerned about having an imperfect law on the books, castigate what they called ''RooseveltCare'' and bring to the floor a two-page bill to revoke the Social Security Act? That's not, thankfully, what happened. What did happen was that Democrats and Republicans worked together, with President Reagan, and strengthened Social Security. As a result, Social Security continues to keep millions out of poverty, ensuring against the universal risk of old age, disability, or death of a breadwinner.

The amendment I offer today would prevent repeal of the CLASS Act from taking place if failure to implement the CLASS program would increase State and Federal Medicaid spending.

Greater reliance on the safety net has led many to conclude that Medicaid has become unaffordable. Instead of cutting basic health care for our most vulnerable—the elderly, the disabled, poor children—we ought to reduce Medicaid spending. We ought to put more Americans back to work. We ought to make private health insurance more affordable.

There are many prescriptions for reducing Medicaid spending; but let's be clear, repeal of the CLASS Act and upholding our long-term care crisis is not among them. The Congressional Budget Office estimates that even the imperfect CLASS bill that passed would reduce Medicaid spending by at least $2 billion.

If more older Americans had access to affordable long-term care insurance, middle class seniors could secure a less costly, more independent lifestyle in their own homes instead of spending down into poverty to receive expensive, institutionalized care.

What message is Congress sending by repealing CLASS? We are proclaiming that the current system, which incentivizes elder poverty and forces seniors to blow through their life savings, is just fine. Save nothing. Pass what you do have on to your children before you get sick. Own little property, and don't purchase long-term care insurance. Follow this plan and you'll be eligible for expensive, institutionalized care through Medicaid. If CLASS is repealed, it is exactly the children and grandchildren that my friends on the other side say they worry about who will pay the cost.

A premium-financed long-term care program would shift people from reliance on Medicaid. This should be our shared goal. We ought to work together to fix a program that represents the first real path toward making affordable long-term care available to middle class families who want to secure themselves against possible poverty.

I respectfully ask my colleagues to support this amendment, because reducing Medicaid spending while improving the lives of seniors and persons with disabilities is a conversation worthy of this office.

And with that, I yield back the balance of my time.

Mr. PITTS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. YODER). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Mr. Chairman, this amendment would simply ignore the millions of dollars that have been spent by this administration to reach the same conclusion that so many unbiased analysts had said for years: The CLASS program is unworkable, causing a liability for the potential beneficiary and the taxpayers alike.

This amendment would promote reckless governing that maintains a failed program for further meddling. The CLASS program has done nothing to decrease Medicaid spending, and its inclusion in the Patient Protection and Affordable Care Act was a budget gimmick, a budget gimmick that will cost the American taxpayers $80 billion over the next 10 years.

Alternative policies, such as the Long-Term Care Partnership Program, which was signed into law by President Bush, have decreased Medicaid spending and deterred Americans from making Medicaid their primary payer of long-term care services. That program alone has done more for Medicaid spending than CLASS ever will.

We can and should do more to decrease Medicaid spending and ensure Americans have the access they need to affordable long-term care coverage, but government intrusion into the market is not the way to go. However, we cannot move forward in thinking about better long-term care policies with this failed program hanging over us.

Yesterday, Senator HARKIN made it clear that the problem with the CLASS program was that it was voluntary. A vote in favor of this amendment is a vote in favor of another mandate on the American people.

Enough is enough. We must get this failed program off the books so that we can move forward in establishing long-term care policies that work for the American taxpayers, not those that further bankrupt this country.

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

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

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

Mr. DEUTCH. Mr. 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 Florida will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. DEUTCH

Mr. DEUTCH. 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, add the following new section:

SEC. 3. CLASS PROGRAM FLEXIBILITY.

(a) IN GENERAL.—Subject to subsection (b), section 2 (other than subsection (b)(3)(B) of

such section) shall not take effect until such date on which each of the following has been satisfied:

(1) The Secretary of Health and Human Services submits to Congress a report including a determination made by the Secretary on whether or not the Secretary has the authority to implement the CLASS program under title XXXII of the Public Health Service Act and develop and implement the benefit plans described in subsection (c).

(2) In the case the Secretary determines the Secretary does not have the authority described in paragraph (1), the Secretary includes in the report described in such paragraph recommendations for statutory changes needed, and a recommended list of statutory provisions that would need to be waived, to provide the Secretary with such authority.

(3) In the case the Secretary determines the Secretary does not have the authority described in paragraph (1), not later than 90 days after the submission of such report and recommendations, Congress has considered and rejected such recommendations.

(b) EXCEPTIONS.—

(1) Section 2 (other than subsection (b)(3)(B) of such section) shall not take effect if the Secretary of Health and Human Services determines under subsection (a)(1) that the Secretary has the authority described in such subsection and the Secretary develops the 3 benefit plans described in subsection (c).

(2) In the case the Secretary determines under subsection (a)(1) that the Secretary does not have the authority described in such subsection and Congress has not considered and rejected the recommendations described in subsection (a)(2) by the deadline described in subsection (a)(3), section 2 (other than subsection (b)(3)(B) of such section) shall not take effect and the Secretary shall have the authority to waive the provisions recommended by the Secretary to be waived under the report described in subsection (a)(2).

(c) ACTUARIALLY SOUND BENEFIT PLANS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall develop 3 actuarially sound benefit plans as alternatives for consideration for designation as the CLASS Independence Benefit Plan described in section 3203 of the Public Health Service Act that address adverse selection and have market appeal, regardless of whether such plans satisfy the requirements described in subsection (a)(1) of such section.

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

Mr. DEUTCH. Mr. Chairman, this amendment reads, ''The Secretary shall develop three actuarially sound benefit plans.''

This amendment's small fix gives the administration the ability to implement a program that enjoys the support of two-thirds of all Americans, including, I should add, over half of Republicans. The stipulation for moving forward, however, is that CLASS is implemented on an actuarially sound basis.

The distinguished gentleman from Louisiana and author of the underlying bill has expressed some opposition to my amendment, suggesting that it will waive the solvency requirement. I respect the gentleman's work and service, but I regret that the claim is simply untrue.

This amendment gives the Secretary waiver authority only after three requirements are met. The plan must be actuarially sound, must address adverse selection, and must have market appeal.

The deliberate obfuscation of this amendment's intention is a textbook example of why American's are fed up with Washington. I would work with anyone in any party to protect the financial security of middle class and near-retirees. But when attempts to improve the existing law in a fiscally responsible way are treated in this manner, it is no wonder why we can't get things done.

The bill's proponents say, Trust us. We'll replace this. Unfortunately, over a year ago they said the same thing about the Affordable Care Act. Instead we had repeal and replace, minus the replace.

As we all know, the CLASS program, as drafted, is facing challenges of implementation. Critics have focused on fiscal sustainability. The good news is that there is a fiscally sustainable path forward. With greater flexibility, a program could be designed that addresses adverse selection and improves market appeal.

□ 1610

We must remember that even with implementation, CLASS would only be a start addressing a very serious long-term care crisis.

Looking back on our history would serve us well today. In the infancy of Social Security, Senator William H. King, a Democrat from Utah, supported the Clark amendment which would have undercut the Social Security program. He was concerned that Social Security would crowd out private pensions and conditioned his support of Social Security upon a guarantee that the Clark amendment would later be taken up.

When Congress returned, Senator King was asked about the amendment. He said, You can forget about the amendment. The passage of the Social Security Act has got everybody talking about pension plans. You can forget it forever.

Americans ought to be talking about long-term care. We should all be lucky enough to grow older. We should all be lucky enough to retire in south Florida.

However, no one is immune from the frailty of old age, and no one is exempt from disability.

I can't help but think of a very impressive man from south Florida, a good friend named Alan Brown, who, on January 2, 1988, at the age of 20, was hit by a strong wave at the beach that caused a catastrophic spinal cord injury that leaves him a quadriplegic to this day.

Mr. Brown has an endless list of expenses from his wheelchair and medication, to disability through accessible transportation, and long-term care. Even while holding two jobs, he struggles to support his family in the face of rising health care costs.

As lawmakers, it is our responsibility to remember that those who are young and healthy may not always remain so and act on the fact that long-term care is out of reach for the majority of Americans. Any one of us could experience an unpredictable accident like Mr. BROWN. If that is not compelling enough, the inevitability of aging should be.

What message is this Congress sending when our response to the long-term care crisis is ''just say no''? Why should Americans be thinking about long-term care if their leaders in Congress answer a complicated and systemic problem with a politically charged two-page bill?

If the Secretary were given the flexibility in my amendment, the CLASS program would remain the furthest thing from an entitlement, as it would remain fully financed by premiums. This fix to CLASS is true fiscal responsibility, an individual retirement security; and I respectfully urge my colleagues to support it.

Mr. GINGREY of Georgia. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GINGREY of Georgia. Mr. Chairman, the amendment No. 5, or Deutch 2, is an amendment essentially that the Secretary of Health and Human Services has already looked at, some of these provisions, in eight different ways in trying to come up with some possibility of certifying the fiscal solvency of this CLASS Act within the 75-year budget window, the out-years.

Thank goodness, Mr. Chairman, for the wisdom of Senator Judd Gregg on the Senate side when that amendment was accepted in the health committee. I don't know whether it was unanimously accepted by the Democrats, but I think it was. Again, the prescience and the wisdom of Senator Gregg is something the American people should be, and I think will be, eternally grateful for.

The Secretary looked at the possibility of saying that we'll make this fiscally solvent if we eliminate eligibility for anybody with a preexisting condition. Then they said, Well, no, that's not going to work. So let's say, how about a 15-year waiting period for someone with preexisting conditions. Finally, ultimately, looked at the possibility of yet again making this part of ObamaCare, the CLASS program, a mandatory participation. How has that worked out for them thus far in regard to the exchange in young people being forced, under the ruse of the Constitution, of the commerce clause, to do that under the penalty of law, increase taxes or penalties, or whatever they want to call it? Well, the Supreme Court will ultimately make that decision.

Mr. Chair, the Secretary had every opportunity to look at this. We are

talking about, I say to the gentleman from Florida, over an 18-month period of time, and they absolutely could not certify it.

You can delay and delay and delay, but what part of ''no'' does the gentleman not understand? No, this will not work. This amendment is unnecessary. We know that this program will not work.

My colleagues on the other side of the aisle, they want to leave the provision in the bill. They want to let it stand there so they can somehow maybe with the next administration or with the next chairman of the Energy and Commerce Committee or whomever on their side of the aisle might want to resurrect Freddy Krueger one more time on the backs of the American taxpayer. This is a fiscal train wreck.

Mr. Chairman, the bill actually calls for the provision of a plan at a date certain, October of 2012. I'm an OB/GYN physician. That's less than 9 months. That goes quickly. I know that about 9 months.

When you get there, folks that are looking and counting on the CLASS program long-term care insurance, they want to sign up for it. And the Federal Government says, I know it's on the books, I know it's still part of the law, I know we are obligated to have a program for you to choose from by October 1, 2012; but we decided not to go forward with it. What's to prevent them from suing the Federal Government? While these lawsuits are pending and going on and on and on—as an attorney jobs bill, it would have some merit. In the meantime, the private market for long-term care insurance, they are not innovative. They are not going to do anything until the legality of that is cleared up.

We feel very strongly that this would be a bad amendment, and I strongly oppose it.

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

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

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

Mr. DEUTCH. Mr. 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 Florida will be postponed.

Ms. MOORE. Mr. Chair, I move to strike the last word.

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

Ms. MOORE. Here we are again, ladies and gentlemen. The lights are up, the music is playing and my Republican colleagues are doing the same old song and dance for the American people. The Republicans have spread out their sand, and they're doing their best soft-shoe routine, trying to convince the American people that the repeal of this bill is in their best interest. As the saying goes, if it ain't broke, don't fix it. Yet we find ourselves here debating the repeal of a law that would have sought to address the long-term crisis burgeoning in this country.

Mr. Chairman, to most people, finding a solution to the long-term care insurance crisis in this country seems like a good law. It must be if 56 national groups, including AARP and SEIU, are against repealing the CLASS Act.

Once again, my Republican colleagues are trying their best to distract the American people from their not seeking a solution with this repeal-the-bill sideshow.

As we debate this repeal, I have heard so many of our colleagues refer to the President needing to come and apologize for introducing this provision in the Affordable Care Act. It occurs to me that the effort to embarrass the President, to harass him, to defy him, that that is more important than finding a solution to the growing challenge of the aging population. Indeed, it is an emerging burgeoning problem.

□ 1620

Ten million Americans need long-term care. Over the next decade, another 5 million Americans will require this care, bringing the total to 15 million people. The problem is only becoming more challenging with estimates that nearly 70 percent of people—the baby boomers—will need some level of long-term care after turning 65. An additional issue is that this is a heavy burden on family budgets.

This law was seeking to provide a national, voluntary, and self-sustaining insurance program for assistance services to aid elderly and disabled people. It would allow individuals to live independently at home and in the community for as long as possible without impoverishing themselves.

It seems that my Republican colleagues are content to defer the dreams of millions of Americans to live with some sort of dignity as they age. As we enjoy this Black History Month, it reminds me of one of my favorite poets, an African American poet who would be 110 years old today, Langston Hughes:

> What happens to a dream deferred? Does it dry up like a raisin in the Sun? Or fester like a sore—and then run? Does it stink like rotten meat? Or crust and sugar over—like a syrupy sweet? Maybe it just sags like a heavy load. Or does it explode?

Republicans want to put one man out of a job and would defer the dreams of millions of Americans. Yet, while they continue their song and dance, Mr. Chair, denying seniors the long-term care that they deserve and putting more and more Americans out of work, I hope the American people recognize who is really on their side before we see the American Dream of living and retiring in dignity explode.

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

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

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

Ms. LEE of California. Let me first thank Congresswoman GWEN MOORE for her very passionate and very clear statement. I thank both she and Congressman ELLISON for their unwavering leadership and conviction on the real issues facing the American people today.

As a former cochair of the Congressional Progressive Caucus and as a cofounder of the Congressional Out of Poverty Caucus, I rise in strong opposition to this bill.

Mr. Chairman, members of the Progressive Caucus are here because, once again, the Republican leadership would rather attack the President than help the millions of struggling seniors, people with disabilities and their families who are faced with a system that fails to meet their very basic needs. This should really be a nonpartisan issue, but we are here today because Republicans are more focused on ending Medicare and repealing a long-term care program than they are on creating jobs to put Americans back to work.

Last year, the Republicans' first order of business was to eliminate—mind you, eliminate—the Medicare guarantee for America's seniors under the Ryan budget proposal. This year, it's the same old story. Instead of focusing on jobs or on extending middle class tax cuts, unemployment assistance, or fixing the Medicare physician pay rate, this Tea Party Congress continues to waste time on pointless bills just to score political points.

Repealing the CLASS program will do nothing—nothing—to address the long-term crisis for the 10 million Americans who need care now and the 5 million more who will require it over the next 10 years. Killing this program without offering any alternative is, frankly, irresponsible. The law may not be perfect, but repealing the bill does not make the problem go away. We should be doing everything we can to ensure that senior citizens and the disabled also have a shot at the American Dream. We should not destroy this for them just because of their ages or their disabilities. Why in the world would the Republican Tea Party want to throw them under the bus?

We should work to find a real solution that meets the needs of the millions of baby boomers who are retiring now, of the senior citizens and the disabled, and we should work to ensure that they get the long-term care over the next decade that they will need. Rather than repeal this bill today, we need to give experts time to identify changes that would make the CLASS program stronger, and Congress needs to focus on the real priorities of the day, which are jobs and the economy.

We have work to do, and we don't have a minute to waste. Let's not waste another year without a jobs bill

and without extending vital unemployment benefits and payroll tax reductions to millions of Americans while our economy continues to recover. It is time for the Republican Tea Party to stop walking away from our senior citizens and the disabled and to work with us to continue middle class tax cuts, unemployment assistance, and to ensure that seniors can keep seeing their doctors.

We need to come together now to enact bold programs and policies that provide equal opportunity and equal access for every single American no matter their race, no matter their employment status, no matter their humble beginnings, no matter their ages, no matter their disabilities. Americans can't wait. This Congress should not wait. We need to really figure out a way to do the right thing on behalf of our senior citizens and the disabled, but I have to say that today, unfortunately, this bill moves us in the wrong direction.

I yield back the balance of my time.

Ms. HAHN. I move to strike the last word.

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

Ms. HAHN. Mr. Chairman, I rise today in strong opposition to H.R. 1173, the Republican legislation to repeal the CLASS program.

CLASS was designed to be the first Federal voluntary long-term care program, making long-term care more accessible and affordable for millions of Americans. The idea behind the CLASS program is to provide Americans, especially our seniors, with peace of mind if they suffer from an unexpected long-term illness or injury.

We have a long-term care crisis in this country. According to Secretary Sebelius, ''an estimated 15 million Americans will need some kind of long-term care, and fewer than 3 percent have a long-term care policy.'' Because Medicare and other existing programs do not cover these services, we must work together to find a solution. As my Republican friends know, however, the CLASS program as enacted will not be implemented. Secretary Sebelius informed Congress last October that she did not ''see a viable path forward for CLASS implementation at this time.'' In other words, this legislation we are debating today is not needed.

Instead of legislation to create jobs and grow our economy, our Republican friends are focused on repealing a program that has already been suspended. I want to encourage my friends on the other side of the aisle to take a step back and focus on the things we could be doing together to make long-term care more affordable and accessible.

I have encountered in my own life the issue of providing long-term care. My dear, sweet mother, before she passed away last summer, received long-term care services for years, and I will always remember the warmth and affection her caregivers showed her and my family day in and day out. What we should be doing today is ensuring that the hardworking men and women who provide care for our seniors in their own homes earn a living wage, because these jobs are the jobs that make a difference and that bring happiness to those who need their help the most.

With robust job growth predicted in the health care sector over the next decade, it is imperative that we support long-term care services and those who provide those services. This is a win-win for the American economy. Not only do long-term care services provide jobs, but we know, if our seniors can be taken care of in their own homes, it can save Americans money in the long run. I fear, however, that this legislation is meant as a step towards dismantling the health care reform law that Congress passed and that the President signed, a law that will help millions of Americans obtain better and more affordable health care coverage over the next decade.

Thanks to the Affordable Care Act, insurance companies cannot deny coverage to people with preexisting conditions. Thanks to the Affordable Care Act, Americans now have access to free preventative care services. Thanks to the Affordable Care Act, small businesses can receive tax credits to provide their employees with health coverage. Thanks to the Affordable Care Act, children can stay on their parents' insurance until they're 26. We just hope they don't move back home.

To my colleagues on the other side, let's not work to strip these provisions, putting power back in the hands of for-profit insurance companies. We do not need this legislation. Instead of repealing a program that is not moving forward, why don't we work on replacing it with a better long-term care program. The Affordable Care Act is not a perfect law. That's why we should be working together to fix the problems, not just to repeal them. Those problems will remain even if we repeal this part of the law. Mr. Chairman, I urge my colleagues to stop this needless debate and legislation and get to work on the real issues at hand.

□ 1630

Mr. JOHNSON of Georgia. Mr. Chair, I move to strike the last word.

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

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to repealing the CLASS Act.

You know, we all get old, or hopefully we will all get old and reach an elderly status, and we will then perhaps become physically unable to get around a whole lot and we may need to have some long-term care. Tea Partiers will need it. Occupy Wall Streeters will need it. Mitt Romney and his group of 15 percent taxpayers will need it. The only question is whether or not the 99ers and the Tea Partiers will be able to afford it. That is the only question. We're in the same boat.

The CLASS Act was included in the health care law in order to help elderly and functionally disabled Americans purchase the services they need, which would enable them to continue living in their communities, as opposed to being forced into expensive private care which most of us can afford.

So I understand that HHS had determined that the CLASS Act cannot be implemented as written based on financial considerations; but, ladies and gentlemen, that's no reason to throw out or to repeal this worthwhile initiative. We certainly need to improve it, but there's no need to repeal it.

No matter what side of the political aisle you sit on, you cannot ignore that we need to improve access to long-term care. Approximately 10 million Americans are in need of long-term care, and this number is expected to increase to 15 million over the next decade. America is aging.

In 2009, an estimated 62 million unpaid family caregivers provided $450 billion in care. At what cost to their jobs, to their family life with their children?

In 2011, the average annual cost of a nursing home was $70,000. Who can afford that?

The cost of long-term care is an unsustainable burden on family members who, while also holding a job and raising a family, struggled to provide their disabled or elderly relatives with the care that they need to continue living within their own communities.

The CLASS Act is a voluntary program. It's no mandate. Don't get it twisted. There is no mandate, individual mandate for the CLASS Act. It's a voluntary program that relies on free market principles of responsibility and competition that my colleagues in the Republican Party claim to revere. There's no mandate in this program. It would allow families of all means to plan for a secure future where a long life or a disability does not lead to financial ruin.

Take, for instance, one of my constituents, Linda Rawlins. Linda was the primary caregiver for her elderly mother until her recent passing. Linda told me that she supports the CLASS Act because millions of Americans just like her feel overwhelmed or face financial distress due to their roles as family caregivers who cannot receive any kind of assistance.

Although Linda's mother received long-term care through a local senior assistance program that enabled her to continue living at home, Linda knows that not everyone is so lucky. Having access to long-term care services enabled Linda's mother to live independently with grace and with dignity. It allowed Linda to keep her job and helped relieve the emotional and financial strains placed on her and her family as she oversaw her mother's care.

Linda and I feel like everyone should have that kind of support, and the CLASS Act is a good place to start. Repealing the CLASS Act without any attempt to improve it is a rash political

move, and I urge my colleagues to oppose the bill.

I yield back the balance of my time.

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

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

Mr. GINGREY of Georgia. My good friend, my very good friend from Georgia, the gentleman from DeKalb, made the statement about what is the reason; there is really no reason to strike this; why not leave it on the books. And I think that's the argument we have heard all afternoon in regard to the position of the Democratic side.

But let me just read a few passages from a report that we requested from the Congressional Research Service as to why, in response to my friend from DeKalb and my good colleague from Georgia:

Judicial review assumes that the Secretary takes no further action to comply with the CLASS Act's statutory mandate to designate a benefit plan by October 1, 2012.

The Secretary would appear to be committing a facial violation of the statutory requirement to designate such plan. Her failure to take such action conceivably could be challenged in court under the Administrative Procedure Act, APA, which defines agency action to include the failure to act.

They go on to say:

The CLASS Act does not preclude judicial review and the Secretary's designation of a benefit plan is a mandatory, as opposed to a discretionary requirement.

So judicial review does not appear to be precluded. Therefore, if the Secretary fails to perform the action required by the statute, that inaction would appear to be reviewable.

I continue:

A failure by the Secretary to designate a CLASS benefit plan by October 1, 2012, presumably predicated upon a determination by her—that is not possible to develop three actuarially sound benefit plans that meet all the requirements of the act—would appear to be a final agency action from which ''legal consequences will flow.''

Inaction by the Secretary in designating a plan by the deadline could be found by a reviewing court to constitute noncompliance with a statutory mandate. Thus, after October 1, 2012, the Secretary's failure to take an action legally required of her would appear to meet the standard for judicial review of agency inaction unlawfully withheld under the APA, Administrative Procedure Act, provision prescribing the scope of judicial review of agency action.

I asked one of my colleagues a few minutes ago, What part of ''no'' do you not understand?

Mr. JOHNSON of Georgia. Would the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman.

Mr. JOHNSON of Georgia. Thank you, my friend from Georgia.

What you've just said is that it's essentially a failure to act, to publish regulations or to promulgate regulations that would lead to the enactment of this CLASS Act, becomes a final agency action. In other words, failure to act becomes a final agency action which then enables an appeal or judicial review, the review being for the purposes, I suppose, of failing to follow the law, which would, of course, be in support of the underlying legislation, the CLASS Act.

□ 1640

So I would argue that the regulation that you cite would actually enhance the ability of us to come to a reasonable way of financing this voluntary program.

Mr. GINGREY of Georgia. Reclaiming my time from the gentleman, look, Mr. Chairman, the gentleman is an attorney. I'm just an old country doctor. But, you know, this is plain language, and I'll be happy to provide his office with a copy of this Congressional Research Service report. I'm not going to get deep into the weeds of the legal argument back and forth, but this is about as plain as the nose on your face.

With that, Mr. Chairman, 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. Chairman, I tell you what's as plain as the nose on your face, what's as plain as the nose on your face is that the Republicans are getting rid of a plan for long-term care without offering any alternative plan in its place. They're just stripping what's there without saying here's what we're going to do.

But I have a memory, Mr. Chairman. What I remember is that for long stretches of time in the last decade, Republicans had both houses and the Presidency, didn't do anything on health care other than do a big giveaway to Big Pharma. When the Democrats get in, we do a plan. We pass the Affordable Care Act. Does it need tinkering? Probably so, like all bills do. But instead of trying to work with us and do something good for the American people, Republicans say we're just going to strip the Democratic plan for long-term care. And this is too bad, because it seems to me that long-term care, Mr. Chairman, is a legitimate issue for us to work together on. But we're not working together. One side passes a bill; the other side just tries to get rid of it. I think it is high time that we start trying to work together, but we don't have a cooperative partner. Washington Republicans have proven once again that they would rather try to embarrass President Obama than help American seniors.

Last year, Republicans' first order of business was to eliminate the Medicare guarantee for America's seniors. This year it's the same old story, Mr. Chairman. No health care, no Medicare, no long-term care for millions of Americans.

Instead of a plan to create jobs or to extend middle class tax cuts or to address unemployment assistance or to fix the Medicare physician pay rate, Republicans are wasting time on divisive and pointless bills.

I do respect the gentleman's desire to have me yield, but I must very, very respectfully decline to yield because I have limited time. But if I have any extra time, I will be happy to yield to the gentleman, but it will have to be when I'm done.

Today, we could be dealing with the real issue—fixing the long-term care crisis. And I'm sure that everyone in this whole body, Republican and Democrat, ought to be concerned about it because all of us, no matter what our ideological beliefs may be, have people who need long-term care. So we've got to be about this business.

You know what, Mr. Chairman? Ten million Americans currently need long-term care, and the problem is only getting worse. The number of Americans 62 years and older is 20 percent higher than it was 10 years ago. Long-term care is a huge burden on families. An estimated 62 million—let me say that one more time, Mr. Chairman—62 million unpaid family caregivers provided care valued at $450 billion in 2009, more than the total spending in Medicare that year.

But Republicans are offering no solution to the long-term care crisis. They may say anything that they want, but they're not coming here with a bill that we can debate. They're just attacking what has already been done, which is so easy to do. Way better to be a critic than to be someone who produces solutions.

So, Mr. Chairman, I want to tell you a little bit about somebody in my district, Mary. Mary says: My mother is 90 and seriously ill and now in a nursing home. Her bill is over $6,500 a month. Mary goes on to say she will soon run out of money, referring to her mom. Why do people have to become indigent before they receive help?

That's a good question, I think. That's a question warranting our attention, but our Republican friends have no plan to protect families like Mary's. They're not here with a plan. They just want to strip and rip and take down what Democrats have already done. And people are in need of help.

So, Mr. Chairman, repealing the CLASS Act will not help Mary's family. We need to make the CLASS program stronger, not get rid of it. We need to amend it, not end it. We need to improve it. And that's why 56 national groups wrote to Congress saying please don't repeal the CLASS Act, including AARP, SEIU, and the National Council on Aging, people who really know what they're talking about when it comes to long-term care.

So I urge our Republican friends on both sides of the aisle to come together

with us to make a strong long-term program for seniors rather than just tearing down and stripping down. It's as plain as the nose on your face, Mr. Chairman: Americans need long-term care.

I yield back the balance of my time.

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

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

Mr. WELCH. We have a serious challenge here. We have people who need long-term care. We have very serious fiscal constraints. And the question before us really is, do we repeal the program altogether when there is a serious long-term program, as if by legislative magic a repeal suddenly makes the serious and acute problem vanish altogether. We know that doesn't happen. It may address a fiscal issue, but it doesn't solve the fiscal issue and enormous emotional pain that individuals who are trying to take care of their senior parents will face. So the problem doesn't go away if this legislation is passed. It simply means the pain will continue and probably intensify.

So the real challenge for Congress is that when there is a problem that we acknowledge is real and rising for the American people, and the folks who need long-term care are in red States and blue States, they're in your district and they're in mine, the real question is whether we address that as actively and as aggressively as we can, taking responsible steps to make certain that we can pay for what we promise.

The worst thing that we can do in my view is pass legislation that has almost as its predicate the notion that by repealing the commitment that this Congress made 2 years ago, the problem doesn't exist. It does, and we all know that. You've heard the statistics—10 million Americans currently need long-term care. That is a tough challenge for those families. Over the next decade, that is going to rise to 15 million. It is a rising challenge, and the longer we defer, the more difficult it will be for us to address it. Sixty-two million Americans, good Americans, generous Americans, serve as unpaid caregivers to elderly family members. How long can that be sustained?

While nearly 70 percent of Americans will need some level of long-term care in their lifetime, only 8 percent are able to buy long-term care insurance. That's where we do need a public policy program that's going to match the resources required with the need that's rising.

The CLASS Act was designed to make progress, giving older Americans and their families some sense of security. It's not perfect. The most vigorous proponents of that legislation acknowledge it's not perfect. But what that we pass on the Republican side or the Democratic side can any of us claim is perfect?

What we have to do together is try to make an imperfect bill better. But what we can't do is abandon the very serious challenge that those 10 million Americans in need of long-term care have.

I yield back the balance of my time.

□ 1650

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 and Members, this bill is just another attempt to dismantle health care reform. Last year, House Republicans passed H.R. 2 to repeal the entire Affordable Care Act. The landmark health care reform law that was enacted almost 2 years ago is what I'm referring to.

The Affordable Care Act has already made a difference in the lives of millions of Americans. Let me just recount for the Members of this House what the Affordable Care Act has done and is doing.

It prevents insurance companies from dropping people because they get sick. It prevents insurance companies from denying coverage to children with preexisting conditions. It allows young adults to remain on their parents' health insurance until they turn 26. It provides free preventive care to seniors under Medicare. It is phasing out the ''doughnut hole'' and helping seniors obtain affordable prescription drugs. Finally, it provides tax credits to help small businesses purchase health insurance for their employees.

When H.R. 2 failed to move in the Senate, House Republicans began passing bills to dismantle the Affordable Care Act piece by piece and inch by inch. They passed H.R. 1213, which repeals funding for the organization of health benefit exchanges, marketplaces where American families will be able to choose an affordable health care plan. They passed H.R. 1214, which repeals funding for the construction of school-based health clinics. They passed H.R. 1216, which repeals funding for the training of primary care physicians.

Now they're trying to repeal the CLASS Act. The CLASS Act is the Community Living Assistance Services and Supports Act, and it establishes a program to facilitate access to long-term health care services. Who can be against that? The CLASS Act is a voluntary program to provide participants with a cash benefit that can be used to purchase a variety of long-term care services, such as home modifications, accessible transportation, personal assistance services, homemaker services, respite care, home health aids, and nursing support. The program would be funded entirely by the premiums paid by those who choose to participate.

House Republicans' CLASS Act repeal also repeals funding for the National Clearinghouse for Long-Term Health Information. The clearinghouse provides online information about long-term care costs and planning options.

Our Nation is indeed facing a long-term health crisis. People are living longer. As a result, there's a growing need for long-term care for elderly and disabled Americans. There are 10 million people who need long-term care in the United States today. That number is expected to grow to 15 million in the year 2020. There are an estimated 52 million unpaid caregivers providing long-term care services in American homes today. American families are paying more than $50 billion every year on out-of-pocket expenses for long-term care. These families need options, and they need our support.

The CLASS Act does not need to be repealed. If House Republicans believe this program should be fixed, then they should try to fix it. However, they have not even attempted to improve this program or develop other options to make long-term care services available to American families who need them.

It is long past due for House Republicans to stop trying to dismantle health care reform and start working with us in a constructive, bipartisan manner to improve our Nation's health system. I would urge my colleagues to oppose this bill and support solutions to America's long-term care crisis. Ladies and gentlemen, what we are discussing today is precisely what Occupy Wall Street was all about. It's about what are we going to do to deal with that 99 percent out there who simply need some safety nets that their government could easily assist with.

Health care is a problem in this country. Not everyone can afford it, and I would ask my colleagues to take the politics out of this issue. The American public needs this health care reform. And the Occupy Wall Street people who are out there simply sent a message to say, okay, America, stop being simply on the side of the 1 percent, look at the 99 percent. I would urge my colleagues to do that.

I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I move to strike the last word.

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

Mr. NADLER. Mr. Speaker, I rise in opposition to this bill to repeal the CLASS Act. Last year, we watched as Republicans implemented a slash-and-burn offensive against almost every and any Federal program that helps people. No matter that the program helps women or children or seniors or sick people; let's get rid of it.

Apparently, this year is no different. With this bill, Republicans have set their eyes on the CLASS Act, which when implemented, will help provide some relief to aging Americans as well as to those who love and care for them. The CLASS program was designed to combat the rapidly increasing cost of long-term care, costs that currently account for nearly half of all health care spending in this country, by helping enrollees in this program to afford a variety of long-term care services,

such as home modifications, assistive technology, accessible transportation, respite care, home health care aids and nursing support.

Currently, long-term care facilities cost on average $70,000 per year, and home health care aides can cost $25 per hour in some areas. How many middle class families can afford that?

I understand the concerns that my Republican colleagues have voiced. As currently structured, the Congressional Budget Office estimates that the program will not be solvent beyond about 2029, about 20 years from now. But what is the Republicans' knee-jerk solution to all budget issues? To trash a program, a necessary program, that will provide much-needed support for seniors today and in the future.

This is completely wrong-headed. We should not destroy this program and ignore the problem. People will still grow older, hopefully, and they will need assisted living, they will need home health care, and they will need accessible transportation. At some point, we are going to have to face this issue.

The current situation, where Medicaid will pay for this but only after the family has impoverished itself and eliminated all their assets, it's not a long-term solution, it's not a tolerable solution. Why should middle class families who have worked all their lives have to impoverish themselves if an elderly relative needs home health care or assisted living or a nursing home?

Our job here is to make people's lives better, to identify problems and to find solutions. We have certainly identified a problem. There is simply no denying that only the wealthiest among us can possibly afford to pay $70,000 a year for a nursing home.

So let's do our jobs. Let's roll up our sleeves and work to make this program better. Let's work to make it solvent, not simply eliminate it. Let's not simply abandon middle class Americans who are scared to death that after working their entire lives and playing by the rules, they will have to bankrupt their children and grandchildren just to have any sense of dignity as they grow older.

This is not the American Dream. We don't want to tell our old people, get lost, get out of sight, go into the poorhouses and the almshouses we had before Social Security. We don't want to tell our seniors, you can't have the health care, the home assisted living, the home health care aides that you need. We don't want to tell our families that you must impoverish yourselves, sell off all your assets because your mother or your grandmother is sick or can no longer live independently.

This is why we have government, to solve problems for all of us that we cannot solve for ourselves individually. That is the reason for government, to provide for the common welfare, as the Constitution says. We know we have this problem. We know as the population ages the problem is going to get worse and more intense, not better. We know the problem is not going to go away. So let's deal with it.

After many, many years, Congress in the Affordable Care Act finally passed the CLASS Act program to start dealing with this. There are problems with it. Yes, the financing that was brought into that program is only sufficient for about 20 years.

□ 1700

That gives us only 20 years to fix the program.

Now, the sooner we fix it, the sooner we amend the financing, the easier it will be to do it. The longer we wait, the harder.

So what do the Republicans want to do? Kill the whole program, put our heads in the sand, ignore the problem, and to heck with the senior citizens and to heck with their children who worry about how they're going to have their parents live their last years in dignity. That is not the American Dream. It is not right.

I urge my Republican colleagues to rethink this. Withdraw this bill. This program is not being implemented immediately. Figure out how to finance it better. Figure out how to deal with this problem. Don't simply say let's ignore the problem and to hell with our senior citizens. That is not the American Dream. We simply must do better.

We've made a start. Let us continue that start. Let us build on it. Let us not destroy the beginnings that we have made.

I yield back the balance of my time.

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

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

Mr. MCDERMOTT. Well, Mr. Chairman, tomorrow is Groundhog Day. We've been in session this year for 1 month. And this is the 1st day of the 2nd month, and we've had 2 legislative days and haven't done one single thing for the working Americans in this country.

Now, this bill is the whole reason why the Occupy Wall Street movement is out there and why the opinion of the performance of the Congress is so low. This bill has absolutely nothing to do with creating jobs, training the unemployed, helping businesses grow, or moving the country forward. It is about the ninth time we've brought a piece of so-called ObamaCare—Obama does care, you know. They brought it out here, and they keep trying to repeal it, which is not what the people want us working on. Instead, the Republicans are giving us just a bunch of press releases. I can see them going out of the offices now to the Tea Party all over the country—rile up the base, rile up the base, oh, yeah, and nothing is being done for the people.

The second problem is that the Republicans aren't being straight with the American people. This bill does more than the Republicans are saying. The Republicans aren't just repealing the CLASS Act. The Republicans are trying to kill another important and inexpensive program that seniors and families depend on. They're defunding the National Clearinghouse for Long-Term Care Information, an important and useful government Web site that seniors and their families use to take an active role in understanding, planning, and financing their long-term needs. Remember, these are the most frail people in our society, and they rely on this information to plan for their futures.

Mr. Chairman, two-thirds of personal bankruptcies in this country are caused by medical bills, and a lot of those astronomical bills are caused by the debilitating costs of long-term care. And the Republicans aren't trying to solve the problem. Instead, the Republicans want to repeal the first ever Federal law creating a stand-alone long-term care program. Bill Frist, the Republican leader in the Senate some years ago said, Don't repeal it; fix it. But the Republicans can't figure out how to fix it because they don't care about seniors.

Granted, this CLASS Act needs to be fixed. It's not a perfect bill. We know that. And that's what we should be doing so that the country stops allowing long-term health care costs to bankrupt families. That the Republicans don't care enough to do anything about chronic bankruptcies caused by long-term care is bad enough, but the Republican wrecking ball goes even further. The Republicans are trying to get a scalp. They want to please their base by repealing a part of ObamaCare, that law that insures 31 million more Americans and saves taxpayers money—so-called ObamaCare, that law that already is driving down health care costs and getting Americans better service for less money.

In 40 years of legislating, I've seen State houses shift parties, Congress shift parties, but I've never, ever seen a legislative body that failed as badly as this one. This is the most unproductive Congress I've ever seen. And if you think this bill is going to go out of here and go over to the Senate, even the Republican leader, MITCH MCCONNELL, wouldn't want this brought up as the bill that we deal with.

The Republicans are running their demonize everything and do-nothing agenda, and it's having the predictable results. It gets the base whipped up and angry, but it accomplishes nothing for jobs, nothing for health care, nothing for the deficit, nothing for the economy. The American people need the CLASS Act fixed. They need to be able to continue to rely on the Clearinghouse for Long-Term Care Information.

As the Republicans put out their plan for wasting this entire year of 2012 not serving the American people, the voters should look very carefully at what they actually are doing. When they put out their platform, you know, it's going to say, What did you do? Well, I

voted ''no.'' I voted ''no.'' I voted ''no.'' I voted ''no.'' They will have nothing positive to put on that agenda. What did you do? Well, I tried to get rid of the EPA. I didn't want clean air. I didn't want clean water. And I didn't want labor unions. And, and, ''no,'' ''no,'' ''no.''

This is a terrible piece of legislation. It should be fixed. There's none of us who would stand up here and say it's a perfect piece of legislation, but I urge my colleagues to vote ''no.''

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

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

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

Mr. FINCHER. I yield to my colleague from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I appreciate the opportunity to respond to my good friend and the good doctor, my colleague from the State of Washington, who made reference to, I think, Groundhog Day.

Now, my name, Mr. Chairman, is PHIL GINGREY, but as I sat here over the last couple of hours listening to the argument on the other side of the aisle, I feel like Phil Connors, and that was the weatherman. Bill Murray, if you recall, played that role, the weatherman at Punxsutawney, Pennsylvania, covering Groundhog Day. And believe me, we have been listening to Groundhog Day from my colleagues on the other side over and over and over again, and it is indeed getting just a little bit tiring.

My friend also said, the gentleman, the doctor from the State of Washington, Mr. Chairman, and I quote him: ''I've never seen a Congress that has failed as much as this one.'' Well, I'm going to tell you, I have never seen a provision of law in a bill that has failed as much as the CLASS Act. And they can beat this to death—and I think they have done that, Mr. Chairman—but I have in my hand here a summary sheet of the HHS analysis of the CLASS Act over an 18-month period of time.

And they have tried to model eight different options to make this fiscally solvent, and required by the law—thank goodness, thank goodness for the amendment from the Senator from Rhode Island, the Honorable Judd Gregg, at the time chairman or ranking member of the Budget Committee. The eight options, none of them work. I mean, there are things like a work requirement. There are things like not allowing anybody with a preexisting condition to be in the program, allowing people with preexisting conditions to be in the program but only eligible for a benefit for 15 years, and on and on and on. Actually, the one option that's not on this printout, I guess, is option number nine, and that would be the option, Mr. Chairman, of requiring every individual to sign up for the long-term program under the CLASS Act.

Now, the question on all of these options was: Does the Secretary have legal authority? And in most of the eight: Not completely; HHS vulnerable to legal challenge. Not completely; vulnerable to legal challenge. Not completely—again, vulnerable. No authority. No authority. No authority. No authority.

Well, number nine, individual mandate, making everybody sign up for it, yes, got the authority to do that. She could have done that. But I'm sure that my colleagues and her advisors and the administration probably—and I state this rhetorically. Do you want another mandate to which the American people can rail against us in the next election? And she is smart enough to know that option number nine was not unacceptable.

So, again, we could go on and on. We could do this for another couple of hours and continue this Groundhog Day ruse, but, as I said earlier, Mr. Chairman, what part of ''no'' do they not understand?

□ 1710

Now, look, when this amendment was added at the last moment back in 2009 by the chairman of the Subcommittee on Health, Mr. PALLONE, during the Energy and Commerce Committee debate on the CLASS Act, Chairman PALLONE stated, and I quote him: ''I can't stress enough that we are not actually setting this up. We are simply suggesting.'' That was the end of the quote. In fact, Chairman PALLONE asserted that the program would not take effect until subsequent legislation was passed.

Well, Mr. BARTON, who, at the time, was the ranking member of the overall Committee of Energy and Commerce, said this: ''Well, reclaiming my time, I am going to support the Pallone amendment without binding anybody on my side to support it, with the understanding that if this moves forward, there will be a hearing on this in this committee, and there will be bipartisan efforts to flesh it out. Do I have that assurance from the chairman?'' And Mr. PALLONE responded, ''You certainly have my assurance.''

And then the chairman, HENRY WAXMAN, overall chairman of the committee said, fine with me, but he is the subcommittee chairman.

We never had one hearing. We never had an opportunity to flesh it out.

Defeat this amendment.

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

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. My good friend from Georgia, some things bear repeating. I love February 2. It happens to be my daughter, Erica's, birthday. Some call it Groundhog Day. I call it a day of great celebration for a bit of joy that came into our lives.

So it's a day for many that is happy. It's a day that many humorously look forward to great weather. Some remember our good friend, Bill Murray, and it is a day that symbolizes repetition.

Sometimes the pain of Americans deserves to be repeated over and over again. And I'd like to answer my good friend, not speaking for Mr. PALLONE, but, in actuality, we have the opportunity now to have bipartisan hearings. Nothing is precluded. Mr. PALLONE's statement was accurate. He was not writing the structure of long-term care. He was indicating that, for Americans, it was vital.

What is disappointing is that my friends on the other side of the aisle are willing to give up so easily. I don't understand that. Where's the American genius?

Of course, they will cite HHS; but they know that Congress directs HHS. They know that the repeal of this legislation for long-term care will simply kill the opportunity for Americans to find relief.

As we look to the future, we are just a month away until taxes go up on middle class families, and Americans looking for work lose their unemployment insurance, and seniors face losing access to their doctors. We could be working on that, move the conference committee a little faster. But we're now adding an extra burden. Let's repeal the CLASS Act.

It doesn't disturb me that HHS has made several tries, and in a time frame has not found a cure yet. But knowing research and knowing science and being near and in the community of the Texas Medical Center, I know how long it takes to get a good answer in health care.

But what I do want to stress to my friends, can they deny that 82 percent of Americans say that taking care of relatives who are aging or ill is demanding? Eighty-two percent of them say that; 72 percent indicate that taking care of them is overwhelming; 56 percent said that as they are taking care of their sick relatives, they are getting ill.

Yet we want to abandon the discussion on long-term care when I've already said on the floor of the House that $450 billion of that long-term care is already in private hands. It's in families. It's through their labor. They are overwhelmed.

Only $14 billion is in the private industry sector. See how much they're standing up to the bar, and $101 billion in Medicaid.

We have to find a solution that balances benefit and burden. Listen to a constituent from Texas who took care of her son after he was seriously injured in a roadside bombing while patrolling in Iraq. She did not return home 7 years in order to be with her son.

Debbie initially took a leave of absence from her job, but ended up resigning to become a full-time caregiver

for her son. Because she no longer had a paid job, and her husband was the only one working, they had to start using their retirement savings to survive. Her son is now better, great news, and active in the community. And she continues her work. But the catastrophic impact to the family continues on.

Rhonda has gone from a part-time, visiting caregiver to her elderly parents to a live-in, full-time caregiver. Even after the death of her own 23-year-old daughter in a car accident, and her only brother becoming disabled after an illness, before 2001 she was a full-time working mother of two.

Where is the relief for these humans, these individuals, these people in need? Where is it? It's in the amendment I offered that indicated that it is important to note that long-term care is important, and a study should engender to be able to determine that.

But more importantly, let's, again, look at this in a way that we take our time and look at the macroeconomics and take into consideration how we can best configure this. But let me tell you very clearly that if we repeal this CLASS Act, the burden will fall on local and State governments and the millions of caregivers who already, through their own effort and their own toil, with love, I will tell you with love, expend $450 billion that we don't compensate them for, lose their jobs, raise the deficit, add to the debt because they are not able to take care of themselves.

And as we see, some 76 million baby boomers, Mr. Chairman, going forward. Let me just say, don't repeal this bill. It bears repeating. Help those who need your help.

Mr. Chair, I move to strike the last word. Today, I am joined by Members of the Congressional Progressive Caucus, to call attention to the grievous threats posed by to H.R. 1173, ''The Fiscal Responsibility and Retirement Security Act of 2011'', to key provisions in the Affordable Health Care Act.

H.R. 1173 bill would repeal title VIII of the Patient Protection and Affordable Care Act and Supports (CLASS) Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports.

This piece of legislation is yet another example of the Republican Majority failing to act on the top priorities of the American people. At a time when we should be focused on building our economy; advancing underserved and underrepresented communities, addressing the needs of our Nation's seniors; and focusing on the deficit, as well as, unemployment insurance. Instead of generating bold new ideas to help small businesses hire more Americans, to aid in the revitalization efforts of our manufacturing industry, to advance the cause for energy independence, to address the needs of families hurt the most by this economic down turn.

Instead, The Republicans have brought forward a bill to repeal a self sustaining program for the aging and the disabled. The CLASS program is meant to help someone who is unable to bath, cloth, or conduct basic life actives. We should not be attacking programs that are designed to address issues of long term care.

Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information (clearing house). H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

The CLASS Act was designed to provide an affordable long-term care option for the 10 million Americans in need of long-term care now and the projected 15 million Americans that will need long-term care by 2020.

Individuals need long-term care when a chronic condition, trauma, or illness limits their ability to carry out basic self-care tasks, called activities of daily living (ADLs), (such as bathing, dressing or eating), or instrumental activities of daily living (IADLs) (such as household chores, meal preparation, or managing money).

Long-term care often involves the most intimate aspects of people's lives—what and when they eat, personal hygiene, getting dressed, using the bathroom. Other less severe long-term care needs may involve household tasks such as preparing meals or using the telephone.

Estimates suggest that in the upcoming years the number of disabled elderly who cannot perform basic activities of daily living without assistance may be double today's level.

CLASS provides the aging and the disabled with a solution that is self sustaining, at no cost to taxpayers.

As the estimated 76 million baby boomers born between 1946 and 1964 become elderly, Medicare, Medicaid, and Social Security will nearly double as a share of the economy by 2035.

Baby boomers are already turning 65. As of January 1, 2011, baby boomers have begun to celebrate their 65th birthdays for that day on 10,000 people will turn 65 every day and this will continue for the next 20 years.

It is reasonable to assume that over time the aging of baby boomers will increase the demand for long-term care.

Repealing the CLASS program does nothing to address the fact that private long-term care insurance options are limited and the costs are too high for many American families, including many in my Houston district, to afford.

In 2000, spending from public and private sources associated on long-term care amounted to an estimated $137 billion (for persons of all ages). By 2005, this number has risen to $206.6 billion.

Individuals 85 years and older, the oldest old, are one of the fastest growing segments of the population. In 2005, there are an estimated 5 million people 85+ in the United States. This figure is expected to increase to 19.4 million by 2050. This means that there could be an increase from 1.6 million to 6.2 million people age 85 or over with severe or moderate memory impairment in 2050.

An estimated 10 million Americans needed long-term care in 2000. Most but not all persons in need of long-term care are elderly. Approximately 63 percent are persons aged 65 and older (6.3 million); the remaining 37 percent are 64 years of age and younger (3.7 million).

The lifetime probability of becoming disabled in at least two activities of daily living or of being cognitively impaired is 68 percent for people age 65 and older.

By 2050, the number of individuals using paid long-term care services in any setting (e.g., at home, residential care such as assisted living, or skilled nursing facilities) will likely double from the 13 million using services in 2000, to 27 million people. This estimate is influenced by growth in the population of older people in need of care.

Of the older population with long-term care needs in the community, about 30 percent (1.5 million persons) have substantial long-term care needs—three or more activities of daily living limitations. Of these, about 25 percent are 85 and older and 70 percent report they are in fair to poor health.

Forty percent of the older population with long-term care needs are poor or near poor (with incomes below 150 percent of the Federal poverty level).

Between 1984 and 1994, the number of older persons receiving long-term care remained about the same at 5.5 million people, while the prevalence of long-term care use declined from 19.7 percent to 16.7 percent of the 65+ population. In comparison, 2.1 percent, or over 3.3 million, of the population aged 18–64 received long-term care in the community in 1994.

While there was a decline in the proportion (i.e., prevalence) of the older population receiving long-term care, the level of disability and cognitive impairment among those who received assistance with daily tasks rose sharply. The proportion receiving help with three to six ADLs increased from 35.4 percent to 42.9 percent between 1984 and 1994. The proportion of cognitive impairment among the 65+ population rose from 34 percent to 40 percent.

INFORMAL CARE GIVERS AND FAMILY

Informal caregiver and family caregiver are terms used to refer to unpaid individuals such as family members, partners, friends and neighbors who provide care.

Informal caregivers and family can be primary or secondary caregivers, full time or part time, and can live with the person being cared for or live separately.

Estimates vary on the number of family and informal caregivers in the United States, depending on the definitions however:

52 million informal and family caregivers provide care to someone aged 20+ who is ill or disabled.

44.4 million caregivers (or one out of every five households) are involved in care giving to persons aged 18 or over.

34 million caregivers provide care for someone age 50+.

27.3 million family caregivers provide personal assistance to adults (aged 15+) with a disability or chronic illness.

5.8 to 7 million people (family, friends and neighbors) provide care to a person (65+) who needs assistance with everyday activities

8.9 million informal caregivers provide care to someone aged 50+ with dementia. By the year 2007, the number of care giving households in the U.S. for persons aged 50+ could reach 39 million.

Over three-quarters (78 percent) of adults living in the community and in need of long-term care depend on family and friends (i.e., informal caregivers) as their only source of help; 14 percent receive a combination of informal and formal care (i.e., paid help); only 8 percent used formal care or paid help only.

Even among the most severely disabled older persons living in the community, about two-thirds rely solely on family members and other informal help, often resulting in great strain for the family caregivers.

The use of informal care as the only type of assistance by older Americans aged 65 and over increased from 57 percent in 1994 to 66 percent in 1999. The growth in reliance upon informal care between 1994 and 1999 is accompanied by a decline in the use of a combination of informal and formal care from 36 percent in 1994 to 26 percent in 1999.

30 percent of persons caring for elderly long-term care users were themselves aged 65 or over; another 15 percent were between the age of 45–54.

For the family caregiver forced to give up work to care for a family member or friend, the cost in lost wages and benefits is estimated to be $109 per day.

HOME AND COMMUNITY-BASED CARE

Most people—nearly 79 percent—who need Long-Term Care live at home or in community settings, not in institutions.

More than 13.2 million adults (over half younger than 65) living in the community received an average of 31.4 hours of personal assistance per week in 1995.

Only 16 percent of the total hours were paid care (about $32 billion), leaving 84 percent of hours to be provided (unpaid labor) by informal caregivers.

The trend towards community-based services as opposed to nursing home placement was formalized with the Olmstead Decision (July, 1999)—a court case in which the Supreme Court upheld the right of individuals to receive care in the community as opposed to an institution whenever possible.

The proportion of Americans aged 65 and over with disabilities who rely entirely on formal care for their personal assistance needs has increased to 9 percent in 1999 from 5 percent in 1984.

Between 2000 and 2002, the number of licensed assisted living and board and care facilities increased from 32,886 to 36,399 nationally, reflecting the trend towards community-based care as opposed to nursing homes. Most assisted living facilities, however, are unlicensed.

Most assisted living facilities (ALFs) discharge residents whose cognitive impairments become moderate or severe or who need help with transfers (e.g. moving from a wheelchair to a bed). This limits the ability of these populations to find appropriate services outside of nursing homes or other institutions.

NURSING HOME CARE

The risk of nursing home placement increases with age—31 percent of those who are severely impaired and between the ages of 65 and 70 receive care in a nursing home compared to 61 percent of those age 85 and older.

In 2002, there were 1,458,000 people in nursing homes nationally. Older individuals living in nursing homes require and receive greater levels of care and assistance. In 1999, over three-quarters of individuals in nursing homes received assistance with four to six ADLs. Of the population aged 65 and over in 1999, 52 percent of the nursing home population was aged 85 or older compared to 35 percent aged 75–84, and 13 percent aged 65–74. Between 1985 and 1999 the number of adults 65 and older living in nursing homes increased from 1.3 million to 1.5 million. In 1999, almost three-quarters (1.1 million) of these older residents were women.

The issue before us today, is how we intend to treat our aging and disabled at a time when they are in need of assistance that will have a direct impact on their quality of life.

Traditionally, most long-term care is provided informally by family members and friends. Some people with disabilities receive assistance at home from paid helpers, including skilled nurses and home care aides.

Nursing homes are increasingly viewed as a last resort for people who are too disabled to live in the community, due to a number of factors, cost being one.

Mr. Chair, I believe that we must leave the framework that exists in place and work with seniors, families, industry, HHS and others to find a way to make the CLASS Act or an alternative long-term care program work.

We cannot and we must not allow Medicaid to continue to be the only affordable long-term care service available to Americans. American families should not have to spend down their savings or assets to access long-term care.

American families spend almost twice as much on health care through premiums, paycheck deductions, and out-of-pocket expenses as families in any other countries.

Considering the amount that we spend on health care, it is surprising that Americans do not live as long as people in Canada, Japan, and most of Western Europe. Our health care system was in need of an overhaul.

Under the Affordable Health Care Act, signed into law in 2010 more than 32 million additional Americans are expected to get insurance, either through an extension of Medicaid or through exchanges where low and moderate income individuals and families will be able to purchase private insurance with Federal subsidies.

A key part of the new health law also encourages the development of ''accountable care organizations'' that would allow doctors to team up with each other and with hospitals, in new ways, to provide medical services. There are dozens of good provisions in the Affordable Health Care Law that will ultimately benefit the public, if they are not repealed one title at a time. The CLASS Act is a good provision too—I stand by that notion—but just improperly designed.

While family caregiving can be a very satisfying job, those who become primary caretakers for their senior loved ones must understand that doing so will touch many aspects of their lives—including work, home and family. This data was developed from the responses of more than 8,000 family caregivers who visited the caregiverstress.com Web site since 2005. The results demonstrate the impact stress can have on family caregivers and they illustrate why it's important to tap into resources that can provide help or support.

I yield back the balance of my time.

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

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

Ms. WOOLSEY. Mr. Chairman, across the United States, anguished families are sitting down at their kitchen table. They're reviewing their financial situation. Many are trying to figure out how in the world they're going to afford their personal long-term care needs or that of a loved one or another family member.

People who've worked hard their whole lives, who are already coping with a sluggish economy, are being crushed under the weight of long-term care costs, depleting their savings and sometimes spending themselves into bankruptcy.

As we know, Mr. Chairman, long-term care is not covered in most health care plans. If you're already old and sick, you probably can't qualify for a separate long-term care policy; and if you can, it's likely to be insanely expensive. Medicare pays only for the first 100 days of nursing-home care, and Medicaid is only available to the very poor. But you don't have to be poor to be overwhelmed by nursing-home costs that average $72,000 a year.

We can't forget that we live in an aging society. As our largest generation, the baby boomers, move into their retirement years, and while advances in science and technology have, thankfully, allowed us to live longer, it means that many of us will require more extended, more expensive care. All this has created a perfect storm in which the long-term care crisis will get even worse, not better.

In the coming years, Mr. Chairman, we're going to find ourselves in turmoil over long-term care. So why aren't we putting our heads together on both sides of the aisle and coming up with ideas to solve this dilemma? After all, we're all going to be old.

Instead, we're here today because the majority appears to want to repeal the one modest attempt to help Americans cope with long-term care costs. If the program needs improvement, I ask them, then let's fix it. That's what taxpayers are paying us to do, not throw up our hands and walk away from this problem.

□ 1720

But my friends in the majority seem to have a different version and vision of public service. It seems that instead of providing service to the public, they view it as their job to dismantle and disembowel any government investment that improves the lives of regular people. Nothing seems to drive them to distraction like the commonsense reforms of the Affordable Care Act. They have no innovative health care ideas of their own. They're simply nostalgic for the cruel and unfair health care system that we have finally begun to leave behind us.

So we need to be building on health care reform. We do not need to be whittling away at it. Vote ''no,'' my colleagues, on the repeal of the CLASS Act.

I yield back the balance of my time.

Mrs. CHRISTENSEN. I move to strike the last word.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. As I come to the floor today to speak against this

repeal, I cannot help but remember the faces of the individuals with disabilities, individuals with very serious long-term care needs, sitting through the long markup a couple months ago only to, at the end of the day, see the committee majority vote to repeal the CLASS Act. If an expression could convey a thousand words, theirs did that day. I know because I had the same expression, and I felt the exact same way: disappointed and frustrated, saddened at the very real possibility that they and our seniors would be left out in the cold when they are at their most vulnerable.

I'm sure that they and millions of other people with special needs and seniors are watching this now, and they, like all of us here now, know that repealing the CLASS Act will not make 10 million Americans' long-term care needs disappear, and it certainly will not make them suddenly affordable for the overwhelming majority of most families.

The Secretary did the responsible thing. She put the implementation on hold because the actuarial studies did not show that the program, as designed, was sustainable. None of us who supported and voted for the Affordable Care Act thought that everything in it was perfect. Much of it was well put together, well-planned, well-designed. But there were some that we thought might need to be tweaked or even revised in bigger ways, but we needed to take that first big important step in the right direction to make sure that the health care needs of our fellow Americans would be met.

The Secretary in her letter to the Speaker said that the report reflected ''The development of information that will ultimately advance the cause of finding affordable and sustainable long-term care options.''

So what we should be doing is looking at those options or charging an institute like the Institute of Medicine to look at them and recommend a way forward.

Everyone knows that we have a long-term care crisis in the United States. There are 10 million vulnerable men, women, and children who need this care, and we know that over the next decade that number will grow to 15 million. We also know that there are grave racial, ethnic, as well as geographic disparities that exist across the 10 million Americans with unmet long-term health care needs.

We also know that long-term health care burdens family budgets, as well as Medicaid programs in the States that administer them across our Nation. Only about 8 percent of Americans buy long-term care insurance because the premiums are too expensive in many cases for most individuals to afford.

Despite these facts, and these are indeed facts, and as we have seen time and time again, rather than identify and support a medically, economically, and socially responsible solution to this critically important problem, in their zeal to attack the Affordable Care Act and undermine the provisions that have already begun to help all of our constituents, our friends on the other side of the aisle would rather slam that door shut and not continue to work with us to find ways to meet this critical need.

We need to have a plan to ensure access to affordable long-term care, and repealing and dismantling the CLASS Act with no safeguard or stopgap in place first is definitely not the right way to go.

I, like everyone here, Republican and Democrat, have 10 million reasons to take a stand and to fight for those who cannot fight for themselves, to provide a voice for the voiceless and to remind our colleagues and those watching that this fight cannot be over and that we cannot stop until our long-term care crisis is addressed and those who need it, as many of us, Republican and Democrat will, address it in a manner that meets the high ideals of this country.

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

Mr. AL GREEN of Texas. I move to strike the last word.

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

Mr. AL GREEN of Texas. Mr. Chairman, when it comes to health care and those who need it and can't afford it, I constantly remind myself that but for the grace of God, there go I. You don't believe in God? But for the grace of chance and circumstance, but for the goodness of luck, there go I.

The question we have to ask ourselves is what kind of country are we going to be? Are we going to be a country wherein health care becomes wealth care? Where only the wealthy can afford what is available? The technology's available. The pharmaceuticals are available. But only the wealthy can afford that which is available in the richest country in the world.

Are we going to be a country wherein pregnancy is a preexisting condition; if you are pregnant and you don't have insurance, you cannot get it? Is that the kind of country we are going to be? Are we going to be a country wherein senior citizens who are in need of pharmaceuticals cannot get them because they can't afford them, but if you're wealthy, you can. But for the grace of God, there go I.

No one deserves the status in life to which he or she is born. Born wealthy? You didn't earn it. Born poor? You don't deserve it.

The question is whether we will understand that it can happen to any one of us and that we are a country that can afford to make a difference in the lives of those who are sick and cannot take care of themselves.

So the issue today has not been whether we can afford it or whether we can do it. The question is, do we have the will? We can find the way.

I would yield to my colleague from Georgia, whom I have great respect for and for whom I hold no animus. I just would like to ask you, is it not true, my dear friend, that we can work this out and find a way to get it done? Is it not true? Can we not find a way to get this done?

Mr. GINGREY of Georgia. Well, here again, when Mr. BARTON, the ranking member of the committee, asked very specifically, Mr. Chairman, when he asked very specifically in the markup on the House side back in 2009, if I vote ''yes'' for that, will we have hearings to—I think it was ''to flesh this out.'' He was assured, of course, by the chairman at the time of the Health Subcommittee, Mr. PALLONE, and also the chairman of the overall committee, Mr. WAXMAN of California, said, Hey, it's okay with me. No hearings were held.

So this business of can't we work this out, but yet we were reaching out, and it never happened.

I yield back to my friend.

Mr. AL GREEN of Texas. If I may reclaim my time.

I do welcome comments about the past, my dear friend.

But I'm asking you, given that you do have some degree of influence given that you're in the majority, why can we not do now what was not done? I'm not privy to all of what wasn't done and should have been done. But why can we not do now what wasn't done? Why can we not now work to mend, rather then end, something that can benefit persons who cannot help themselves? Why can we not do it now? What prevents us?

I yield to the gentleman.

Mr. GINGREY of Georgia. Mr. Chairman, the gentleman asked me a specific question, and I want to respond to my friend.

You know, the point I will make to him is that we can work together. We absolutely can.

Mr. Chairman, we have discussed this with Mr. PALLONE. I have done so personally, as I know my physician colleague on Energy and Commerce, Mr. BURGESS, has had a conversation with Mr. PALLONE.

□ 1730

We can work together, but we have to remove this failed program first because of that looming deadline of October 1, 2012, where we'll get sued if we don't have a program. So I'd be glad to work with the gentleman.

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

Mr. AL GREEN of Texas. Mr. Chairman, I ask that I be extended the courtesy that the gentleman from Georgia received when he received an additional 5 minutes. I don't need an additional 5 minutes. I would just like to continue this dialogue that we have had, and he did receive an additional 5 minutes earlier.

The Acting CHAIR. Is the gentleman requesting unanimous consent for an additional 5 minutes?

Mr. AL GREEN of Texas. I ask unanimous consent to continue briefly this dialogue with the gentleman.

Mr. GINGREY of Georgia. Point of order, Mr. Chairman.

The Acting CHAIR. The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. In regard to you yielding an additional 5 minutes to me, in fact, that is not true.

Mr. Chairman, as you know, the gentleman from Tennessee, Representative FINCHER, moved to strike the last word and was afforded the 5 minutes, as we all are, and he yielded to me.

I certainly would oppose the gentleman's unanimous consent request for you to—I don't think you have the authority to do that quite honestly.

The Acting CHAIR. Objection is heard.

Mr. AL GREEN of Texas. I would ask the Chair for a ruling first as to whether the Chair has the authority to do it. Then, if I am incorrect, let the record always reflect that I will extend an apology when I have made a mistake. So if I have made a mistake, I will do so; but I do ask that the Chair give a ruling as to whether or not we can have the unanimous consent request granted.

Ms. NORTON. Mr. Chairman, could I make a parliamentary inquiry?

The Acting CHAIR. The Chair will first respond to the inquiry of the gentleman from Texas.

The time of the gentleman may be extended in the Committee of the Whole only by unanimous consent.

Ms. NORTON. Mr. Chairman, could I make an inquiry at this time?

The Acting CHAIR. Does the gentleman have a futher inquiry?

Mr. AL GREEN of Texas. Before I leave the podium, if I may, I would like to prevail upon my friend whom I am having a colloquy with to show some sense of desire to continue this and reach some sort of——

The Acting CHAIR. The gentleman from Texas will suspend.

The time of the gentleman from Texas has expired.

Mr. AL GREEN of Texas. May I ask for the unanimous consent now, Mr. Chairman?

The Acting CHAIR. The gentleman has requested unanimous consent to extend his time. There has been an objection to that request.

Does the gentlewoman from the District of Columbia seek recognition?

Ms. NORTON. I ask the Chair: Is it true that there will be no more Members heard on this issue after 5:40?

Mr. GINGREY of Georgia. Mr. Speaker, I'm going to have to insist on regular order here.

The Acting CHAIR. In answer to the gentlewoman's parliamentary inquiry, there is a 3-hour time limit for consideration of amendments that has not yet been reached.

Ms. SCHAKOWSKY. I move to strike the last word.

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

Ms. SCHAKOWSKY. Mr. Chairman, roughly 70 percent of us at some point are going to have difficulty taking care of ourselves independently, and we're going to need some sort of long-term care or support. So as the population ages, of course the need for these services only increases.

I've been listening to this debate. On the substance, or at least as we identify the problem, there is an enormous amount of agreement. We all know that the costs associated with long-term care are very high, that nursing homes can cost over $70,000 a year, and that just 20 hours a week of home care costs nearly $20,000 a year. For working families, there are few practical options in order to plan and pay for long-term care and support services. Only about 3 percent have a private policy covering long-term care while the majority is forced to spend its way into poverty to qualify for the Medicare safety net coverage of those costs.

We know this. We all agree on this.

What the CLASS Act did was to address a number of critical needs, including providing a way for persons with disabilities to remain independent and in their communities by bringing private dollars into the long-term care services system in order to reduce the reliance on Medicaid without impoverishing individuals and their families.

Mr. Chair, here is how: if a person must go into a nursing home—and those are the potential long-term people, Americans—if such Americans must go into a nursing home, first they spend down their resources, and then they go into a nursing home at a cost of about $80,000 a year.

We all agree that the CLASS Act is far from perfect, but it provides a beginning framework to begin to deal with the problem.

I got a letter from Jonathan Lavin, CEO of AgeOptions in Oak Brook, Illinois, a service provider. He emailed me, actually, to say:

> Please do not vote to repeal the CLASS Act. Such a vote will reverse the hope of millions of Americans that one day they may collectively insure themselves for the eventuality of a debilitating disability. When we see a young former Congresswoman gunned down and a healthy vibrant Illinois Senator struck by a stroke, we realize that any of us may suffer from a disability.
>
> A broad-based, effective insurance program will assist those who face such life-altering challenges. We understand why the CLASS Act is delayed in implementation since the economic situation is so dire, but we cannot understand deliberately acting to eliminate the potential for such legislation to do so much good after the economy recovers.

Every American faces the reality that an accident or illness requiring long-term care could devastate them financially.

While this issue affects everyone, I want to focus on the importance of the CLASS Act for women in this country.

Long-term care is very much a women's health issue. Women live longer than men. Their life expectancy exceeds those of men by some 5 years. Because they live longer, women are at greater risk of needing long-term care services to help them when they become disabled or too sick or frail to care for themselves. Women tend to need more resources for long-term care. Women tend to be ill for longer periods of time, and women are less likely to have a family member to care for them.

Over 70 percent of nursing home residents and nearly two-thirds of home-care users are women. Because women, far more than men, take on the role of caregiver, women are the ones who end up staying at home, sometimes giving up careers to provide care for a sick or disabled family member, adults and children alike. Indeed, women make up three-fourths of the home-care workforce.

CLASS would help make these challenges easier. It would help provide the care women may require if and when they need long-term care or supports for themselves. It would help provide relief or a break, if you will, for those women who spend all day every day at home taking care of others in need of long-term care.

To take away this program is to take away the first real opportunity that the women of this country have to deal with the long-term care challenges they face day in and day out both as patients and as caregivers. Like so many other Republican assaults on the Affordable Care Act, H.R. 1173 is, in fact, an attack on women and women's health.

Like all those other assaults, we should push back and reject this one. CLASS is just one of the many advancements for women's health that is included in the Affordable Care Act. As you have heard many times today, let's fix it, not repeal it, so it can work for women and all Americans as intended.

Instead of passing H.R. 1173 and repealing the CLASS Act with no effective alternative in place, we can and should work together to repair this program. Ignoring the long-term care crisis won't make it go away.

I yield back the balance of my time.

Ms. NORTON. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, we have here one for the books. The Democrats offer a 100 percent private-sector solution to the most costly health care crisis affecting the American people, and Republicans want to repeal it. This is going to go down in history.

The Obama administration is a victim of its own honesty. It, in good faith, put the CLASS Act into the health care bill knowing that we can't do without it. Then the administration looked carefully at the cost factors, and it did the right thing. It informed the Congress that it was suspending implementation of the CLASS Act. It certainly did not repeal it or ask for its repeal, nor should we. Here is why: the Medicare crisis before us, as I speak, is dwarfed by the long-term care crisis.

We know it because that crisis, the CLASS crisis if you will, is already here.

□ 1740

That crisis, my friends, is long-term care. Who pays for it? We pay for it. We, the taxpayers, because Medicaid pays for it. They're coming at an increasing clip because the fact is that the number of Americans who are living longer, who don't have the resources themselves, grows exponentially. Government is now paying 100 percent.

Let's look at the CLASS Act. That is a 100 percent privately financed plan. It means that we should all, not wait for long-term care to be needed when we would have to ask the government, through Medicaid, to pay for nursing home care. We should begin now to take care of our own long-term needs.

What are you going to do if we don't have the CLASS Act—pass off the elderly who are in the nursing homes? To where? To whom?

Clearly, the CLASS Act is the only solution, unless you want the Federal Government to continue to pick up the loss for those who need long-term care, and that is what people in nursing homes are there for. Only 8 percent of Americans buy long-term care insurance.

I bought long-term care insurance, and then I was a little concerned to read that people who have bought long-term care insurance find they are not going to get what they thought they paid for.

I think this House ought to be having hearings on what is out there now if we want to encourage people to buy their own long-term care insurance. We are doing none of that. We are not encouraging people to do what the CLASS Act would encourage them to do. Instead, we are saying repeal this private sector solution.

That makes no sense, because when the crisis comes, the elderly are going to come to us. They are going to say they have no long-term care; they want what the last generation had. You spend down your resources and then Medicaid picks it up. That's the solution on the table now. If you want a private solution, this is golden. It is in law.

We should grab it, keep it, have hearings on it. How can we make it feasible? Thank the administration for deciding not to implement it. They had an alternative. They could have allowed it to lie dormant, gone on with the rest of the health care bill. Instead, they told the truth.

Now we are here trying to repeal it, knowing full well that when the crisis is upon us, we will never be able to put forward a private, 100 percent private solution because it will be too late.

Take this for what it's worth. You have a bird in hand.

I yield back the balance of my time.

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

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

Mr. PITTS. Mr. Chairman, to summarize briefly, first of all, there is no CLASS program. The gentlelady was right; this is a woman issue. Women have been promised something that they'll never get with the CLASS Act. Zero people will be enrolled in the CLASS Act. They have a program that doesn't work, they know it won't work, and it's a false sense of hope to say that it will.

HHS studied for 18 months eight different scenarios to fix the CLASS Act from $391 a month premium to $3,000 a month premium. They concluded the same result: The CLASS Act is not fixable. Short of a mandate, there's no way to fix the CLASS Act.

Now, our friends on the other side have had several opportunities to offer amendments to fix the CLASS Act. First of all, H.R. 1173 was marked up in the Energy and Commerce Health Subcommittee, and they didn't offer an amendment. At full committee, the Democrats didn't offer a comprehensive plan to fix the program. And now, with nearly 4 hours of debate, still no amendments to fix the program. Without a mandate, there's no way to fix it.

Mr. Chairman, we must get this program off the books and start over. It was wrong when it was passed. It's simply a liability in our budget, and the American taxpayers who would reject any further attempt by the Federal Government to require something upon them, that is another mandate.

I urge a vote for H.R. 1173 to repeal this CLASS Act. Let's start over again.

I yield back the balance of my time.

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 further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 1 by Ms. JACKSON LEE of Texas.

Amendment No. 4 by Mr. DEUTCH of Florida.

Amendment No. 5 by Mr. DEUTCH of Florida.

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

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) 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 161, noes 263, not voting 8, as follows:

[Roll No. 13]

AYES—161

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

NOES—263

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (CA)
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
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
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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 (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
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 (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Carson (IN)
Filner
Hinchey
LaTourette
Mack
Paul
Rohrabacher
Roybal-Allard

□ 1815

Messrs. POMPEO, LANDRY, POSEY, WILSON of South Carolina, MURPHY of Pennsylvania, CALVERT, ROKITA, BURGESS, Ms. BERKLEY, and Ms. SPEIER changed their vote from ''aye'' to ''no.''

Messrs. COOPER, CARNEY, OWENS, and Ms. HOCHUL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 13, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

Stated against:

Mr. SMITH of New Jersey. Mr. Chair, on rollcall No. 13, I inadvertently voted ''yes'' when I intended to vote ''no.''

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) 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 157, noes 264, not voting 11, as follows:

[Roll No. 14]

AYES—157

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berman
Bishop (GA)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
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
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—264

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
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
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
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
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
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
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Carson (IN)
Filner
Flores
Hinchey
Issa
Mack
Paul
Pelosi
Roybal-Allard
Royce
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1819

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 14, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 4 OFFERED BY MR. DEUTCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DEUTCH) 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 164, noes 260, not voting 8, as follows:

[Roll No. 15]

AYES—164

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berman
Bishop (GA)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
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 (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—260

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
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
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
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
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
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
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 (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Carson (IN)
Filner
Franks (AZ)
Hinchey
LaTourette
Mack
Paul
Roybal-Allard

□ 1824

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 15, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Stated against:

Mr. FRANKS of Arizona. Mr. Chair, on rollcall No. 15, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. DEUTCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DEUTCH) 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 264, not voting 8, as follows:

[Roll No. 16]

AYES—160

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
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)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinojosa
Hirono
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
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 (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—264

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
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
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
DeFazio
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)
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
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
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 (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Carson (IN)
Filner
Gonzalez
Gutierrez
Hinchey
Mack
Paul
Roybal-Allard

□ 1829

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 16, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. DOLD). The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. DOLD, 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. 1173) to repeal the CLASS Program, and, pursuant to House Resolution 522, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

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

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

□ 1830

MOTION TO RECOMMIT

Mr. GARAMENDI. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. GARAMENDI. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill H.R. 1173 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following:

SEC. 3. ENSURING LONG-TERM CARE SERVICES FOR SENIORS WITH ALZHEIMER'S DISEASE AND OTHER DISABLED INDIVIDUALS.

(a) IN GENERAL.—Section 2 shall not take effect until such date as the Secretary of Health and Human Services certifies that a national voluntary insurance program is in effect for purchasing community living assistance services and supports for individuals who—

(1) have—

(A) Alzheimer's disease or other cognitive impairment;

(B) chronic diabetes, heart disease, or advanced stages of cancer;

(C) a disability or traumatic injury; or

(D) any other serious disease or health condition; and

(2) require assistance with two or more activities of daily living (such as eating, bathing, dressing, and toileting).

(b) EXCEPTION.—Notwithstanding subsection (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

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

Mr. GARAMENDI. Mr. Speaker, I want all Members to pause for a moment and think about your family, think about your community, and the people you represent. I want you to put in your mind Alzheimer's and the effect that it has on the individuals and families. Now are you envisioning the effect of Alzheimer's, not only on the individual but on the family?

I want you to put in your mind that terrible auto accident that left that young child totally disabled. I want you to put in your mind the diabetic, think about the diabetic, long-term diabetes, and the effect that it has.

Now, the point of my amendment is not to kill this bill but rather to amend it in such a way that it can be taken up on the floor with all of us supporting this.

Long-term care is a major challenge for families, for individuals, and for this Nation. Today 5.4 million Americans have Alzheimer's, and at the end of this decade, it's expected to double, more than 10 million.

Keep that vision of the Alzheimer's patient in mind. It may be someone in your family or in your circle. Twenty-four million Americans have diabetes, 26 million have heart disease. Think of that stroke victim. You know that person. They've been our colleagues, disabled, and in many cases, totally disabled.

What this amendment does is to deal with a profound problem in America. How do we care for those who are disabled, unable to care for themselves for a lengthy period of time? How do we do that? There is no effective way to do it today until that individual and family is flat broke.

There is no mechanism today to deal with this problem unless you have become totally bankrupt, no assets, and then you get to go on the Medicaid program, a burden on our general fund and on every State's general fund.

This amendment offers a solution. This amendment says that we will keep the CLASS Act in effect but seek a national voluntary insurance program. Now, I happen to know insurance, and I happen to know that all of the long-term insurance programs out there have failed to work because they are narrow, because they've been unable to reach across the broad spectrum of America to provide a broad base of risk. You need a very, very large pool to deal with this very large and very expensive problem.

If my amendment is adopted, we will be able to go forward and to repair the CLASS Act into a voluntary insurance program that would involve the entire Nation and thereby provide a premium that is affordable. The present programs do not.

As we know from the CLASS Act itself and the work done by the Department of Health and Human Services, it too is flawed. But the problem remains. The problem has not disappeared. It is in fact in every one of our families and, quite possibly, with us as individuals.

We need a solution. Whether you're a Democrat or a Republican, we have to find a solution to this problem because now it falls back. When all other resources are gone for the individual and the family, it falls back onto the general fund of the State and the Federal Government. Not a good solution at all.

So I ask for your support on this. If you adopt this amendment, we will immediately vote on the CLASS Act itself, and it will be repealed, but not real. It will be maintained as we work

forward towards a solution. That's our task here. That's our task as Members of Congress. Find solutions for the real problems that face every American.

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

Mr. GINGREY of Georgia. Mr. Speaker, I claim the time in opposition to the motion.

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

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman from California in mentioning these categories of suffering seniors, people with Alzheimer's disease, chronic diabetes, heart disease, advanced stages of cancer, disability, or traumatic injury, I'd like to tell the gentleman and my colleagues on the other side of the aisle, Mr. Speaker, that we on this side of the aisle always have these victims in our mind, in our heart, in our prayers. But we have the compassion and the honesty not to promote and present a ruse and false hope. That's what this so-called CLASS Act non-program does to these suffering individuals that suffer from these chronic medical conditions and disabilities.

H.R. 1173 is an opportunity for this Congress to reverse one of the most costly coverups—yes, coverups—this administration has imposed upon the American taxpayer. The failure of this administration to implement the CLASS program came as no surprise to the many of us who had actually listened to the concerns from the unbiased actuaries—even the administration's own chief health actuary, Richard Foster, from CMS—about the certain failure of the CLASS program.

The concerns, Mr. Speaker, were bipartisan during debate on the President's health care law, and even the President's own fiscal commission called for the program's repeal.

So today we have the opportunity to finally get this failed program off of the books. This administration has spent millions of dollars and, yes, eight ways of Sunday, here they are, colleagues, eight ways, short of having yet another mandate that all people have coverage.

□ 1840

They have tried to implement a program that never had a chance of being implemented, and today we're faced with an $80 billion hole in the budget that this administration claims would be filled by the implementation of the CLASS program.

Listen, colleagues, key Senate Democrats, like Senator HARKIN, believe that there is still one last option worth considering: another unconstitutional mandate on every American. In fact, in comments to reporters yesterday, Senator HARKIN made the claim that the problem with the current CLASS program is that it is voluntary. In the opinion of the esteemed Senator, it needs to be mandatory.

The need for long-term care reform is an important issue, and I am confident that solutions can be accomplished and that we can do this in a bipartisan way as they have been done before on this issue. We cannot, however, continue to deny the fact that the CLASS program is an abject failure and that its repeal is necessary today.

I say to my Democrat colleagues, admit your failure. You rushed this provision into the health care law. I understand your compassion toward the late Senator Kennedy and your wanting this to be a legacy for him, but it was his staff that maybe misled the committee and the Democrat majority. Admit your failure. Get over it. Vote to repeal this failed CLASS Act, and live to fight another day.

I recommend that we vote down this motion to recommit and for the bill to be repealed.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1173, if ordered, and motions to suspend the rules on H.R. 3835 and H.R. 3567.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting 10, as follows:

[Roll No. 17]

AYES—175

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
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)
Loebsack
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
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
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
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—247

Adams
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
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
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)
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
Hensarling
Herger
Herrera Beutler
Hochul
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
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Owens
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (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 (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Aderholt
Carson (IN)
Filner
Hinchey
Lankford
Mack
Paul
Roybal-Allard
Speier
Walsh (IL)

□ 1859

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 17, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 267, noes 159, not voting 6, as follows:

[Roll No. 18]

AYES—267

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
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)
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
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
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 (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—159

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berman
Bishop (GA)
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
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 (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—6

Carson (IN)
Filner
Hinchey
Mack
Paul
Roybal-Allard

□ 1906

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 18, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

TO EXTEND THE PAY LIMITATION FOR MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3835) to extend the pay limitation for Members of Congress and Federal employees, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. ROSS) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 309, nays 117, not voting 6, as follows:

[Roll No. 19]

YEAS—309

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Eshoo
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)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones

Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
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
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—117

Ackerman
Baca
Bartlett
Bass (CA)
Becerra
Berman
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capuano
Cardoza
Carnahan
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Farr
Fattah
Frank (MA)
Fudge
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hastings (FL)
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kildee
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Price (NC)
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sewell
Sherman
Sires
Smith (WA)
Stark
Thompson (CA)
Thompson (MS)
Towns
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Young (AK)

NOT VOTING—6

Carson (IN)
Filner
Hinchey
Mack
Paul
Roybal-Allard

□ 1913

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 19, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

WELFARE INTEGRITY NOW FOR CHILDREN AND FAMILIES ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3567) to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 27, not voting 10, as follows:

[Roll No. 20]

YEAS—395

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
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
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
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
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—27

Amash
Bass (CA)
Clarke (NY)
Clay
Conyers
Davis (IL)
Edwards
Ellison
Frank (MA)
Grijalva
Holt
Honda
Jackson Lee (TX)
Lee (CA)

Markey	Rush	Stark
McGovern	Sánchez, Linda T.	Waters
Nadler	Schakowsky	Wilson (FL)
Olver	Scott (VA)	Woolsey
Payne		

NOT VOTING—10

Carson (IN)	Hinchey	Moore
Dicks	Mack	Paul
Filner	McMorris Rodgers	Roybal-Allard
Herger		

□ 1920

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

Ms. BERKLEY changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 20, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. CARSON of Indiana. Mr. Speaker, on February 1, 2012, I missed rollcall votes 13, 14, 15, 16, 17, 18, 19, and 20 because of district business. Had I been present, I would have voted ''yes'' on rollcall 13, ''yes'' on rollcall 14, ''yes'' on rollcall 15, ''yes'' on rollcall 16, ''yes'' on rollcall 17, ''no'' on rollcall 18, ''yes'' on rollcall 19, and ''yes'' on rollcall 20.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3784

Ms. FUDGE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to H.R. 3784.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 658, FAA MODERNIZATION AND REFORM ACT OF 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–382) on the resolution (H. Res. 533) providing for consideration of the conference report to accompany the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3578, BASELINE REFORM ACT OF 2011, AND PROVIDING FOR CONSIDERATION OF H.R. 3582, PRO-GROWTH BUDGETING ACT OF 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–383) on the resolution (H. Res. 534) providing for consideration of the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline, and providing for consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

Mr. MICHAUD. Mr. Speaker, I have a motion to instruct conferees at the desk.

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

The Clerk read as follows:

Mr. Michaud moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to recede from section 2123 of the House bill, relating to allowing a waiver of requirements under section 3304(a)(4) of the Internal Revenue Code of 1986, including a requirement that all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maine (Mr. MICHAUD) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Maine.

Mr. MICHAUD. Mr. Speaker, at this time, I would like to yield 4 minutes to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank my esteemed colleague, Congressman MIKE MICHAUD of Maine, for allowing me this time to join him and to rise in support of his motion to instruct conferees on a payroll tax cut extension bill that strikes a section that undermines the normal procedures of unemployment compensation to people who are out of work as it diverts those funds to other purposes.

Here we have the hardest of hearts that exist in this House, the majority on the other side of the aisle, who allowed the market to crash in 2008, putting millions of people out of work and then throwing millions more out of their homes and turning a cold eye toward them. And then proposed to cut heating assistance to those who are struggling across this country, and then a majority on the other side voting to not extend unemployment benefits to the victims. I didn't see any enthusiasm over there for prosecuting the big banks on Wall Street and those who had committed the fraud that got us into this mess in the first place. No, they want to cut it out of the hearts of the victims.

Now, the House Republican proposal in H.R. 3630 would allow States to apply for waivers to bypass basic protections and standards that now apply to the permanent unemployment extension program. States already have ample flexibility to determine eligibility for unemployment insurance benefits and to set the amount of those benefits, but they must now operate under a basic set of rules. For example, States are required to spend unemployment insurance funds solely on unemployment benefits. They must pay benefits when due, and they may not condition eligibility on issues beyond the fact and cause a person's unemployment. The Republican bill would circumvent these basic protections.

Under the proposed waiver policy, States could divert unemployment funds to other purposes, which seems particularly ill-timed when over half of the States' unemployment trust funds are insolvent because there's so many people still out of work. This diversion policy could lead to jobless individuals being denied weekly unemployment benefits and instead being offered less useful benefits. Furthermore, a waiver could allow new requirements to be imposed on unemployment insurance recipients, including a requirement that they perform a community service job to be eligible for benefits.

Unemployment insurance is an earned benefit for people who have worked hard. It's insurance. Effectively they have paid into those insurance funds and have lost their jobs through no fault of their own. These individuals must actively search for work to be eligible. I have people in my district that have sent out 400 resumes, knocked on hundreds and hundreds of doors. They want to work. And many receive services through the Federally funded one-stop employment centers. Regrettably, House Republicans that have consistently targeted this system for steep cuts in services at a time when they are needed most again have a proposal here.

You know, I really wonder why they don't focus as much attention on prosecution of the Wall Street perpetrators who got us into this mess in the first place. I think you've got the telescope turned around in the wrong direction. You ought to be caring for those who have an ethic of work and who have earned these benefits. And we need to recoup money to balance the budget and to meet our societal needs by making sure that prosecution occurs for those who took the Republic to the cleaners and are still fat and happy sitting in the same chairs that they were in back in 2008 up there on Wall Street.

So I would say to the gentleman I rise in strong support of your effort to

instruct the conferees and to protect the earned benefits of those in our society who build this country forward through thick and thin no matter what. They have earned the right to their unemployment benefits.

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

I think there is bipartisan agreement—Republicans and Democrats—on extending unemployment benefits for a full year.

Clearly, we're in tough economic times. But here we are 2½ years after the recession officially ended, and yet we have 27 million people who can't find a full-time job. We have a lower unemployment rate principally because so many Americans have simply given up looking for work. What we know is the current unemployment system is not working.

I think we can all agree that an unemployment check is no substitute for a paycheck. We know the longer a person stays unemployed, the harder it is for them to get back in the workforce. Most studies show that after 2 years, the chances of you getting back in the workforce becomes very, very slim, yet the government today subsidizes that unemployment for almost that full 2 years.

There's agreement that the sooner we get people back to work the better it is for them, and the better it is for our economy. But what the Federal Government is doing today, it isn't working. We have a system from the 1930s. We need an unemployment system for the 21st century, for today's economy. Commonsense reforms are in order, but the Democrat motion to instruct that we just heard about destroys those reforms to put people back to work.

Under the House bill, we allow States, those who know the economies better, who know their workers best, to put together innovative programs to get people off unemployment and back into the workforce where they belong. Under the House bill, for example, we require workers to actually look aggressively for a job. You would think that's common sense, but under Federal law today a person can go 1½ years receiving unemployment benefits and not be looking for a job. In some States, you don't have to look for a job at all. Well, that's not acceptable. And those without a GED or a high school diploma, those whose chances of getting a job are the slimmest, those who are laid off first and hired last, they struggle. But under the House bill, we allow States to put together the programs that actually get those workers that education.

□ 1930

For example, if you're 40 years old and don't have a GED, the truth of the matter is you still have a quarter of a century left in the workforce. We want to help you get that education, to be a better applicant, to get a better job, to have a brighter future. But this bill denies States the ability to help get that education for their workers.

We give States the ability to tailor job training programs to get people, again, back to work. This is what the President talked about when he cited Georgia Works and other issues on job creation. The Democrat motion stops States who know their local economies best from putting, again, these job trainings in place for their workers.

And finally, in the House bill, we recognize and believe it's time to stop subsidizing drug use through Federal benefits. Now, I wonder how many people this morning went to work in the dark; how many single moms struggled to get their kids to school before they went to work; how many people are driving home right now, are going to miss their kid's practice, they were at work; how many told their Boy Scout they couldn't be at the campout this weekend because they had to work on Saturday; how many people working one, two, three jobs that Washington takes money from their paycheck to help people who are unemployed.

And all the House bill does is to ensure that States are allowed to help people get that education, get that job training, end subsidizing drug use, so they're better applicants with a brighter future. We don't require States to do this. We allow States to have waivers, to be innovative to do that.

At the end of the day, the truth of the matter is we have so many companies who tell us they want to hire good workers with good salaries, but these workers can't pass even a basic drug test. Look, if you've got a casual drug habit or a more serious problem, finance it on your own. You're not going to take tax dollars from your neighbor who's working one or two or three jobs to finance your drug habit. In fact, your future is dimmed because of it. And if States decide not to implement a drug screening program, it's their decision; it's not Washington's.

The Democrat motion makes sense only if you work in Washington and think the current status quo is working. It is not. So I respectfully oppose the motion, support the proposed waiver authority, as well as its other provisions.

I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank the gentleman from Maine for his ever-present leadership on the issue of unemployment insurance and also for fighting for jobs for Americans, because we're really here looking at two problems. One is the problem of making sure that those who are on unemployment are going to get benefits so they can survive, and the other one is the massive unemployment that we have in America. I mean, obviously, these matters are interrelated.

Let me speak first to Mr. MICHAUD's motion to instruct conferees.

This provision to remove Section 2123 from H.R. 3610, this section severely undermines the unemployment insurance system that nearly 8 million Americans rely on. It allows States to apply for waivers that would change how unemployment insurance funds are allocated, and it does this under the guise of strengthening reemployment programs. In reality, these proposed waivers would allow States to use unemployment insurance funds for purposes other than paying out benefits.

Think about this. If people are on unemployment insurance, they need those benefits. They need full benefits. You don't want the State to find an excuse to siphon those benefits to some other purpose. And by allowing the use of unemployment insurance funds for purposes other than providing unemployment benefits to those who rely on them, we would be weakening a system that has provided assistance to unemployed Americans for decades.

The rationale for the reallocation is deceptively camouflaged. It's being described as fulfilling additional benefits to the unemployed, such as bolstering job training programs and reemployment programs. Yet, in reality, diverting funds from the unemployment insurance fund to other equally important programs is not a viable solution and will, ultimately, undermine the unemployment insurance system that millions rely on.

The truth of this matter is that this Congress has been shirking its responsibility to independently and to adequately fund these programs.

Section 2123 of this legislation also gives the States the ability to create their own eligibility requirements, which could impede otherwise eligible recipients from collecting their benefits. The waivers permitted under Section 2123 would give States the opportunity to impose new eligibility requirements on unemployment insurance recipients that are unrelated to their employment history and current unemployment status. This includes giving the States the right to require a high school diploma or GED as a prerequisite for receiving unemployment benefits.

Now, think about that. You have so many people who, because of family situations, have not been able to finish high school, and they're working to support their families. They get laid off, and then they're told, Well, wait a minute. Because you don't have a high school diploma, you can't get any benefits. This is a double punishment for people.

What we should be doing is enabling people who are unemployed to be able to get a college education paid for while they're unemployed, so that when they're graduated or better educated, that when they come back into the workforce they can help make a greater contribution to our country.

Frivolous requirements like giving States the right to require a high

school diploma or GED as a prerequisite for receiving unemployment benefits will do nothing but prevent benefits from reaching those who need them the most.

In my home State of Ohio, the unemployment rate is still above 8 percent. Just last week, more than 20,000 Ohioans were on the brink of losing their extended benefits. The men and women of this country should not have the added stress of monitoring the government's attempt to deny or delay their unemployment benefits. We have to protect the integrity of the unemployment insurance program and those that rely it.

And while we're at it, we also have to start thinking about creating jobs in this country. We have at least 13 million people who are unemployed and another 6 million who are underemployed. It's time we got America back to work, then we wouldn't be having this debate about unemployment insurance.

While people are unemployed, they should get the benefits, and they should be full benefits. But we should also be creating jobs, and that's not what we're doing. We need new mechanisms to create jobs. We shouldn't tell people, Well, the government doesn't have any money.

Well, we're borrowing money from China, South Korea, and Japan. Why don't we start—spend the money into circulation. Look at what the Federal Reserve does. The Federal Reserve creates money out of nothing, gives it to banks. The banks park the money at the Fed. They gain interest. Our businesses are starved for lack of capital.

What if we, the government, took back the constitutional right that we have under article I, section 8, to spend or create money, coin money, spend it into circulation, create millions of jobs, put our country back to work, rebuild our infrastructure? More money for education, more money for health care.

America's best days are ahead of it if we start to think about the mechanisms we have to create jobs in this country. In the meantime, we sure better protect those people who are unemployed.

The mechanism I talked about, it's called the NEED Act, National Employment Emergency Defense Act. We have a means of getting people back to work. In the meantime, if they're not working, let's make sure we don't curtail their unemployment benefits.

Support the Michaud amendment.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), one of the leaders of getting this economy and America back on track and people back into good-paying jobs.

Mr. WALDEN. Mr. Speaker, let me make a couple of points about this motion to instruct, which I oppose.

Section 2123, which is the issue here, allows up to 10 States per year to apply for waivers to test innovative ideas to help people get a job, to help people get back to work, so it's only up to 10 States. And waiver programs would have to be cost neutral, rigorously evaluated, and then we could understand the policies.

Look, I think the folks at home in my great State of Oregon are just as compassionate, if not more so, than what happens here in Washington. I think they can be creative, too, in helping.

And, in fact, in 2011, Oregon launched its version under a waiver of the National Career Readiness Certificate program. Now, what that did was certify 10,760 work-ready individuals in the State that they have the appropriate math, reading, and other skills necessary to get back and contribute to the workforce.

□ 1940

Now, that hiring tool brought nearly 400 businesses, communities, and workers together and then simplified the job-search hiring process. These are the kinds of innovative ideas that we could use to actually help people get a job.

This is a horrible economy. We've had 11 recessions since World War II. This is the worst one in terms of coming out of it. So the policies that have been in place the last couple of years haven't work.

The American people were promised if we spent a trillion dollars we don't have, including interest on the stimulus, unemployment wouldn't go above 8 percent; and yet here we are, record unemployment, record deficits. Trillion-dollar year after year after year deficits under the Obama administration, and people still out of work, highest poverty level since the great anti-poverty campaigns began. This has to change. We have to get people back to work.

One of the issues that we're going to deal with in the conference committee, I hope, you want to do something about jobs, then let's stop this Boiler MACT rule from going into place. The EPA Boiler MACT rule threatens to cripple American manufacturers. We've lost more jobs there since back to, I think, World War II; and this rule by EPA would cut another 200,000 jobs.

So let's roll back the job-killing regulations. Let's get Americans back to work, and let's leave creativity to the States to help us find better ways to take care of those who are unemployed.

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

The reason why I offered this motion is to protect unemployment insurance for the millions of jobless Americans that qualify for it.

At the end of the last session, the House considered H.R. 3630, a bill that would extend the payroll tax cuts as well as the unemployment insurance. Unfortunately, the bill also included provisions that would undermine the unemployment insurance program as we know it today.

While I disagree with many of these provisions, my motion to instruct focuses on one particular provision: the provision would roll back a requirement that States must spend all unemployment funds solely on unemployment benefits.

Now, I know that there might be some who disagree with the size of the unemployment program and how many weeks individuals should be able to get their unemployment benefits. But I think we can all agree that money intended to help the unemployed make ends meet while they're looking for work should not be used for something else.

There are several reasons why maintaining the integrity of the unemployment program makes sense.

First, there are still more than 13 million Americans out of work as a result of the worst economic downturn since the Great Depression. These Americans rely on unemployment benefits to feed their families and pay the rent until they can find another job.

To allow States to use these funds intended to support these families for programs could result in those who have lost their jobs to receive a benefit that does not help them make ends meet and would be useless.

Some might argue that this provision will give States more flexibility to implement the unemployment program. I strongly support giving States the flexibility to implement national policies in a way that makes sense to some of the States, but there's already a great flexibility in the unemployment insurance program.

States already choose and adjust employers' tax rates, benefit levels, and duration and eligibility criteria. This provision goes too far and jeopardizes unemployment benefits themselves, and it won't help the millions of unemployed Americans get back to work.

Second, unemployment benefits help individuals find other jobs. According to CBO, extension of unemployment insurance benefits in the past few years increased both employment and participation in the labor force over what they would have been otherwise.

Recent research from the Brookings Institute concluded that unemployment insurance does not increase the time that people remain unemployed. They found that unemployment benefits may actually keep more people in the labor force through its requirement that beneficiaries seek work.

The fact is unemployment benefits remain a crucial resource for American workers who lost their jobs as a result of the Great Recession and not because of their job performance.

Using unemployment insurance funding for any purpose other than unemployment benefits for struggling families simply makes no sense.

Third, unemployment benefits stimulate the economy. CBO identified increasing aid to the unemployed as one of the policies that would have the largest effect on output in employment and therefore trigger economic growth. That's because individuals who receive

unemployment benefits don't put it in their savings account. They spend that money on things like putting food on the table for their families.

If we divert money from the unemployment program, this economic stimulus effort will be lost, and our economic recovery will be even slower than it is now.

I think it is important to remind ourselves that the unemployment benefits are given to eligible individuals who have previously had a job but have lost it for reasons out of their control.

During the Great Recession, millions of Americans were given pink slips. Even now, our economy has started to show small signs of recovery, but there are certain areas in Maine's labor market where the unemployment rate is more than 20 percent. These families aren't going on vacations or buying luxury cars. They're spending all of their money in their savings accounts, emptying their 401(k)s and simply doing without. They need unemployment benefits to help them stay afloat and to help them find a job.

My motion simply instructs conferees to take out this harmful provision so that we can ensure that the unemployment funding is spent on unemployment benefits.

In this environment of reining in government spending and making sure taxpayers' dollars are used effectively, I think it makes sense to make sure that the unemployment benefits cannot be spent on some other program that won't help families or the economy like the unemployment insurance.

So I urge my colleagues to support this motion to ensure that the unemployment benefits continue to go to Americans who lost their jobs and are trying to get back on their feet.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota (Mr. BERG), one of the new freshman members of the Ways and Means Committee who has taken a leadership role, who understands it's not an unemployment check the workers are seeking, it's a paycheck.

Mr. BERG. I thank the gentleman from Texas who understands the best solutions come from those people that are closest to the problem.

Mr. Speaker, I rise today in strong opposition to the Democrats' motion to instruct. With section 2123 of House bill 3630, we give States the waiver authority for unemployment insurance to test and expedite re-employment on individuals who are receiving unemployment benefits. We are empowering the States, who know their workers best, to be creative, to be innovative and to do more for workers to get them back to work.

In my home State of North Dakota where the unemployment rate is the lowest in the Nation, we have tremendous re-employment programs that are operated through job service. The participants in these re-employment programs have even said, I would make this program a permanent feature so that all people who are unemployed have a chance to utilize it. And others who said, You will learn something you never thought about before. No one goes away without something.

Instead of continuing the same Washington business-as-usual, inflexible approach to unemployment insurance, it's critical that we make commonsense reforms now.

To me it's obvious: States know their workers best. Let's empower them. It's time for Washington to learn from the States, give them the flexibility they need.

With that, I urge my colleagues to oppose the Democrat motion to instruct and support the underlying bill.

□ 1950

Mr. MICHAUD. I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise this evening in support of Congressman MICHAUD's motion to instruct conferees.

Every single one of us in this Chamber woke up this morning and came to work. We're lucky to have jobs, jobs that are a source of dignity and self-fulfillment. But, Mr. Speaker, 13 million Americans woke up this morning with no jobs to go to, with no salaries to help support their families. These 13 million Americans are jobless, not because there is something wrong with them, but because something is wrong with the U.S. economy and with the policies designed to keep 1 percent of the population comfortable at the expense of the remaining 99 percent. The recession happened to the American people. They didn't bring it on themselves.

My colleagues on the other side of the aisle see it differently. Instead of willingly extending jobless Americans the hand up they're entitled to, the majority insists on punishing jobless Americans for their predicament. They want to manipulate the unemployment insurance program that everyone pays into, that everyone deserves to access when they fall on hard times. They want to give States the permission to use unemployment insurance funds for something other than unemployment insurance.

How convenient. I'd like to propose that we use war spending for something other than war spending.

States already have plenty of flexibility in designing their unemployment insurance systems, so this Republican proposal just appears to be an attempt to divert money away from unemployment, to erect more barriers to accessing these benefits at the very moment they're needed the most.

Here is an idea: Instead of undermining jobless benefits, why doesn't the Republican majority put its energy into a real strategy to create jobs for these unemployed workers.

This morning in the Education and the Workforce Committee, we heard from a Republican Governor who spoke positively about the imperative of job creation and of the importance of Federal investments in infrastructure, workforce and career training.

I hope my friends in the majority will listen to this fellow Republican. I hope they will stop playing games with unemployment insurance. I hope they will remove this provision that allows States to take the unemployment insurance money away from unemployed peoples and, instead, pass a big, bold jobs plan. That will remove workers from the unemployment ranks.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RENACCI), a small business owner, himself, who has helped create 1,500 new jobs in the United States.

Mr. RENACCI. I want to thank the gentleman from Texas for yielding.

Mr. Speaker, I rise today in opposition to the Democratic motion to instruct and in support of an initiative in this bill that I believe will have a positive impact on our Nation's staggering unemployment rate.

In these uncertain economic times, we must allow States the ability to pursue innovative, pro-work strategies, and we must grant them the flexibility to build effective employment programs. Every day, I hear from businesses in my district in Ohio that are ready to hire but that cannot find the right person. Most of those currently collecting unemployment insurance want to return to work as soon as possible.

We must implement measures and expedite reemployment without adding to the deficit. A concept for granting States the flexibility to redirect a portion of unemployment benefits to an employer was included in the original bill. In exchange, the employer would hire a qualified unemployed worker at a higher rate than that individual would have received on unemployment.

This commonsense legislation is a win for the unemployed, for employers, and for taxpayers. I urge Members to support the underlying bill and to oppose any effort to limit this initiative.

Mr. MICHAUD. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman from Maine for yielding.

Mr. Speaker, this is a simple motion. We want to ensure that unemployment funds are used for those who are unemployed. We want to make sure that unemployment funds, as promised, are given to those who are unemployed. It shouldn't be a partisan issue. There are unemployed Republicans. There are unemployed Democrats. There are unemployed Independents. Our motion says to them, We're not turning away from you, but evidently, it seems to be a partisan issue.

Let me repeat in clear English what this means when they talk about waivers. In clear English, it means that this bill, the House Republican bill, would allow States to divert unemployment

funds for other purposes. States already have ample flexibility. They say they need flexibility, but ''flexibility'' really is a euphemism for denying benefits. It's an invitation to deny benefits. Right now, States are required to spend unemployment insurance funds solely on unemployment benefits. They must pay the benefits when they're due. They may not condition eligibility on issues beyond the fact of unemployment and cause a person's unemployment. Unless we accomplish what the gentleman from Maine is trying to accomplish here, this legislation would circumvent these basic protections.

Of course, it's fine for States to innovate and to pursue innovative ideas to help people get jobs; but for heaven's sake, don't experiment with the livelihoods of people who have lost their jobs. It's called unemployment insurance. No, it's not taking money from hardworking Americans. I couldn't believe my ears when I heard that here on the floor. Insurance is for those people who never expected they would be unemployed. I'll show you thousands of people in New Jersey—and I'm sure my friend here could show you thousands in Maine—who never thought they'd be unemployed for a week or a month or 6 months or 99 weeks. There are more people who have been unemployed for 99 weeks in the past year than at any time since the Great Depression.

Taking money away from hardworking Americans, I couldn't believe it. I never thought I would hear this on the floor.

Unemployment insurance is not welfare. It is provided to people who have worked hard. In effect, they've paid into an insurance fund. They've lost their jobs through no fault of their own, and they have to actively seek work to be eligible. Unemployment insurance also helps the public at large, the economy at large. It's not just helping those families—and it certainly does help those families: those spouses, those children. As my friend from Maine pointed out, the unemployment insurance money isn't stashed under a mattress. The family spends that money, and it helps the economy at large.

Even with the minuscule improvements in the economy recently, long-term unemployment remains up around record levels. There are millions of fewer jobs in the economy today than before the recession started.

Jeffrey from Plainsboro, New Jersey, wrote me:

I was wondering if the extension for unemployment benefits will be extended. My wife has been unemployed for close to 2 years, and despite trying to get a job, we see her 99-week deadline fast approaching. I am a car salesman who works on commission, so you can imagine, business is down. Please let me know if there is a light at the end of the tunnel. Thanks.

The SPEAKER pro tempore (Mr. TIPTON). The time of the gentleman has expired.

Mr. MICHAUD. I yield the gentleman an additional minute.

Mr. HOLT. Now, I think he would be outraged if he knew that somebody here on the floor was associating his wife with drug abusers, who shouldn't get the unemployment insurance benefits that she deserves.

Robert from Somerset wrote to me to say:

I am an unemployed Vietnam vet who received my last unemployment check last week. What can I do about this? If you have any suggestions, I would appreciate it. Why is it so hard for you and the other Members of Congress, our Representatives, to help us by voting for the extension of unemployment benefits? Banks do not have to beg, but we do. I don't recall any of the bank management risking their lives for our country.

If they're interested in experimentation for how to do things better, why don't they experiment with maybe denying the banks and investment banks some of the benefits they've gotten? I think this veteran would be outraged for somebody to tell him that the government is subsidizing his unemployment and destroying his motivation to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

□ 2000

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REED), one of the new leaders, a freshman Member of the House Ways and Means Committees, a gentleman who with his brother has run a successful business for 15 years and understands the system we have today simply isn't working.

Mr. REED. I thank the gentleman, my colleague, for yielding.

Mr. Speaker, as my colleague indicated, I am a small business owner. I am proud of the business that we started up in Corning, New York, and the many people that we have employed in that business, Mr. Speaker.

I also know that during times when people are in trouble or businesses are in trouble, they have to make the hard decision of laying some people off, and I can empathize and understand when those individuals are in that situation.

But what we're talking about here tonight, ladies and gentlemen, is just some commonsense reforms to allow the States to have the flexibility to do what is best for them in their local jurisdictions to try to empower the men and women from their districts so that they have the opportunity to go back to work. I wholeheartedly disagree with the concept that my colleagues on the other side of the aisle are arguing for tonight to strip that language that would give States the flexibility to do commonsense reforms in unemployment, not taking away the unemployment program—no one is talking about doing that.

What we're talking about, ladies and gentlemen, is implementing the ability for States to have people get an education, or require people to get a GED, to give them tools so that when they go into the marketplace they have the ability to get a paycheck again rather than an unemployment check. That should be a goal that we in Washington, D.C., share across both aisles, and we should send the message to America, You know what? We get it in Washington. We don't necessarily have all the answers here. We should defer to the people closer to the people back in our States and in our local communities.

This is what our proposal is about. That is where these commonsense reforms are coming from, and, again, no one is talking about taking out the net that's associated with unemployment insurance. We're talking about commonsense reforms that will give people the tools to get back to work and take care of themselves.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I would like to thank the gentleman from Maine for providing an opportunity for civility and dialogue on the true grit of the American constituency.

I am amazed, I'm shocked, that we would be here on floor of the House denigrating an institution that has been accepted as a rainy day umbrella, I have said it often, for individuals who've toiled in the hot sun and skyscrapers on building infrastructure, on driving buses and trains, or however they may have provided for their families, and they have now lost their jobs.

They dutifully paid into the insurance pool called unemployment insurance. They followed the laws of their State. Some of them may be veterans who are now in the civilian workforce, and they are chagrined that they find themselves unemployed. Now we have those who would say idle hands are the devil's workshop and who want to insist that these are drug addicts, that they're uneducated, that they need a GED, and that they have all kinds of baggage that will not allow them to be gainfully employed.

Mr. Speaker, I'm very sorry to say that is not true. I know in my own community we are more fortunate than others regarding the amount of unemployed individuals.

But I know in the devastated communities people want to work. I have had individuals come to my office over and over again. I have seen people line up in the hot sun across this Nation this past summer attempting to get jobs. So I simply want to join with the gentleman's motion to instruct.

I want this to be the motion to instruct for dignity. I want to thank you for insisting that workers who have lost their jobs through no fault of their own are not, in essence, drug addicts. That means conspicuous drug addicts because sometimes people need counseling. Rather than stigmatizing, why don't we have a component that says you have job skill training, if you need counseling, you get counseling.

Let's not denigrate the unemployed. Pass the unemployment insurance. Let's call for dignity.

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

Look, if you think what's working is fine, we don't need to change anything. You think 27 million people trying to find a full-time job, many of them who have been out of work for 6 months or more, if you think that's great, the status quo is perfect, then this motion to instruct is what you want.

But I believe, and many people believe on both sides of the aisle, that we can do better; that those who are unemployed and looking for a job truly want a paycheck. They don't long for that unemployment check every 2 weeks or each month. They long for a job every day.

And what we want to do is to turn loose those who know their community and economy best to put together the innovative program, to put people back to work sooner rather than later, because we know the longer you stay out of work, the harder it is to find that job. The less education you have, the harder it is to find that job and to keep that job.

And so the question at hand here is, should we allow our local communities, our local States, to work with businesses, to work with workers, design programs to get people back to work sooner rather than later? It's worked before in other areas.

We've given States the waivers to put together innovative programs on welfare, again to help educate people and train them and link them up with workers so they have a real life, a real career, not a dependency on a Federal check.

And as a result of that, with five Democrat and Republican Governors working with Democrat and Republican White Houses, we have succeeded in putting people back to work, getting them off the welfare rolls as productive citizens. It's worked before. So why don't we apply this same type of innovation to a system that has been in place since the 1930s?

Frankly, we need a 21st century solution. Washington in this case, these tired old ways that are failing workers, why are we sticking with them? Why don't we allow States, not direct them, not mandate them, why don't we simply allow them to put together programs for job training so you can match people's skills or give them skills to get a job.

Why don't we require that from the first day you get an unemployment check to the last day that you're actively searching for work each day, not going through the motions, as some do, but that every person getting that help is searching aggressively every day to do their best. Why don't those who don't have a high school education with years left in the workforce, why don't we allow States to put together the program to get them that GED so that they actually have a chance for a better life because they, again, first to be laid off, hardest to find a job, why don't we give them some hope and a high school equivalent degree while they're on unemployment. Why don't we ensure that those who are getting help for unemployment are ready and available to work.

Too often, in all sizes of towns across this country, we're finding workers who can't pass a simple drug test. More jobs these days require that drug test. Why don't we allow States to put programs together to screen those early on and put programs together so that that applicant is a clean applicant who's ready and willing to work who actually has a bright future for themselves and their children.

So at the end of the day this is a simple question: Do we stick with the status quo that we know isn't working? Do we allow States and local communities to be innovative to get people back to work sooner rather than later? These are the commonsense reforms we think this country and, more importantly, these workers deserve.

I oppose this motion to instruct because I think it's rooted in years and decades past, and we deserve better for our workers in America today.

I yield back the balance of my time.

□ 2010

Mr. MICHAUD. Mr. Speaker, I agree with part of the comments that the gentleman made. People do not want to sit home and collect a paycheck. They want to go to work. Some people definitely have to be trained for jobs. There is nothing in my motion that prevents States from offering training programs. Nothing in my motion will prevent States from encouraging people to get their GED. States have the flexibility to establish these programs on their own. My motion to instruct simply says that the benefits that were collected by the employers for unemployment benefits will have to be used for unemployment benefits. They cannot be used for training programs. They cannot be used to help subsidize businesses to pay for these employees. They have to be used for unemployment benefits.

This motion to instruct is important because if you look at my home State of Maine, there are more than 48,000 Mainers out of work. And I want to read a letter from one of my constituents whose story illustrates why its critical that unemployment benefits go to those who need them, not for some alternative program. The other alternative programs that I heard about earlier this evening, States can do that on their own. The only difference is they cannot use unemployment benefits.

I would like to read this letter from my constituent: ''I just became a ninety-niner, as those of us who have exhausted our unemployment benefits are called. Though some in Congress and the media think we comprise the bottom-feeders that the business creators needed to shed, this is not always the case.

''I have worked hard ever since I was a kid in East Millinocket doing odd jobs for my father, peddling newspapers. I went into the Army and benefited from the Vietnam-era GI Bill, and since have been glad to give back in the form of higher taxes for many years.

''In 2009, my former company moved to California and laid me and hundreds of others off, despite my having earned superior performance reviews for most of my years with them. To their credit, we were given outplacement service and a decent severance package.

''Nonetheless, I have since tried to find employment in my field, but find myself being screened out by junior human resource people who find me overqualified, too senior and/or too highly compensated for the job at hand. I am certain that some of this is ageism, which, though illegal, is still quietly sanctioned in this society. And now we face companies brazenly telling us that we need not apply if we have been out of work for more than 6 months.

''Please show some compassion for those of us who become unemployed through no fault of our own and who still hope to join the tax-paying ranks once again.''

This constituent of mine relies on unemployment benefits not because he wants to or because he's lazy, but because he can't find a job. As I mentioned, some labor markets in the State of Maine have over 20 percent unemployment. He is the reason I'm offering this motion to instruct today to ensure that the unemployment insurance program is preserved for Americans like him.

It requires that unemployment benefits will be used for those unemployed. The States have the flexibility to determine eligibility, the length, and the amount. They have that flexibility. So I urge my colleagues to vote for this motion to instruct and protect unemployment benefits for what they were intended for—for those who are unemployed—and not to help subsidize other programs that States might decide to create.

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

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

There was no objection.

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

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

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

The yeas and nays were ordered.

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

KEYSTONE XL PIPELINE

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

Mr. GARDNER. Mr. Speaker, I thank you for the opportunity to address the Chamber tonight to discuss a very important issue, the issue of job creation, the issue of energy independence, and what we are doing in the 112th Congress, the Republican majority, to make sure that we're creating jobs and opportunities for the American people.

According to the Canadian government, Mr. Speaker, over 143,000 jobs in Colorado depend on our trade relationship with Canada. And whether people want to admit it or not, crude petroleum is Colorado's top import from Canada. But we're not unique in that aspect. Colorado is by no means unique. Many of our jobs and much of our energy depends on our good relationship with our friendly neighbor to the north. When it comes to the Keystone pipeline, though, it's been 3 years since an application was first filed. America knows the Keystone pipeline, a 1,700-mile energy project from our neighbors to the north to the Gulf of Mexico, one that could create as many as 20,000 direct jobs and 100,000 indirect jobs. The United States as a whole would benefit both economically and from a national security standpoint if this country were to be able to move forward with the Keystone pipeline.

And tonight, we have Members of Congress from across this country, and Members from the East and the West, the North and the South who will talk about the importance of energy security and the importance of creating jobs.

So many of the debates we have heard on the Chamber floor, not only today but in the past few months, have been revolving around the notion of creating jobs and what we're going to do to get this economy turned around, an economy that already has over 14 million Americans unemployed and 46 million Americans living in poverty, a chance to get people to work and a chance to create jobs.

I will frame this debate tonight with some information that we've just received. People across this country want the Keystone pipeline to be built. If you look at the numbers we have here, supporters of the Keystone pipeline, you can see the support. It's not just Republicans. It's not just the majority of Democrats. Every sector that we have talked about in this poll supports the Keystone pipeline overwhelmingly, 64 percent when you take into account the opinions of Republicans and Democrats. They know that this project will create opportunity, opportunity that hasn't existed for far too long.

For over 36 months now, we've seen the unemployment rate in this Nation exceed 8 percent. It's unacceptable. And the fact that this administration has decided to punt on jobs is shameful. It's been said before, a year ago, 2 years ago when the President was talking about shovel-ready projects, well now apparently the only thing that the President is willing to use his shovel for is to bury jobs. And that's why tonight I'm excited for the discussion we will have with the American people.

So at this time I would like to yield to some of my colleagues who have joined me on the floor for their take and perspective on the Keystone pipeline, beginning with my good friend from Alabama, MARTHA ROBY.

Mrs. ROBY. I very much thank the gentleman from Colorado. I appreciate you holding this very important leadership hour tonight. And, of course, Mr. Speaker, I rise today to express my extreme disappointment over President Obama's decision to block the Keystone pipeline by rejecting an application to build and operate the oil pipeline across the U.S. and Canada border.

□ 2020

I think every American should be aware of the consequences. More than 100,000 jobs could be created over the life of the project, including an estimated 20,000 immediate American jobs in construction and manufacturing.

Oil accounts for 37 percent of U.S. energy demand with 71 percent directed to fuels used in transportation. That is equally true of a mother who drives her children to school as it is the businessowner who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans hurt. And the price of gasoline increased 81 cents per gallon in 2011 alone.

I support an all-of-the-above approach to energy, which includes opening up new areas for American energy exploration, transitioning to renewable and alternative energy, and using more clean and reliable nuclear power.

In his State of the Union address, the President stated, ''This country needs an all out, all-of-the-above strategy that develops every available source of American energy, a strategy that's cleaner, cheaper and full of new jobs.'' In my opinion, his decision on the Keystone pipeline is blatantly inconsistent with this very statement.

The door is now open for this Canadian oil to go to China. Canada's Prime Minister announced his ''profound disappointment with the news.'' While the Chinese Government has ensured its future supply of oil and other energy resources, the United States has rejected a new source of energy that was laid at our doorstep. Mr. Speaker, I ask, how does the fact that China could receive this energy supply not serve our national interests? Mr. Speaker, I consider President Obama's decision a grave mistake. And on behalf of the American people who want secure oil and new manufacturing jobs, I hope that the Congress will continue to push him to reconsider this error in judgment.

Again, thank you to my friend from Colorado for holding this important hour tonight on this very important topic to the American people for job creation.

Mr. GARDNER. I thank the gentlelady for being here tonight and discussing the impact on her district with the Keystone pipeline. She brings up a good point when it comes to the price of gas. Reports that we have say that the discovery of the Canadian oil sands has the potential to change the current gas-price dynamic. Bringing a massive amount of oil to market from a politically and economically secure source can restore market confidence and bring down gas prices.

With that, I would recognize the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I thank my colleague for yielding, and it's great to be here with so many of them who also believe in not only the Keystone pipeline but that America can attain energy independence and security.

When the President came into office, gasoline at the pumps was about $1.68 a gallon. Today, it's approaching $3.40, and in some places even higher than that. We face a dichotomy of leadership here in Washington, D.C. You just heard our colleague from Alabama talk about the President's State of the Union address, and he talked about an all-of-the-above approach to energy. Well, the administration's actions and their words simply don't match.

And there's no more striking example of this than the President's rejection of the Keystone pipeline, a project that would have created 20,000 immediate jobs, bipartisan support, even the unions are supportive of that project, upwards of 100,000 jobs as it trickled down through the life cycle of that project; and yet the President rejected it. Hardworking taxpayers across America, particularly those in my district along eastern and southeastern Ohio, are very tired of Washington taking more and giving less. They want real leadership, they want real solutions, and they want a return to American exceptionalism.

I remember, and I know many of you do, a time when we grasped the concept of American exceptionalism. President Kennedy told us back in the '60s, he said, We're going to go to the Moon in 10 years. We didn't make it in 10 years; we made it in 7 because he engaged every fabric of our society—academia, our industrial base, our economic base, our political will, and even our military was behind this idea of getting to the Moon. We saw industries crop up around space exploration. We saw millions of jobs created. We saw young people lining up to get into institutions where they could major in disciplines that would prepare them for careers in space exploration.

Think about what would happen if we really had an all-of-the-above approach to energy similar to that. Think about what would happen if America had an energy policy that said, starting today, we're going to draw a line in the sand, and over the next decade, we're going

to set a goal to become energy independent and secure in the United States. We're no longer going to sit on the sidelines. We're going to go after the 3 trillion barrels of oil that we already own. We're going to go after the natural gas we own because we're sitting on the world's largest deposits of it. We're going to continue to mine coal; and because we're going to invest in it, we're going to learn how to use it more environmentally soundly.

We're going to expand our nuclear footprint because guess what? It's the cleanest, safest form of energy on the planet. We're even going to look at wind and solar and find out where they fit into the energy profile. We know they can't solve all the problems, but they have a niche where they can. But we're not going to sit idly by and do nothing, and we're going to start by telling our regulatory agencies to become partners in progress with American businesses, to become rather than the department of ''no,'' the department of ''let's move the ball forward'' and get over throwing up arbitrary barriers that are keeping America from going after its own natural resources.

I submit to you, Mr. Speaker, that if we had that kind of all-of-the-above energy policy that had action behind the words, you would again see America believe in American exceptionalism. You would see young people lining up to get into institutions to major in disciplines to prepare them for advances in energy production, distribution, and even usage. And at the end of the day, we would see and we would find out that we would learn how to produce, store, and use energy in ways that we've never even imagined.

Do you know why? Because I do believe in American exceptionalism, and I know that my colleagues believe in American exceptionalism. I just don't think that our leaders in Washington and in the White House and in this administration believe in American exceptionalism.

It was a striking example back last March, last spring, when the Prime Minister of Australia stood in this very Chamber and gave a presentation. We were all here. She related a story, and she said, I remember being a young girl sitting in front of my television and watching Neil Armstrong and Buzz Aldrin land on the Moon thinking to myself, wow, Americans can do anything.

She went on to talk about the history of America and Australia and how we worked together to address the world's problems and how America had stood by Australia during World War II. She gave many examples. At the end of her speech, she said, I'm not that young girl today. I'm the Prime Minister of our country, and I've got a lot more experience under my belt, but I still believe that Americans can do anything.

I was sitting right over there, and I remember I could feel a cleansing breath take place in the House Chamber. You could have heard a pin drop in here. We heard something from a leader of another nation that we so desperately want to hear from our own leaders.

Mr. Speaker, America is the exception. We are gifted with the ability to innovate, compete, and solve the world's problems; and we've been doing it for over 230 years.

□ 2030

We can become energy independent and secure in this country. We can return the idea of American exceptionalism to this country. We can put the American Dream back into play to the over 14 million Americans that are out of work and the 40-plus million Americans that are underemployed.

I ask the President and the Senate today to begin to work with us in the House of Representatives to advance the idea of a real, no-kidding, all-of-the-above energy policy, one that puts America first above politics and above campaigning.

I want to thank my colleagues for being here again tonight. Thanks for giving me an opportunity to share.

Mr. GARDNER. I thank the gentleman from Ohio.

And I'm sure you'd be interested to know this—and I'm sure you already know this, in fact—that according to testimony that was given before the Energy and Commerce Committee hearing last year on energy issues, the impact of Alberta oil sands development on the U.S. State economy, in your great State of Ohio, 13,200 new jobs could be created between 2011 and 2015 as the development of the Alberta oil sands moves forward. And the Keystone pipeline is an important part of that. So, as I know there are many visits going on to Ohio by this President, perhaps he can explain to the people who may be unemployed in your district, 13,200 new jobs good to be created by the development of the Alberta oil sands, why the Keystone pipeline was vetoed.

So I thank the gentleman for being here today.

And with that, I would yield to the gentleman from Arizona for his perspective.

Mr. QUAYLE. I thank the gentleman, my good friend from Colorado, for yielding.

Back home in Phoenix, Arizona, in my home district, one of the big things that we worry about is the cost of gasoline. I went to the pump the other day and it was about $3.60. It's about twice as much as it would cost back before President Obama was elected. And if you look at the statistics, in 2011, the average American household spent a record $4,155 at the pump. This is equal to 8.4 percent of the median family income. So this is a huge issue, that we need to continue to find stable sources of oil so that we can have a secure source of oil and we can make sure that we have more supply of oil so that we can start to bring the prices down for gas at the pump.

Back before the President made his decision, I would go around and talk to people around my district and I would say, What if I told you that with the swipe of a pen the President and his administration could create 20,000 immediate jobs and over 100,000 jobs over the long term and there wouldn't be any taxpayer dollars put at risk or expended; what do you think we should do? Every single one of the people that I talked to said this President should sign that as soon as possible and let's get to work making sure that the Keystone pipeline gets put into effect and get people back to work.

And then something funny happened. The administration decided to placate the radical fringe element of their party, and the President punted to 2013—didn't even make the decision whether a yes or no, just pushed it down the road. But House Republicans decided that we were going to give the President a second chance, a second opportunity to do the right thing, an opportunity to realize that the State Department had already done an environmental impact study that showed that there was very little chance for any environmental damage to some of the sensitive areas where the pipeline would be going. Maybe we could have the President realize that this is not the time to play politics; this is the time to get American people back to work. And that's exactly what the Keystone pipeline would do. And yet, once again, the President punted.

Now, we can't give him too many more chances. We've already given two chances for this one already. But when we all sat here at the State of the Union and we heard him say that we were going to adopt the all-of-the-above approach, as some of my colleagues mentioned earlier, we actually realized that that's not really the case, because it seems as if there are only favored sectors that actually get some attention from this administration. You have companies like Solyndra.

Solyndra received a $535 million loan guarantee from the government as well as nearly $15 million in severance money for its employees when that company went bankrupt. A total of nearly 550 million taxpayer dollars were squandered. This is a risk that the American taxpayer should never have taken. And there is very little chance we're going to get any of that back because our rights were actually put lower than people who were giving loans after the American taxpayers.

Now, then, we have another company, Ener1, received $118.5 million in stimulus grants before going belly up just a few moments ago.

According to The Washington Post, Obama's $38.6 billion green job loan guarantee program has created just 3,545 permanent jobs. That's a cost of $5 million per job, $5 million per job in a favored sector. You know how many taxpayer dollars would be spent to create hundreds of thousands of jobs for

the Keystone pipeline? Zero. And yet the President couldn't sign a simple sheet of paper to get this done. This is a no-brainer, as many people have said.

So I hope that the President will reconsider. I hope that the House Republicans will continue to push this issue because this is something that we can do right away. It is shovel ready, to borrow a phrase, and this is something that will make sure that we are looking towards the future for our energy security.

And I thank the gentleman from Colorado for addressing this important issue and for starting this conversation tonight.

Mr. GARDNER. The gentleman from Arizona brings up a great point about Solyndra and the Keystone pipeline. And I think there is a real question about what kind of an economy we want in this country. Do we have a Solyndra economy that relies on government funding, government financing, and then rips off the American taxpayers? Or do we rely on a Keystone economy that creates private sector jobs, 100,000 private sector jobs?

The Arizona Republic said in an article, an editorial that they wrote on January 20 of this year, just a couple days ago:

A lack of urgency regarding energy independence is only one of the reasons President Obama is being shellacked this week by Republicans and Democrats alike for his disappointing decision regarding the Keystone XL transcontinental oil pipeline. The foot-dragging runs counter to the recommendations of the President's own Council on Jobs and Competitiveness. President Obama's choice is a bad one. He needs to reconsider.

That was an editorial, again, from The Arizona Republic.

And with that, I would yield to my colleague and good friend from the State of New York (Mr. REED), somebody who has been very active in natural gas production and certainly a leader in the Ways and Means Committee.

Mr. REED. Well, I thank my colleague from Colorado for hosting this Special Order tonight and for truly engaging in a conversation we need to have with America.

And I would like to associate myself with the words of the gentleman from Ohio, when Mr. JOHNSON spoke so eloquently about the need for a comprehensive energy policy, an all-of-the-above approach to getting us off of foreign sources of energy once and for all. I think Mr. JOHNSON really hit the nail on the head with his description of the American Dream, or exceptionalism, and the ability that in America we develop a plan; when we have a vision, we can accomplish anything.

And I don't know if you noticed, Mr. GARDNER, I'm over here on the other side of the Chamber tonight. You know, I'm an individual who is proud to be a member of the Republican Party, and many of the times I'm standing on that side of the Chamber. But I am willing to come over on this side of the Chamber to speak tonight to say to my fellow colleagues across the aisle that my hand is open for us to join together on this issue and many issues that face Americans back at home, and this issue in particular because it impacts all of us, all 300 million people across America; because when we can commit ourselves, as the President did at the State of the Union, to developing a comprehensive energy policy of all of the above, I am confident that we can achieve that energy independence.

And tonight's discussion on the Keystone pipeline is an example of an administration and of folks engaging in old-school politics rather than focusing on good, sound policy that is going to achieve that dream of energy independence because, as my colleagues have articulated, this project has been fully vetted, years of environmental studies and reviews. The primary agency, FERC, who had the responsibility to oversee the project, came to the conclusion that there were no significant environmental impacts that were associated with this project.

□ 2040

And it was on the verge of approval at the Department of State whose, if I remember correctly, primary mission is to deal with diplomatic issues. Because this pipe crosses an international border, the President used the final act from an agency who is focused on diplomatic issues to reach in and, for political purposes, say no.

I applaud the gentleman from Arizona, and I associate myself with his words, that we have given another chance to the President to do what is right in our and my opinion. This is a project that is ready to go. It will put 20,000 people back to work, and that's what we've been talking about here for months is improving this economy: jobs, jobs, jobs. And with the stroke of a pen, the President said no to 20,000 jobs and 100,000 jobs on top of that. And he put an obstacle in the barrier of his own State of the Union message that we are going to accomplish energy independence with an all-of-the-above approach by taking action a week before and saying, for political purposes, we're not going to be able to achieve that goal.

That has to stop, ladies and gentlemen. I'm proud to be part of this freshman class that has come in November 2010, and I fundamentally believe that we are changing the conversation in Washington to focusing on policy over politics. And this is an example, under this pipeline project, that is going to be directly related to that change in conversation in Washington because it's a commonsense type of approach to the job.

It's about focusing on people, getting them back to work, committing ourselves to a vision of energy independence, which is so critical to our future, and also so critical to our future in the manufacturing sector, because if we can get energy from domestic supplies here, and we can secure those energy sources long term, we're going to have lower utility rates, manufacturers are going to invest in America again, and we're going to start building things again. That has to be the cornerstone of what we're talking about. And the Keystone pipeline is but an example of that.

One last point I would like to address. We here in Washington can impact people every day, and this is an example of that impact in a positive way, because if we put the Keystone pipeline online, every time an American goes to the pump to fill up his gas tank or her gas tank, you will see the immediate results of it in a lower price, unless we continue down the policy that the President has committed us to in not constructing this pipeline. Every penny counts in this economy.

So I'm proud to be down here on the floor tonight to talk about this key issue and also the bigger issue of making sure that we stay focused on the American Dream of energy independence.

And with that, I wholeheartedly join my colleagues tonight.

Mr. GARDNER. I thank the gentleman from New York and, again, thank you for your constant leadership on our national energy security. And we do harken back to the time just a few weeks ago when the President gave his State of the Union address, addressed this Chamber, the joint session of Congress. And it reminded me when he said, I'm for an all-of-the-above energy policy, and then vetoed, basically with the stroke of a pen, as you said, the Keystone pipeline. It reminded me of something that Yogi Berra might say. Yogi Berra might say, I'm for all-of-the-above energy as long as it's not all of the above. That seems to be what we're hearing. And with the killing, with one single signing, of 100,000 jobs, I think it shows where the real intent in terms of job creation some people would have this Chamber try to follow.

You mentioned the Department of State. A week ago, last week, we had Kerri-Ann Jones, Assistant Secretary of State from the Department of State, testify before the Energy and Commerce Committee and admitted that when it comes to the EIS, the no-pipeline alternative, there was an alternative considered under the EIS, the Environmental Impact Statement. One of the options they considered was no pipeline, no pipeline at all. In testimony before the Energy and Commerce Committee, it was admitted that that was not the preferable alternative. That was not the preferable alternative under the Environmental Impact Statement. So even the Department of State admits that the EIS on the pipeline envisions the construction of a pipeline. And yet the President said no.

And so I thank the gentleman from New York and the thousands of people

that could be employed by the development of the Alberta oil sands. And I know the next gentleman, Mr. CONAWAY from Texas, that will be addressing the Chamber, I don't know if he has this statistic right in front of him, but according to testimony, again, before committee, 170 firms supply the Canadian oil sands from Texas, 170 firms that supply the Canadian old sands.

With that, I yield to the gentleman from Texas.

Mr. CONAWAY. I thank the gentleman from Colorado for allowing me to join in; and although I'm not a part of the freshman class, I hope they won't toss me out of the Chamber as a result of that indiscretion.

I wanted to walk us through kind of the process by which TransCanada has gone through trying to laboriously apply and comply with all of the rules, regulations, and hoops that anybody who tries to do a project of this scope has to go through.

They began in September of 2008 when they filed their application for a permit to build this pipeline. As has been mentioned, the State Department would not be involved in this at all except for the fact that this pipeline crosses an international border. If this were just within the United States, the State Department and the President would be out of the loop in this instance. But because this is an international problem, then the State Department gets a whack at this deal.

In April 2010, the State Department issued their draft Environmental Impact Study. Then, a couple of months later, in June of 2010, EPA weighed in with the results of their technical review and said that the draft Environmental Impact Study was deficient and didn't provide the scope and the detail, if necessary, for decision-makers to make their mind up. Bureaucratic nonsense for stopping things from going forward, so that it allows one group of folks in the administration to brag on how hard we're pushing on this issue, while all the time they've got a backstop at the EPA that knows that they're not going to move anything forward.

And then October 2010, State Department issued a supplemental draft Environmental Impact Study. Only in America can you come up with these kinds of titles to simply laying a pipeline across this country. Again the EPA weighed in and said, no, no, no, this supplemental one is deficient, and you've got to continue to give us information; although, when asked a little later on that month, Secretary of State Clinton was asked at a press conference, kind of where are we with respect to the pipeline approval process, she commented that we're inclined to say ''yes'' to the pipeline.

And then in April 2011, the EPA again said in a filing that the supplemental draft Environmental Impact Study was deficient.

Finally, by August of 2011, the State Department issued its final Environmental Impact Study, allowing for a 30-day public comment and a 90-day agency comment. And of course it was during this agency comment period that the State Department decided that a new route was necessary, that the original route that was planned and the alternatives going across the Ogallala, the 13 alternatives that were assessed, that this one really was the best, that somehow a new route was necessary and that gave rise to the charade that we saw played out where the President decided he was going to wait until after the election, and then Congress weighed in and said, no, you need to make that decision sooner.

The State Department's decision to go or no go on it has to be based on a finding that the pipeline is not in our national interest. Transporting this oil of almost 1.4 million barrels of crude and bitunium across this country to U.S. refineries would have to not be in the United States' best interest. And, in fact, that's what the State Department found. After we passed the law requiring the President to make a decision, the State Department suddenly decided that building this pipeline was no longer in the national interest and allowed the President then to say what he said. The President's wrongheadedness on this issue couldn't be more self-evident on its face.

I want to talk real quickly about the safety issue. You hear a lot about that. I come from west Texas—Midland, Odessa, San Angelo. There are thousands and thousands of miles of pipeline crisscrossing my part of the State. In fact, there are three oil pipelines that run through the front yards of the people who live across the street from me. And we've lived there for almost 15 years now, not a bit of trouble with the pipelines. And they're inspected all the time, both inside and out and observed from the air, and this type of stuff. So pipeline safety is not an issue.

□ 2050

Drilling safety, by the way, I just wanted to pitch this in real quickly. When I left my home yesterday morning at 5:45 to come here, as I was closing the garage door, I could see the lights on the crown of a drilling rig less than a half mile from my house that's in operation. It's been in operation for about 4 or 5 months now drilling wells that are actually that close to my house, and it's being drilled inside the city limits of Midland, Texas.

So when we talk about not in my backyard or all of the other kinds of reasons why people don't want oil and gas production around them, I come from a part of the State where it's a badge of honor, and, in fact, it's helpful on the 20th of the month each month when the royalty checks show up. So this industry has a great record of being able to operate soundly not only in the drilling and exploration phases, but also in the production and transportation issues across.

Let me give you one quick thing, and I'll close. The Wall Street Journal, on the 19th, had made a pretty good statement. It said:

> The central conflict of the Obama Presidency has been between the jobs and growth crisis he inherited and the President's hell-for-leather pursuit of his larger social policy ambitions. The tragedy is that the economic recovery has been so lackluster because the second impulse keeps winning. Yesterday came proof positive with the White House's repudiation of the Keystone XL pipeline, TransCanada's $7 billion shovel-ready project that will support tens of thousands of jobs if only it could get the requisite U.S. permits. Those jobs, apparently, can wait.

And a couple of paragraphs later, very succinctly, said, ''This is, to put it politely, a crock.''

Mr. GARDNER. I thank the gentleman from Texas.

I will show a map. Mr. CONAWAY, the gentleman from Texas, referred to a pipeline. The only reason we had the Department of State involved is because it crosses a national boundary. So you can see the pipeline right here where it extends. I already have some pipelines, and I know the gentleman, PETE OLSON from Texas, will be addressing the Chamber shortly and share even more about this route and the different pipelines that we're dealing with.

But again, here it is. Right here. That's the only reason the State Department is involved. The only reason that they had a hook to get involved, and, as you can see, the hook was yanked and jobs were killed.

I would like to follow up as well with an editorial from The Detroit News, The Detroit News on the 20th of January. Detroit, Michigan, particularly hard hit by economic tough times over the past several years. This is the editorial:

> President Barack Obama is willing to wait and wait and wait for 20,000 desperately needed jobs. For someone whose operating slogan is ''We can't wait,'' it's curious that President Obama is willing to wait and wait and wait for the Keystone XL pipeline project and the 20,000 desperately needed jobs it promises. If the ''can't wait'' President keeps dragging his feet, he will hand the Chinese yet one more competitive advantage over the United States.

That's the Detroit News, January 20. Again, just a couple weeks ago.

I know the gentleman from Texas (Mr. OLSON) has been very involved in the Energy and Commerce Committee. He's been standing up for his State, energy security jobs that would be created. And I'm sure he knew this already, but in Texas alone, the development of the Alberta oil sands could create as many as 27,000 jobs over the next 4 years.

With that, I would yield to the gentleman from Texas.

Mr. OLSON. I thank my colleague from Colorado and my brother on the Energy and Commerce Committee. They say that imitation is the sincerest form of flattery. I've got the same chart that you have.

I want to focus my discussion tonight on national security. I want to make sure that the American public understands the truth. I mean, there's been

many, many, many misstatements from the administration about the safety, national security implications, jobs of the Keystone XL pipeline.

While every American can have their own opinion, no American can have their own version of the facts. That's why we're here tonight, to give the American people the facts.

This is the Keystone pipeline, as my colleague alluded to. There are actually two Keystone pipelines. The first one, the little orange line here, that's the Keystone pipeline, the plain Keystone pipeline. Actually, oil is flowing through that pipeline right now, the Steel City, Kansas-Nebraska border into St. Louis and into Patoka, Illinois. That is happening right now as we speak today.

The thing that's been controversial is the dotted line, the Keystone XL pipeline, which follows a similar path, ends up in the Gulf States, in my home area of Houston, Texas, the Port of Houston, and the Port of Beaumont and the Port of Port Arthur.

The real problem, as I follow my colleagues, I want to point out three points:

Little slivers right there, no one knows what it is. It's just an imaginary line. Those two cross these points. Those pipelines cross from Canada into the United States. That's the only reason why the State Department is involved in this process. Some imaginary line between our two countries, and the State Department has the approval authority.

Again, I talked about the two ports down there in the gulf coast in Texas. Those refineries on those ports are the safest, most advanced, most efficient refineries in the entire world. That oil will be processed quickly, efficiently, in an environmentally friendly manner. We've just got to get it there.

This part right here, the State of Nebraska is the problem. I will go into that a little bit further.

As the American people can see, this is a map of the central part of the United States where the Keystone pipeline comes through; and just to get you oriented here, the yellow line that's hard to see, that's the Keystone pipeline, the one that's existing right now, the one that actually oil is flowing to Illinois as we speak.

The dark green line here is a proposed path for the Keystone XL pipeline. And the reason the administration has given for not approving this pipeline is because of this big pink area, and that's the Ogallala Aquifer that runs through most of Nebraska and, as you can see, goes into my home State of Texas.

All of these other lines here, all of these little arteries, all of these little spinoffs, these dark lines, you know what those are? Those are pipelines, pipelines that go in all through that aquifer.

The Keystone XL pipeline is designed to be the safest pipeline in the entire world, much safer than all of these other pipelines that may have been there for 50 years. The Keystone XL pipeline is going to be put in deeper so it doesn't have the risk of some of the things most pipelines have where the integrity gets compromised because somebody on the surface drills into it. They're putting the pipeline down deeper to avoid that. It's got all of these modern systems that monitor the pipeline's status at a fixed interval so if there is some sort of problem on it, it will shut down almost automatically and prevent further spills into the Nebraska aquifer.

All of these pipelines are there. Keystone is the safest one, and yet the administration didn't approve it.

We all know the numbers: 20,000 shovel-ready jobs right now; 830,000 barrels of oil flowing a day down the port in the southeast Texas ports; energy security, national security.

Now I'm going to turn to focus a little bit on national security.

As the American people know, the Middle East is as unstable as it has been in most of our lifetime. Egypt, Libya, Tunisia all have new governments. Syria is on the verge of collapse; Yemen, as well. On top of all of that, we have Iran. Iran that is actively pursuing a nuclear weapon.

The world seems to be growing in its appreciation of the threat that a nuclear power in Iran has to our whole world security. We in Congress here passed a bill imposing sanctions on the Iran national bank. The European Union passed sanctions on Iran just this past week preventing them from purchasing any oil from Iran. But the Iranians responded in just the way we thought—with lots of swagger, with lots of bravado. What'd they do? They talked about shutting down the Strait of Hormuz.

□ 2100

The Iranians shut down this waterway. This choke point is a very real threat to our world's economic stability and growth.

I may be the only Member of Congress who has flown missions as a pilot in the United States Navy, as a naval aviator, through the Strait of Hormuz. It's narrow. It's about 25 miles at its narrowest point. In my hometown, that's basically the distance between Houston and Galveston. It's shallow, 200 feet. A football field is longer than the Strait of Hormuz is deep.

As you can see, the sea links, where the tankers all cruise through, are very close to Iran. They're not out in the middle of the strait. This little island over here, Abu Musa, is an Iranian island, so all of the traffic going through that strait has to pass basically through Iran on one side and Iran on the other side.

I'm not worried about my Navy having access through those straits. They can handle any situation the Iranians throw up. What I fear and am concerned about is all the tanker traffic that is currently going through those straits. Thirty percent of the world's oil goes through those straits to Europe, to our country, to Asia. If those straits are shut down for any given period of time, our world will go into an economic collapse.

We've seen this in the past. When I was a young man and started driving in the late seventies—16 years old—it was this country, again, that was the problem. The Shah of Iran fell. The Mullahs, who are in power right now, took over. We supported the Shah, and all the Arab nations involved in OPEC put an embargo on the United States. Overnight, we lost all this oil flowing through the strait.

What happened?

My colleague from Colorado talked about gas prices going up. They doubled in about a week's period. I mean, I remember because my job as the new guy with a license—and I loved doing it because I was driving, man—was to get in the car and go down. It depended on what the last digit was on your license plate. If it were an odd or even day, you could go get in the gas line. On some days it was 30 minutes, and on some days an hour and a half. But my job was to get in that line and sit there and wait until I got up there and could pump gas in the car.

Again, gas prices went from 25 cents a gallon, which we can't imagine today, to 50 cents overnight. If those straits were to shut down tomorrow with gas prices going up as they are right now, which is approaching $4 all the way across the country, we could see almost $10 a gallon overnight—$10 a gallon. So we can't diminish this threat that the straits will shut down.

How do we fix this? How do we address it?

It's simple. We develop energy sources right here in North America. The administration and State Department have proven in the past that they will approve a pipeline based on the considerations I talked about. Let me give you an example of that.

There are lots of pipelines coming from Canada to our country. Just to get the listeners oriented again, the dark blue line here is the Keystone XL pipeline. Well, actually, the dotted line is the Keystone XL coming down here. The blue line is the Keystone XL pipeline. The pipeline I want to talk about is the Alberta Clipper pipeline. The Alberta Clipper pipeline is the yellow one coming here, right here to the point there, which I believe is Lake Superior, but it's right there in the northern part of Minnesota. When that was approved a couple of years ago, here is what the State Department said. This is their Record of Decision and National Interest Determination:

The Department of State has determined, through a review of the Alberta Clipper project application, that the Alberta Clipper project would serve the national interests in a time of considerable political tension in other major oil-producing regions and countries by providing additional access to an approximate, stable, secure supply of

crude oil with minimum transportation requirements from a reliable ally and trading partner of the United States with which we have free trade agreements and further augments the security of this energy supply.

If that were true 3 years ago for this pipeline, isn't it more true today for the Keystone XL pipeline? Why doesn't the President approve the pipeline immediately and give our country energy security and more national security?

I know why the President did it. It's very clear. I mean, when it first started coming out, all the wings of the administration were saying, Well, we can't make a decision until sometime in 2013. The American people know what happens between now and 2013. There is a Presidential election. The American people need a leader. They need someone who will step up and do what's right for the country and do what's right for our security.

I would like to close by using a quote from the Father of the United States Navy—my Navy—Admiral John Paul Jones. He was in a battle with the British ship Superior, with more speed, more guns. His ship was getting blown up pretty good.

The British captain, the guy with those little megaphones, yelled over to Admiral John Paul Jones and asked, ''Sir, will you surrender?''

Admiral John Paul Jones said those immortal words that every sailor knows. He yelled back, ''Sir, I have not yet begun to fight.''

The American people should know that House Republicans have not yet begun to fight for the Keystone XL pipeline.

Mr. GARDNER. I thank the gentleman for his leadership tonight.

Before he leaves the Chamber and before I yield to the gentleman from South Carolina, I think it's, again, important to talk about something that you mentioned in the very beginning of your comments. The only reason the State Department was involved is that it crossed the border. The only reason they were allowed to kill 100,000 American jobs is because it crossed the border.

If the pipeline were built from Fargo, North Dakota, to Houston, Texas, would they have been involved?

Mr. OLSON. No, sir.

Mr. GARDNER. Again, to the American people, we've heard asked often by Members of this body: Where are the jobs? I think we need to start asking: Why not these jobs?

I thank the gentleman from Texas.

With that, I yield to the gentleman from South Carolina, who has been very active in the fight for jobs in his home State and across this country.

Mr. DUNCAN of South Carolina. I appreciate the gentleman from Colorado for allowing me to have a little time to talk about this.

Canada is our largest and best trading partner. A good friend of mine was an ambassador to Canada, and I had the opportunity up there to talk with him about this issue and why it's important to the United States. Why Keystone XL pipeline? How about the refining capacity we've got in the gulf? How about the refining jobs that would be provided in a very hard-hit, post-Horizon gulf State economy?

The gentleman from Texas was very clear. They understand in Texas, as they do in North Dakota, that energy is a segue to job creation. If you look at the unemployment rate in Texas or in North Dakota, North Dakota has 3 percent unemployment. If you're looking for a job in this country, America, go to North Dakota. There are good-paying energy jobs right there today, and if we can get Keystone XL pipeline to be a reality, we'll have good-paying, long-term jobs in the refineries in Louisiana, Texas, Mississippi, Oklahoma, and in all the places that we're going.

What I would like to talk about are the President's own words. He said in his statement—and this is from the White House's Web site—that the rushed and arbitrary deadline insisted on by congressional Republicans prevented a full assessment of the pipeline's impact.

Now, how long has this been going on that they've been doing the environmental impact assessment that you talked so brilliantly about? I came to Congress last year. This was going on well before I came here. A rushed assessment? Under the Obama administration, with an $800 billion stimulus package and an unprecedented growth in government, don't you think that we had the personnel in the Department of Energy to deal with this and to do the assessment in a timely manner in order to approve a pipeline that would provide, not only American energy independence, but North American energy independence? This would be buying oil and natural gas from our largest and best trading partner, our friends in Canada, and providing good-paying jobs in America.

I want America to listen to what the President also said in his own statement. He said that he was disappointed that Republicans focused on this decision. We should focus on this decision. This is about American energy independence, and it's about jobs. Yet he goes on to say, But it does not change my mind, and this administration's commitment to American-made energy that creates jobs—and listen closely—and reduces our dependence on oil. Period. It's not reducing our dependence on foreign oil; it's not reducing our dependence on Middle Eastern oil and on oil from countries that oftentimes don't like us very much. It's the lessening of our dependence on oil. Period.

That is the dynamic that is driving this administration's policies, and America needs to know that. These resources don't belong to President Obama. They belong to the American people, and it's time we step up to the plate and we use energy as a segue to job creation in this country. We trade with trading partners that like us, friendly trading partners within our own hemisphere. It's North American energy independence, and the Keystone XL pipeline is the answer to putting Americans back to work.

□ 2110

Mr. GARDNER. Thank you, the gentleman from South Carolina, getting to the passion which so many Members have tonight throughout this fight to create American jobs.

I yield to the gentleman from Virginia (Mr. GRIFFITH) who has also been a leader when it comes to energy security and American energy production.

Mr. GRIFFITH of Virginia. Thank you very much. I appreciate these few minutes to speak.

You know, I have been sitting here listening to everybody speak, and very, very good points have been made by so many of the speakers. And it does come down to a couple, simple things. It was a tough decision for the President, not because he didn't have the ability to make that decision, and not because he didn't have the ability and the materials to make that decision. As you know, in our hearing last week Congressman LEE TERRY brought in stacks and stacks of studies that have been done on this pipeline.

But I think of it in terms of my daughter, Abby, who's a sixth-grader back home. Abby doesn't like to do her homework. She would much rather be talking to her friends or watching TV.

President Obama apparently doesn't like to do his homework either. He would much rather be speaking to friends that tell him how great he is or being on TV.

The bottom line is the same: I have to tell Abby from time to time, Abby, go do your homework. Read your materials.

The American people need to tell President Obama on Keystone pipeline, why can't you read the materials? It's all there for you. Quit making speeches about jobs and take action after you have done your homework. Do it and do it now, and bring us the jobs you keep talking about. Get off the telephone, get off the speaking circuit, and put your nose to the grindstone and get the job done.

Mr. GARDNER. I thank the gentleman for his time tonight, and again, as we wrap up our discussion, we will just highlight the support the Keystone pipeline has across this country. Again, you can see the people who believe that job creation, American energy security matters. It matters because we can create jobs now. We have an opportunity to develop our North American resources, to reduce our reliance on overseas oil.

The question that these supporters ought to be asking tonight is whether or not they want to give up this project to China. I don't think they want China to win. And yet that's the decision this administration has made—100,000 jobs, American energy security.

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

HONORING LIEUTENANT GENERAL WILLIAM G. BOYKIN

The SPEAKER pro tempore (Mr. TURNER of New York). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

ENERGY

Mr. GOHMERT. Mr. Speaker, it's an honor to be here before you tonight. There's so much going on in this country, so many threats to our national security, and energy is one of them.

I am so proud to be a Member of Congress with the freshmen that I have heard here tonight. They make the rest of us look good, and I'm so grateful for their discussion about energy.

It doesn't make any sense to have more energy overall than any country in the world and then to pay billions, and hundreds of billions of dollars, to people, many who don't like us. They want to bring down this Nation, and yet we're enriching them, actually engorging them on our money.

And then we have a solution. One little part of this solution is the Keystone pipeline, more oil coming from our friends in Canada, who actually are friends. They don't want to see this country taken down. They don't want to see this country attacked again like it was on 9/11. Then we had a hearing today on energy in our Natural Resources Committee, and we're trying, we were trying to pass legislation out of committee that would allow us to provide more of our own energy.

But the wrong-headed approach of this administration and some people on the other side of the aisle that is forcing us to pay billions of dollars to companies that have no good plan for producing energy, but a great plan for bilking, sucking the money out of this administration, ready to throw it on any whim that they can say somehow is a green job. Well, it seems to be more brown in color from where I come from.

But anyway we voted today in Natural Resources to once again allow drilling in this tiny area out of the Arctic National Wildlife Refuge in Alaska. I know that there are some people, even from this body, who have been taken up by so-called environmental groups and taken to areas of ANWR that are beautiful and are certainly worth keeping pristine, not taken within 100 miles of the little area that we passed today to allow drilling in.

It's a tiny part of the area that Jimmy Carter as President set aside back in the 1970s to allow drilling because there's nothing there. There's not a tree, a bush, anything that's living in that area in the way of wildlife. They can't stay because there's nothing to sustain them. They have to go out of there and go to the pristine areas. That's why Jimmy Carter set it aside as someplace we could drill.

Yet the wrong-headed approach of this administration is to continue to put off limits our own natural resources. But that's only one aspect of things that are going wrong in this country with this administration.

LIEUTENANT GENERAL WILLIAM G. BOYKIN

So tonight I want to pay tribute to a great American hero who has been demeaned, a man who has spent most of his life as an American hero fighting for Americans to have freedom of speech, and yet being condemned and disallowed the opportunity to have the freedom of speech he repeatedly, over and over, laid down his life or was willing to lay down his life to provide for the rest of us, that is Lieutenant General William G. Boykin, retired.

He's a former commander of the United States Army, Special Forces. He was a founding member of the Delta Force. He's also known for his devotion to the Christian faith, which at one time in this country, in fact, for 99.9 percent of this country's history, it was considered a good thing to be a person of faith and devoted particularly to a Christian faith.

Jerry Boykin, Lieutenant General Boykin, graduated from Virginia Tech in 1971 and received his Army commission. By 1980, he was the Delta Force operations officer on the April 24–25 Iranian hostage rescue attempt.

Now, I talked to General Boykin about that before and consider him to be a friend. Something that I had heard back during my days in the service was something that General Boykin said was above his grade back then, 1979–1980. It would be interesting to hear someone from the Carter administration actually provide documentation of the actual decision to reduce the number of helicopters that would be utilized to go into Iran to a staging area hundreds of miles inside Iran, meet up with C–130s—other equipment, rather, that was there in the staging area, and then from there stage the rescue effort that would go into Tehran and get our hostages.

□ 2120

The story I would love to see documentation on, the thing that I heard as a member of the U.S. Army years ago, was that the original plan had at least 12 helicopters that were going to be utilized to go into the staging area, but the Carter administration believed that it might look too much like an invasion. So the word was back then that we heard, the Carter administration ordered the 12 helicopters reduced to eight so it wouldn't look like an invasion, and that there were those who were engaged in the planning who said, you know what, we need 12 because the mission must have six helicopters to go forward from the staging area. These turbine engines will cross hundreds of miles of sand, and we have to count on perhaps a 50 percent loss of helicopters coming to the staging area. Since we know we need six, we want to start out with 12 so we have a better chance of getting six to the staging area.

We knew where the hostages were, and yet people in the administration, ultimate responsibility resting with the President, decided let's take more of a chance with the people we are putting at risk, sending in as the Delta Force. Let's put them even more at risk making them go in with fewer helicopters.

And as though Delta Force at the time knew, all they knew apparently was they get to the staging area, if they don't have six helicopters, then the mission will be aborted, and they'll have to turn around and go back. And since they were ordered to come in with eight instead of 12 or more, they got to the staging area with five. These American heroes who were not given adequate resources to go in and rescue our hostages in Iran by an administration you would have thought understood and appreciated the military, but apparently did not adequately. Even though President Carter had been in the military, you would have thought he understood. They get to the staging area, there are five helicopters, and the mission is aborted.

One explanation was when one helicopter pilot was trying to lift off, once they knew it was aborted, everyone was anxious to get out. A helicopter started up. Obviously, the sand swirls and it's easy to get vertigo and lose sense of direction, and the helicopter went sideways, cut into a C–130, and we left heroic Americans on the desert floor in Iran, a terrible embarrassment. And to this former soldier, I didn't think it was an embarrassment to the Delta Force that was sent in. They were ready to fight and die, but their orders were to go in. They were sent in without adequate helicopters; and when the mission did not go forward, people lost their lives.

But as we know from the old poem:

Theirs was not to reason why
Theirs was but to do and die.
Some of them did.

I would have hoped over the years the lesson learned from Vietnam would have been not that that was not a winnable war, as our colleague here, SAM JOHNSON, could tell. After 2 weeks of carpet bombing after North Vietnam had left the negotiation table, 2 weeks of carpet bombing, they came back. And as the Hanoi Hilton prisoners were taken away, Sam said the meanest, one of the meanest officers, at the Hanoi Hilton was laughing and said: You stupid Americans. If you'd bombed us for one more week, we would have had to surrender unconditionally.

Instead of being done in the seventies, that could have been done early in the sixties. The lesson of Vietnam should have been we don't send our military, men and women, anywhere in the world on our behalf unless we give them the equipment to do the job, unless we give them the order to go win whatever it costs. Win and come home. That should have been the lesson, but it wasn't learned in Vietnam.

And it apparently wasn't learned during the failed rescue attempt under the Carter administration. But these were

American heroes who put their lives at risk for an administration that didn't fully appreciate what was involved.

General Boykin, in February 2003, had two stars as an Army general. He was commander of the John F. Kennedy Special Warfare Center at Fort Bragg and was about to interview with Secretary Rumsfeld for his third star nomination.

He had received two Purple Hearts: one for Grenada in 1983, the other for Mogadishu, Somalia, in 1993. He was involved as a commander in the Black Hawk Down scenario.

From 1978 to 1993, General Boykin was assigned in various capacities to Delta Force. With Delta Force, he oversaw the rescue of CIA operative Kurt Muse from a Panamanian prison and the capture also of Manuel Noriega, the brutal dictator who put Kurt Muse in that prison.

In Colombia, our hero, Jerry Boykin, helped hunt down the drug lord Pablo Escobar. He also hunted war criminals in Bosnia. He helped rescue hostage missionaries in Sudan. He tracked kidnappers in El Salvador. He spent 13 years with Delta Force. And as I mentioned before, he was not only a founding member of Delta Force but also was later its commanding officer.

In October of 1983, Major Boykin worked as an operations officer during Operation Urgent Fury in Grenada. During a dawn assault to free some Grenada government officials held by the Marxist People's Revolutionary Army, Boykin was shot in the arm with a .50 caliber round, splitting the bone completely in two. He was told he would never use it again, but almost miraculously his arm healed, which Boykin again believed was a God thing.

In October 1993, Colonel Boykin was in command of the Delta Force tracking down militia leader Mohamed Farrah Aidid in Somalia, during which time the infamous battle of Mogadishu took place. Some might recognize that as the Black Hawk Down scenario. That was the event.

But April 1998 to February of 2000, Jerry Boykin served as the commanding general of the U.S. Army Special Forces Command Airborne at Fort Bragg, North Carolina.

From March 2000 to 2003, he was the commanding general, United States Army John F. Kennedy Special Warfare Center, Fort Bragg, North Carolina.

In June of 2003, General Boykin was appointed deputy Under Secretary of Defense for Intelligence under Dr. Stephen Cambone, Under Secretary of Defense for Intelligence.

□ 2130

Lieutenant Boykin retired on August 1, 2007 and currently teaches at Hampden-Sydney College. General Boykin is the author of ''Never Surrender: A Soldier's Journey to the Crossroads of Faith and Freedom'' and also ''Danger Close: A Novel'' as well as ''Kiloton Threat,'' a novel.

General Boykin attended the United States Armed Forces Staff College, Army War College, Shippensburg University where he received a master's degree. His badges include the Master Parachutist Badge, Military Freefall Badge, Ranger Tab, Special Forces Tabs. Medals include the Distinguished Service Medal, the Defense Superior Service Medal with three oak leaf clusters, and the Legion of Merit with an oak leaf cluster. This is a real hero. He also received the Bronze Star, Air Medal, Purple Heart with an oak leaf cluster.

This is an American hero, ready repeatedly to lay down his life for our right to free speech, to the freedoms we know and love; and yet he was not so well treated. People thought it was inappropriate that a general would say, basically, the same things that Franklin Roosevelt did, things like Franklin Roosevelt said in his prayer on D-Day as he prayed on the radio, national radio broadcast.

And during that radio broadcast, Franklin Roosevelt prayed for our troops against those forces of evil. I believe he used the word ''crusade'' in there. And yet Franklin Roosevelt was never excoriated or crucified for the language he used in the prayer because people knew he cared about our troops. People knew that he cared about Americans having freedom. So they never went after Franklin Roosevelt the way they have come after Jerry Boykin.

General Boykin was invited to speak at West Point this year. My understanding is he was going to be speaking to West Point cadets at our U.S. military academy, cadets who were Christians, about how a Christian in the service of the United States reconciles his faith, his commitment to God, and his commitment to country. I would imagine most of us who are Christians who served in the United States military had those inner questions. Some of us found answers in Scripture, found answers in wise counsel, and found a peace afforded through prayer.

Wise counsel is what I get anytime I talk to General Boykin. This incredible man, this American hero, who should be an American icon, was told he really should withdraw his acceptance of the invitation to come and speak because West Point, our U.S. military academy—not the military—but the people that this administration put in place, were too embarrassed to have this American hero come speak to Christian cadets at the United States military academy where we also have a politically correct czar who monitors such things and makes sure we don't offend the people who want to kill us and destroy our way of life.

So pressure was put, gee, the military academy, those in power allowed to be there by this administration, with the political correctness in full display, didn't want to withdraw the invitation. They thought it would be better if he backed out of coming. This American hero will do anything his Nation needs him to do, and he did something that I'm not sure I would have done. He said, sure, you don't want me to come, I withdraw my acceptance, I won't come. He canceled.

This American hero who has repeatedly put himself between America and harm is not afforded freedom of speech. United States military academy cadets, because of this administration's approach, surely must feel that, gee, it's not a good thing to be a Christian in America if you're going to really live your faith. It's not appropriate to wrestle with religious issues unless, of course, you're a Muslim like Major Hasan, because if you want to speak freely, in Major Hasan's case, of course, and the private who was ready to kill people in the service with him as Major Hasan did, this military with this administration's overblown political correctness would not even deal with the private who did the same kind of interview as Major Hasan, that's made the same kind of statement that Major Hasan did.

He was on the Internet basically saying if they make me deploy, I'll have to kill troops to avoid having to go face Muslims and possibly kill Muslims for one of the reasons that we're not allowed to kill other Muslims. I'll have to kill Americans.

What's wrong with this picture? It certainly wasn't a problem for the greatest American general, the greatest American leader in the history of the world, a general named George Washington. He believed so fervently in the same things that Jerry Boykin believed in. At one point, he issued an order that you couldn't take God's name in vain. His approach was, how can we ask God for blessings and protection with the same mouth that is taking His name in vain? I can assure you when I was in the Army, that was not a standing order.

George Washington is the only person in the history of the world—just down the Hall he is depicted in a painting resigning. He did the unthinkable. King George couldn't believe it. He led a military in a revolution, won the revolution as head of the military, tendered his resignation, gave back all the power and went home.

Recently, I stopped for refueling in the Maldives Islands. One of the leaders during a luncheon, we were talking, said, we have to constantly worry about the possibility of a military coup. This man on the other side of the world said, see, because we never had a George Washington who set the proper pattern here.

George Washington was a man of faith. Anyone who doubts that can read Peter Lillback's book ''George Washington's Sacred Fire.'' Well, there's an article yesterday, from Todd Starnes:

The U.S. Military Academy pressured a retired U.S. lieutenant general to withdraw from speaking at a West Point prayer breakfast after Muslims and atheists complained, Fox News has learned. Retired Lieutenant General William Boykin was scheduled to deliver a speech at West Point on February 8,

but late Monday the military academy released a statement saying he had decided to withdraw from speaking and would be replaced by another speaker. However, a source close to the controversy told Fox News & Commentary that Boykin was pressured to withdraw. ''It was very clear they wanted General Boykin to withdraw,'' said the source who asked not to be identified.

□ 2140

And after you see what they've done to an American icon like General Boykin, you certainly understand why.

''He asked them to rescind the invitation, but they were reluctant to do that. So he said he would take them off the hook.

Theresa Brinkerhoff, a spokesperson for West Point, told Fox News & Commentary that the U.S. Military Academy ''did not decide this for him.''

Nothing is worse than political correctness and mistreatment of military heroes than dishonesty in doing so.

''After a conversation with our chaplain, Lieutenant General Boykin decided to withdraw,'' Brinkerhoff wrote in an email.

Boykin, a former senior military intelligence officer, had been criticized for speeches he made at evangelical Christian churches where he said that America's enemy is Satan, that God had put President Bush in the White House, and that a Muslim Somali warlord was an idol worshiper.

That was enough to decide to try to destroy an American hero.

Army Times has an article, ''Retired 3-Star's West Point Invite Draws Protest,'' all about the controversy. New York Times, ''General Withdraws from West Point Talk.''

The message is coming loud and clear to our military: If you're a Christian, if you're a person of faith, as demonstrated through George Washington's life and times, you better keep your mouth shut or this administration and those who are in charge of political correctness will see to it that you regret being so.

There's another article by Rebecca Leung, ''The Holy Warrior,'' it's entitled, another interesting article. This goes right along with this administration's zeal to avoid recognizing the enemy against us.

I, along with DANA ROHRABACHER, STEVE KING, LORETTA SANCHEZ, we met with Northern Alliance leaders, including General Dostum, the hero in fighting the Taliban. Now, these are Muslims. Some try to paint us as xenophobes, Islamophobes.

Isn't it interesting, that term came as a strategy to try to scare off, embarrass, humiliate people who stood up for what was right against Muslim terrorists who want to destroy us, trying to intimidate us into not using the word ''Muslim.'' For heaven's sake, we know. They're our Muslim friends. The Northern Alliance, they're our allies. They're Muslims. We talked about it. We met with some Baluks from southern Pakistan, their leaders there. They're Muslim. They're our friends. They don't want to destroy us. They want to support us, and some of us want to support them.

And yet this administration has such a wrongheaded approach to those who want to destroy our way of life. It can best be illustrated in this chart illustrating political correctness run amok.

The 9/11 Commission report was prepared in a bipartisan fashion before people knew that the Organization of Islamic States, the Islamic Society of North America, CAIR would make such attacks on those who dare to point out that even though it's not the mass Muslim population who are our enemy, there are those small groups within the Muslim community who want to destroy our way of life. How can you understand and anticipate your enemy's actions, the enemy that has sworn to destroy you, unless you study what they believe and you understand what their approach is and you understand that people like Ahmadinejad—I'm running out of time.

Well, let me conclude by just pointing to this chart. In the commission report, 322 times Islam is mentioned; jihad is mentioned 126 times. And now it is inappropriate, under this administration, to mention jihad. It's inappropriate for our Justice, Intelligence, State to talk about jihad. It doesn't mention al Qaeda. It doesn't mention Hezbollah, Hamas, sharia.

This administration has run aground, and they have brought their ship right on top of real American heroes.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARSON of Indiana (at the request of Ms. PELOSI) for today and the balance of the week on account of business in the district.

PUBLICATION OF COMMITTEE MATERIALS

STANDARDS FOR THE ELECTRONIC POSTING OF HOUSE AND COMMITTEE DOCUMENTS & DATA

COMMITTEE ON HOUSE ADMINISTRATION

COMMITTEE RESOLUTION 112–

Adopted on December , 2011

STANDARDS FOR THE ELECTRONIC POSTING OF HOUSE AND COMMITTEE DOCUMENTS & DATA

Resolved, That the following regulations, collectively referred to as the ''Standards for the Electronic Posting of House and Committee Documents & Data'', are hereby adopted, as follows:

XML STANDARDS

Committees are encouraged to post documents in XML when possible and should expect XML formats to become mandatory in the future. The Office of the Clerk will update XML standards as required to support these documents. The XML standards will be publically available at http://xml.house.gov.

FILE NAMING STANDARDS

The Office of the Clerk will publish and maintain naming standards for each document to be posted. These standards will facilitate automated searching and uploading of such documents. Files will be posted using permanent URL links. These links will facilitate outside and committee usage of these files. In addition, permanent URL links will allow each archived committee website to maintain functionality.

COMMITTEE DOCUMENTS

The Committee on House Administration further directs that the Clerk provide additional functionality on the centralized website for House documents to support committee documents; until the completion of such functionality, House committees are responsible for posting committee documents in a searchable PDF format in an appropriate location on the committee majority's website. XML versions of documents, when available, should be posted at the same location.

VIDEO REQUIREMENTS

Committee video of hearings and markups will be stored by the House to meet requirements for archiving, access, searchability, and authenticity.

ADDITIONAL REVIEW AND REISSUANCE

To ensure documents are made available in user-friendly formats that preserve their integrity, these standards will be subject to periodic review and reissuance by the Committee on House Administration. It is the intent of the Committee to implement standards that require documents to be electronically published in open data formats that are machine readable to enable transparency and public review.

In accordance with the Speaker's initiative to increase transparency of House and committee operations, the Committee on House Administration, as directed by House Rules, has established the following standards for posting House and committee documents and data electronically. These standards will be phased in and subject to periodic review and reissuance. The standards are intended to ensure that Members and the public have easy, advance access to legislation considered by the House and its committees.

DOCUMENTS AND DATA COVERED BY STANDARDS

The following House and committee documents and data files are covered under these standards:

House Documents:

Bills to be considered by the House; Resolutions to be considered by the House; Amendments to be considered by the House; Conference Reports to be considered by the House.

Committee Documents:

Committee rules; Bills to be considered by the committees; Resolutions to be considered by committees; Prints or other legislative text intended to serve as the base text for further amendment; Meeting Notices; Witness Lists; Witness testimony; Truth in Testimony disclosure forms; Public notices; Amendments adopted by committees; Committee record votes.

Although not required by House rules, committees are encouraged to post additional committee documents online, including oversight plans, committee transcripts, committee prints, and committee activity reports.

HOUSE DOCUMENTS

The Committee on House Administration directs the Clerk of the House to establish a centralized website where Members and the public can access all House documents in a downloadable, open format within the time frames established by House Rules. This centralized location shall be established for House Documents no later than January 1, 2012.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills

of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3800. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3801. An act to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 2, 2012, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2011 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. FRANK D. LUCAS, Chairman, Jan. 23, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JO BONNER, Chairman, Jan. 5, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael McCaul	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		111.09		(3)				111.09
Hon. Jeff Duncan	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		111.09		(3)				111.09
Hon. Henry Cuellar	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		111.09		(3)				111.09
Nick Palarino	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		116.87		(3)				116.87
Charles Snyder	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		116.87		(3)				116.87
Committee total					8,100.26						8,100.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. PETER T. KING, Chairman, Jan. 18, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	11/20	11/22	Poland		570.00		(3)				570.00
Brad Smith	11/20	11/22	Poland		570.00		(3)				570.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rachael Leman	11/20	11/22	Poland		570.00		(3)				570.00
Hon. David Dreier	11/22	11/24	Georgia		594.00		(3)				594.00
Brad Smith	11/22	11/24	Georgia		594.00		(3)				594.00
Rachael Leman	11/22	11/24	Georgia		594.00		(3)				594.00
Hon. David Dreier	11/24	11/25	Lithuania		243.00		(3)				243.00
Brad Smith	11/24	11/25	Lithuania		243.00		(3)				243.00
Rachael Leman	11/24	11/25	Lithuania		243.00		(3)				243.00
Hon. David Dreier	11/25	11/30	Egypt		1,330.00		7,689.00				9,019.00
Brad Smith	11/25	11/29	Egypt		1,064.00		(3)				1,064.00
Rachael Leman	11/25	11/30	Egypt		1,330.00		7,689.00				9,019.00
Committee total					7,945.00		15,378.00				23,323.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, Jan. 12, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chairman John L. Mica	10/20	10/23	Canada		362.00		689.60				1,051.60
Hon. Tom Petri	10/20	10/22	Canada		234.00		1,147.37				1,381.37
Hon. Corrine Brown	10/20	10/23	Canada		351.00		975.50				1,326.50
Hon. Tim Holden	10/20	10/23	Canada		362.00		689.60				1,051.60
Hon. Bill Shuster	10/20	10/22	Canada		234.00		938.69				1,172.69
Hon. Billy Long	10/20	10/23	Canada		362.00		739.00				1,101.00
Hon. Raymond Cravaack	10/20	10/23	Canada		362.00		787.43				1,149.43
Jimmy Miller	10/20	10/23	Canada		362.00		689.60				1,051.60
Holly Woodruff Lyons	10/20	10/23	Canada		362.00		749.80				1,111.80
Giles Giovinazzi	10/20	10/23	Canada		362.00		689.60				1,051.60
Bailey Edwards	10/20	10/23	Canada		362.00		689.60				1,051.60
Nicholas Martinelli	10/20	10/23	Canada		351.00		975.50				1,326.50
Committee total					4,066.00		9,761.29				13,827.29

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN L. MICA, Chairman, Jan. 23, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4763. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Southeastern States; Suspension of Marketing Order Provisions [Doc. No.: AMS-FV-11-0027; FV11-953-1 FR] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4764. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4765. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4766. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OCC-2011-0027] (RIN: 1557-AD60) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4767. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4768. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-293, ''Willie Wood Way Designation Act of 2012''; to the Committee on Oversight and Government Reform.

4769. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-297, ''William O'Neal Lockridge Memorial Library at Bellevue Designation Act of 2012''; to the Committee on Oversight and Government Reform.

4770. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-288, ''Oak Hill Conservation Easement Act of 2012''; to the Committee on Oversight and Government Reform.

4771. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-289, ''9/11 Memorial Grove Dedication Act of 2012''; to the Committee on Oversight and Government Reform.

4772. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-291, ''Old Naval Hospital Real Property Exemption Act of 2012''; to the Committee on Oversight and Government Reform.

4773. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-292, ''Lillian A. Gordon Water Play Area and Park Designation Act of 2012''; to the Committee on Oversight and Government Reform.

4774. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-290, ''District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4775. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-281, ''Commission on African-American Affairs Establishment Act of 2012''; to the Committee on Oversight and Government Reform.

4776. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-280, ''Southwest Duck Pond Designation Act of 2012''; to the Committee on Oversight and Government Reform.

4777. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-279, ''Board of Medicine Membership and Licensing Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4778. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-285, ''Military Parents' Child Custody and Visitation Rights Act of 2012''; to the Committee on Oversight and Government Reform.

4779. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-286, ''Long-Term Care Ombudsman Program Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4780. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-287, ''Human Rights Service of Process Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4781. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-278, ''Captive Insurance Company Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4782. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-277, ''Public Notice of Advisory Neighborhood Commissions Recommendations Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4783. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-276, ''Board of Elections and Ethics Electoral Process Improvement Temporary Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4784. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-275, ''Retirement Distribution Withholding Temporary Act of 2012''; to the Committee on Oversight and Government Reform.

4785. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-274, ''Green Building Compliance Temporary Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4786. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-273, ''Processing Sales Tax Clarification Second Temporary Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4787. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-272, ''District Department of Transportation Omnibus Temporary Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

4788. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-284, ''Rev. Dr. Jerry A. Moore, Jr. Commemorative Plaza Designation Act of 2012''; to the Committee on Oversight and Government Reform.

4789. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-283, ''Glover Park Community Center Designation Act of 2012''; to the Committee on Oversight and Government Reform.

4790. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-282, ''Paul Washington Way Designation Act of 2012''; to the Committee on Oversight and Government Reform.

4791. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revising the Listing of the Gray Wolf (Canis lupus) in the Western Great Lakes [Docket No.: FWS-R3-ES-2011-0029] (RIN: 1018-AX57) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4792. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Eastern Pacific Ocean; Pelagic Fisheries; Vessel Identification Requirements [Docket No.: 110218143-1606-02] (RIN: 0648-BA49) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4793. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Adjustments to the Atlantic Bluefin Tuna General and Harpoon Category Regulations [Docket No.: 090508897-1635-03] (RIN: 0648-AX85) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4794. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; Closure of the Hawaii Shallow-Set Pelagic Longline Fishery Due To Reaching the Annual Limit on Sea Turtle Interactions [Docket No.: 080225267-91393-03](RIN: 0648-XA370) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4795. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Flatfish'' in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA834) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4796. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning (PSP) [Docket No.: 050613158-5262-03] (RIN: 0648-BB59) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4797. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 10 [Docket No.: 100305126-1576-04] (RIN: 0648-AY72) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4798. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 11 [Docket No.: 0808041037-1687-03] (RIN: 0648-AX05) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4799. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; [Docket No.: 101228634-1149-02] (RIN: 0648-XA825) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4800. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 13 to the Coastal Pelagic Species Fishery Management Plan; Annual Catch Limits [Docket No.: 110606318-1655-02] (RIN: 0648-BA68) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee of Conference. Conference report on H.R. 658. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (Rept. 112–381). Ordered to be printed.

Mr. WEBSTER: Committee on Rules. H. Res. 533. A resolution providing for consideration of the conference report to accompany the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (Rept. 112–382). Referred to the House Calendar.

Mr. WOODALL: Committee on Rules. H. Res. 534. A resolution providing for consideration of the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline, and providing for consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macro-economic analysis of the impact of legislation (Rept. 112–383). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1734. A bill to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes; with an amendment (Rept. 112–384 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on Oversight and Government Reform and Rules discharged from further consideration. H.R. 1734 referred to the Committee of the Whole House on the state of the Union.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 2586. Referral to the Committee on Agriculture extended for a period ending not later than February 8, 2012.

H.R. 2682. Referral to the Committee on Agriculture extended for a period ending not later than February 8, 2012.

H.R. 2779. Referral to the Committee on Agriculture extended for a period ending not later than February 8, 2012.

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. MCMORRIS RODGERS (for herself, Mr. THOMPSON of California, and Mr. KIND):

H.R. 3859. A bill to amend title XVIII of the Social Security Act to protect and preserve

access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; 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. GARAMENDI (for himself and Mr. RUSH):

H.R. 3860. A bill to amend title 38, United States Code, to clarify the responsibilities of small businesses with respect to the employment and reemployment rights of veterans; to the Committee on Veterans' Affairs.

By Mr. BENISHEK:

H.R. 3861. A bill to name the front circle drive on the north side of the Oscar G. Johnson Department of Veterans Affairs Medical Facility in Iron Mountain, Michigan, as the ''Sergeant First Class James D. Priestap Drive''; to the Committee on Veterans' Affairs.

By Mr. QUAYLE (for himself, Mr. COBLE, and Mr. ROSS of Florida):

H.R. 3862. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself and Mr. PETRI):

H.R. 3863. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error; to the Committee on Armed Services.

By Mr. CAMP:

H.R. 3864. A bill to amend the Internal Revenue Code of 1986 to extend authorities relating to the Highway Trust Fund, to provide revenues for highway programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to extend the American Opportunity Tax Credit; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. FILNER, Ms. JACKSON LEE of Texas, Ms. MOORE, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. ISRAEL, Mr. RUSH, Mr. ELLISON, Ms. SEWELL, Mr. CARSON of Indiana, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Ms. CHU, Mr. JACKSON of Illinois, Ms. NORTON, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. SLAUGHTER, Mr. PASTOR of Arizona, Mr. BISHOP of New York, Mr. YARMUTH, Mr. COURTNEY, Mr. CARNAHAN, Mr. WELCH, Mr. PERLMUTTER, Mr. HONDA, Mr. THOMPSON of Mississippi, Mr. CAPUANO, Mr. DOYLE, Ms. WOOLSEY, Mr. TONKO, Mr. CLAY, Ms. RICHARDSON, Mr. BRALEY of Iowa, Mr. HOLDEN, Ms. HAHN, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. GRIJALVA, Ms. CLARKE of New York, Mr. JOHNSON of Georgia, Mr. FATTAH, and Mr. DAVID SCOTT of Georgia):

H.R. 3866. A bill to award a Congressional Gold Medal in honor of the pioneers and participants of the Civil Rights movement; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Georgia (for himself, Mr. PAUL, Mr. WESTMORELAND, Mr. MULVANEY, Mr. GARRETT, Mr. POE of Texas, Mr. MARCHANT, Mr. ROE of Tennessee, Mr. WILSON of South Carolina, Mr. STUTZMAN, Mr. QUAYLE, Mr. SCHWEIKERT, Mr. WALSH of Illinois, Mr. CULBERSON, Mr. POSEY, Mr. WOODALL, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. RIBBLE, and Mr. GINGREY of Georgia):

H.R. 3867. A bill to amend title 49, United States Code, to require certain air carriers and their agents and ticket agents to disclose certain costs and fees; to the Committee on Transportation and Infrastructure.

By Mr. RUSH:

H.R. 3868. A bill to grant the congressional gold medal to John H. Johnson in recognition of his outstanding contributions to the United States; to the Committee on Financial Services.

By Mr. GRIFFIN of Arkansas (for himself, Mr. ROSS of Arkansas, Mr. CRAWFORD, and Mr. WOMACK):

H.R. 3869. A bill to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GRIFFIN of Arkansas (for himself, Mr. ROSS of Arkansas, Mr. CRAWFORD, and Mr. WOMACK):

H.R. 3870. A bill to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the ''Nicky 'Nick' Daniel Bacon Post Office''; to the Committee on Oversight and Government Reform.

By Mr. HUIZENGA of Michigan (for himself, Mr. BACHUS, and Mrs. CAPITO):

H.R. 3871. A bill to amend the Consumer Financial Protection Act of 2010 to preserve privilege for information submitted to the Bureau of Consumer Financial Protection; to the Committee on Financial Services.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3872. A bill to provide a prize to the first manufacturer of highly-efficient midsized automobiles powered by gasoline; to the Committee on Energy and Commerce.

By Ms. MOORE:

H.R. 3873. A bill to provide funds to State courts for the provision of legal representation to parents and legal guardians with respect to child welfare cases; to the Committee on Ways and Means.

By Mrs. NOEM:

H.R. 3874. A bill to provide for the conveyance of eight cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota; to the Committee on Natural Resources.

By Mr. PETERS (for himself, Mr. MCNERNEY, and Mr. BISHOP of New York):

H.R. 3875. A bill to amend the Securities Exchange Act of 1934 to require the disclosure of the total number of a company's domestic and foreign employees; to the Committee on Financial Services.

By Mr. RIVERA:

H.R. 3876. A bill to prohibit the Secretary of the Interior from leasing Federal lands to any person who has violated the Trading with the Enemy Act or who conducts business with a state sponsor of terrorism, and for other purposes; to the Committee on Natural Resources.

By Mr. SCHOCK (for himself and Mr. SCHILLING):

H.R. 3877. A bill to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that taxpayers reconcile amounts with respect to reportable payment transactions to amounts related to gross receipts and sales; to the Committee on Ways and Means.

By Mr. SCHRADER:

H.R. 3878. A bill to authorize the Secretary of the Interior to hold in trust for the benefit of the nine federally recognized Indian tribes in Oregon the Chemawa Indian School land and improvements, and for other purposes; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 3879. A bill to provide for streamlining the process of Federal approval for construction or expansion of petroleum refineries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUAYLE (for himself, Mr. WESTMORELAND, Mr. COLE, Mrs. BLACKBURN, Mr. CANSECO, Mr. BOUSTANY, Mrs. ADAMS, Mr. GRIMM, Mr. BROOKS, Mr. FARENTHOLD, Mr. FINCHER, Mr. STUTZMAN, Mr. RIBBLE, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. OLSON, Mr. MARCHANT, Mr. GOHMERT, Mr. POMPEO, and Mr. YODER):

H. Res. 532. A resolution expressing the sense of the House of Representatives that the President of the United States should appoint a special counsel to investigate Operation Fast and Furious and the Attorney General's knowledge and management of Operation Fast and Furious; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Ms. MOORE, Ms. MCCOLLUM, Ms. NORTON, Mr. SABLAN, and Mr. CONYERS):

H. Res. 535. A resolution expressing support for designation of the month of February 2011 as ''National Teen Dating Violence Awareness and Prevention Month''; 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. MCMORRIS RODGERS:

H.R. 3859.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. GARAMENDI:

H.R. 3860.

Congress has the power to enact this legislation pursuant to the following:

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;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BENISHEK:

H.R. 3861.

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. QUAYLE:

H.R. 3862.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, Article I, Section 8 of the United States Constitution, including, but not limited to, Clauses 1, 3 and 18, and Article III of the United States Constitution, Section 2.

By Mr. KIND:

H.R. 3863.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 18.

By Mr. CAMP:

H.R. 3864.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 3865.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. COHEN:

H.R. 3866.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 12–14, and Clause 18 of the United States Constitution.

By Mr. GRAVES of Georgia:

H.R. 3867.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 18;

1st Amendment

By Mr. RUSH:

H.R. 3868.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: ''The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;''

Article I, Section 8, Clause 5: ''To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;''

Article I, Section 8, Clause 8: ''To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;''

By Mr. GRIFFIN of Arkansas:

H.R. 3869.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

The Congress shall have Power to establish Post Offices and post roads.

By Mr. GRIFFIN of Arkansas:

H.R. 3870.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

The Congress shall have Power to establish Post Offices and post roads.

By Mr. HUIZENGA of Michigan:

H.R. 3871.

Congress has the power to enact this legislation pursuant to the following:

In keeping with the Rules of the House of Representatives, Amendment X is cited as delegating to the states or to the people all ''powers not delegated to the United States by the Constitution.''

By Mr. DANIEL E. LUNGREN of California:

H.R. 3872.

Congress has the power to enact this legislation pursuant to the following:

The Excellence in Energy Efficiency Act (E–PRIZE) is authorized by Article 1 Section 8 under the Commerce Clause.

By Ms. MOORE:

H.R. 3873.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mrs. NOEM:

H.R. 3874.

Congress has the power to enact this legislation pursuant to the following:

Article 4, 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. PETERS:

H.R. 3875.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RIVERA:

H.R. 3876.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution, the Commerce Clause.

By Mr. SCHOCK:

H.R. 3877.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. SCHRADER:

H.R. 3878.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 3879.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 177: Mr. RIBBLE.

H.R. 205: Mr. BACA, Mr. INSLEE, and Ms. MCCOLLUM.

H.R. 265: Mr. FILNER.

H.R. 266: Mr. FILNER.

H.R. 267: Mr. FILNER.

H.R. 284: Mr. LUJÁN.

H.R. 374: Mr. SOUTHERLAND, Mr. ROGERS of Kentucky, and Mr. SCHWEIKERT.

H.R. 436: Mr. KINGSTON.

H.R. 452: Mr. AMODEI.

H.R. 516: Mr. SCHILLING.

H.R. 575: Mr. GOSAR.

H.R. 593: Mr. SAM JOHNSON of Texas.

H.R. 631: Mr. CLARKE of Michigan and Mr. WAXMAN.

H.R. 689: Mr. WELCH and Mr. CARSON of Indiana.

H.R. 724: Ms. HIRONO.

H.R. 812: Mr. RIBBLE.

H.R. 831: Mr. QUIGLEY.

H.R. 860: Mr. FLEMING.

H.R. 933: Mrs. MALONEY and Ms. WOOLSEY.

H.R. 941: Mr. LEWIS of Georgia.

H.R. 1031: Mr. LARSON of Connecticut.

H.R. 1058: Mrs. CAPITO.

H.R. 1113: Mr. CLAY.

H.R. 1142: Mr. KING of New York.

H.R. 1148: Mr. PAYNE, Ms. MOORE, Mr. WAXMAN, Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. BASS of California, Ms. WILSON of Florida, Mr. CLYBURN, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, and Mr. AKIN.

H.R. 1179: Mr. SMITH of Texas, Mr. ADERHOLT, Mr. DANIEL E. LUNGREN of California, Mr. STUTZMAN, Mr. SAM JOHNSON of Texas, and Mr. AUSTRIA.

H.R. 1195: Ms. BERKLEY.

H.R. 1206: Mr. REICHERT and Mr. AMODEI.
H.R. 1274: Mr. GOSAR.
H.R. 1283: Mr. BARLETTA.
H.R. 1288: Mr. MURPHY of Connecticut.
H.R. 1328: Mr. SCHIFF.
H.R. 1381: Ms. MOORE.
H.R. 1404: Ms. CHU, Mr. BACA, and Mr. VAN HOLLEN.
H.R. 1433: Mr. MCCLINTOCK.
H.R. 1457: Mr. DOGGETT.
H.R. 1463: Mr. WAXMAN.
H.R. 1479: Mr. SCHIFF and Mr. TOWNS.
H.R. 1483: Mr. ACKERMAN.
H.R. 1501: Mr. DUNCAN of South Carolina.
H.R. 1511: Mr. CARTER and Mr. OLSON.
H.R. 1533: Mr. PETERS and Mr. RENACCI.
H.R. 1558: Mr. PAULSEN.
H.R. 1580: Mr. COFFMAN of Colorado, Mr. ROSS of Florida, and Mr. LATOURETTE.
H.R. 1639: Mr. PALAZZO.
H.R. 1653: Mr. WOMACK.
H.R. 1697: Mr. CRAVAACK and Mr. DUNCAN of Tennessee.
H.R. 1739: Mr. ROHRABACHER.
H.R. 1744: Mr. ROHRABACHER.
H.R. 1867: Mr. MCNERNEY.
H.R. 1873: Mr. MCGOVERN.
H.R. 1912: Ms. KAPTUR, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, and Mr. ROYCE.
H.R. 1953: Mr. BOREN.
H.R. 1955: Mr. ROSS of Arkansas.
H.R. 1997: Mr. AUSTIN SCOTT of Georgia.
H.R. 2010: Mr. THORNBERRY.
H.R. 2012: Mr. STARK, Ms. RICHARDSON, Ms. MOORE, Mr. MARKEY, Mr. RANGEL, Ms. WILSON of Florida, and Ms. NORTON.
H.R. 2028: Mr. MCNERNEY.
H.R. 2145: Mr. STUTZMAN, Mr. WILSON of South Carolina, and Mr. GOHMERT.
H.R. 2168: Ms. LEE of California.
H.R. 2179: Mr. WITTMAN.
H.R. 2227: Mr. SULLIVAN.
H.R. 2234: Mr. REYES, Ms. WATERS, Ms. SPEIER, Mr. HONDA, Mrs. MALONEY, Mr. MCDERMOTT, Mr. CARSON of Indiana, and Mr. STARK.
H.R. 2310: Ms. SUTTON.
H.R. 2313: Mr. WEBSTER.
H.R. 2364: Ms. BALDWIN.
H.R. 2366: Mr. MURPHY of Pennsylvania.
H.R. 2394: Mr. PRICE of North Carolina.
H.R. 2412: Mr. LYNCH.
H.R. 2418: Mr. PENCE, Mr. GRAVES of Missouri, and Mr. NUNES.
H.R. 2429: Mr. CONAWAY.
H.R. 2499: Mr. LUJÁN.
H.R. 2505: Ms. ZOE LOFGREN of California.
H.R. 2529: Mr. BROUN of Georgia.
H.R. 2541: Mr. PETRI.
H.R. 2554: Mr. CLAY.
H.R. 2741: Mr. STARK.
H.R. 2746: Ms. CHU, Mr. ACKERMAN, and Mr. KING of New York.
H.R. 2787: Mr. RAHALL, Mr. OLVER, and Mr. MCCOTTER.
H.R. 2809: Mr. CICILLINE.
H.R. 2810: Mr. DUNCAN of South Carolina.
H.R. 2938: Mr. BACA.
H.R. 2945: Mr. RIBBLE.
H.R. 3059: Ms. GRANGER, Mr. LOEBSACK, and Mr. AMODEI.
H.R. 3065: Mr. PALAZZO, Mr. COLE, and Mr. COBLE.
H.R. 3156: Mr. ROHRABACHER.
H.R. 3187: Mr. ACKERMAN, Ms. MOORE, Ms. LEE of California, Ms. RICHARDSON, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. GENE GREEN of Texas, Mr. FATTAH, Mr. RANGEL, and Mr. BURGESS.
H.R. 3200: Ms. ROYBAL-ALLARD and Mr. CRITZ.
H.R. 3203: Mr. MATHESON.
H.R. 3236: Mr. LUJÁN.
H.R. 3252: Ms. HOCHUL.
H.R. 3269: Mr. CANSECO and Mr. BOSWELL.
H.R. 3313: Mr. BACA, Ms. WOOLSEY, Mr. HOLDEN, and Mr. MORAN.
H.R. 3324: Ms. BASS of California.
H.R. 3395: Mr. LUETKEMEYER.
H.R. 3410: Mr. DUNCAN of South Carolina.
H.R. 3414: Mr. AUSTIN SCOTT of Georgia and Ms. HAYWORTH.
H.R. 3422: Mr. OLSON, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. QUAYLE, Mr. SCHWEIKERT, Mrs. LUMMIS, Mr. DUNCAN of South Carolina, Mr. POSEY, Mr. CHABOT, Mr. KING of Iowa, and Mr. GOHMERT.
H.R. 3423: Mr. PAYNE and Ms. MCCOLLUM.
H.R. 3435: Mr. DEUTCH, Mr. COSTA, and Mr. SARBANES.
H.R. 3483: Mr. JOHNSON of Georgia, Mr. COBLE, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. BISHOP of Georgia, Ms. BASS of California, Mr. WATT, Mr. SCOTT of Virginia, Mr. ELLISON, Mr. DAVID SCOTT of Georgia, Ms. WATERS, Ms. JACKSON LEE of Texas, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. DOYLE, Mr. CUMMINGS, Ms. EDWARDS, and Mr. CONYERS.
H.R. 3485: Mr. TIERNEY, Ms. SUTTON, and Mr. BISHOP of New York.
H.R. 3511: Mr. LARSON of Connecticut.
H.R. 3523: Mr. COLE and Mr. TURNER of Ohio.
H.R. 3541: Mrs. ELLMERS.
H.R. 3559: Mrs. BIGGERT.
H.R. 3577: Mr. STIVERS and Mr. GERLACH.
H.R. 3587: Mr. BERMAN.
H.R. 3589: Mr. MCCOTTER.
H.R. 3596: Mr. SERRANO, Mr. LUJÁN, Ms. KAPTUR, Mr. DOYLE, Mr. KILDEE, Mrs. MALONEY, Mr. GRIJALVA, Ms. WOOLSEY, Mr. CLAY, Ms. SUTTON, Mr. HOLDEN, Mr. MCDERMOTT, and Mr. CRITZ.
H.R. 3612: Mr. HANNA, Mr. TURNER of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEHAN, and Mr. KING of New York.
H.R. 3614: Mr. POLLS.
H.R. 3627: Mrs. NOEM.
H.R. 3639: Mr. WOODALL.
H.R. 3643: Mr. SCHILLING and Mr. BENISHEK.
H.R. 3662: Mr. KING of New York, Ms. GRANGER, and Mr. THOMPSON of Pennsylvania.
H.R. 3681: Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. POSEY, Mr. MARCHANT, and Mr. GINGREY of Georgia.
H.R. 3698: Mr. KLINE.
H.R. 3702: Mr. WAXMAN.
H.R. 3704: Mr. STARK and Ms. WOOLSEY.
H.R. 3762: Mr. MCNERNEY.
H.R. 3767: Mr. WILSON of South Carolina, Mr. HASTINGS of Florida, Ms. BUERKLE, and Mr. BOSWELL.
H.R. 3776: Mr. CONYERS.
H.R. 3778: Mr. PEARCE and Mr. WILSON of South Carolina.
H.R. 3795: Ms. NORTON.
H.R. 3796: Mr. KLINE.
H.R. 3803: Mr. SCHILLING, Mr. LATTA, Mr. WILSON of South Carolina, Mr. COLE, Mr. KLINE, Mr. PETERSON, and Mr. BROUN of Georgia.
H.R. 3805: Mr. ALEXANDER, Mrs. ADAMS, Mrs. ELLMERS, Ms. ROS-LEHTINEN, Mr. GOODLATTE, and Mr. CHABOT.
H. R. 3806: Mr. POSEY.
H. R. 3811: Mr. KING of New York, Mr. DUNCAN of South Carolina, Mrs. ELLMERS, Mr. WOMACK, Mrs. MILLER of Michigan, Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. STUTZMAN, Mr. QUAYLE, Mr. SCHWEIKERT, Mr. WALSH of Illinois, Mr. CHABOT, Mr. KING of Iowa, and Mr. ADERHOLT.
H.R. 3814: Mr. GOSAR and Mr. MCCOTTER.
H.R. 3828: Mr. LANDRY, Mr. GINGREY of Georgia, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. STUTZMAN, Mr. GOHMERT, and Mr. WALBERG.
H.R. 3842: Mr. DUNCAN of South Carolina, Mr. KLINE, and Mr. PRICE of Georgia.
H.R. 3855: Mr. TOWNS, Mr. SCHOCK, and Mr. ACKERMAN.
H.R. 3858: Ms. SPEIER, Mr. FILNER, Mr. SMITH of Washington, Mr. PETERS, Ms. Hahn, Mr. POLIS, Mr. CICILLINE, Mr. LEVIN, Mr. GRIJALVA, Mr. COURTNEY, Mr. HOLT, Ms. HIRONO, Mr. HOYER, Mrs. CHRISTENSEN, Ms. CASTOR of Florida, Mr. CONYERS, Mr. WELCH, Mr. RUPPERSBERGER, Mr. STARK, Mr. KIND, Mr. SCHRADER, Mr. COHEN, and Mr. HEINRICH.
H.J. Res. 88: Mr. TIERNEY.
H.J. Res. 90: Mr. TIERNEY.
H.J. Res. 99: Mrs. LUMMIS, Mr. POSEY, Mr. MULVANEY, Mr. WALBERG, Mr. MARCHANT, Mr. WILSON of South Carolina, and Mr. STUTZMAN.
H. Con. Res. 98: Mr. BROOKS and Mr. MARCHANT.
H. Res. 134: Mr. BASS of New Hampshire.
H. Res. 374: Mr. DIAZ-BALART.
H. Res. 460: Mr. BENISHEK, Ms. LORETTA SANCHEZ of California, Ms. SEWELL, Ms. CLARKE of New York, Ms. BALDWIN, Ms. BERKLEY, Mrs. CAPPS, Ms. MOORE, Ms. SCHAKOWSKY, and Mr. SMITH of Washington.
H. Res. 524: Mr. CRITZ.
H. Res. 528: Mr. LATTA and Mr. DANIEL E. LUNGREN of California.
H. Res. 531: Mr. BISHOP of New York, Ms. SLAUGHTER, and Mr. MCGOVERN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3784: Ms. FUDGE.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, FEBRUARY 1, 2012 *No. 16*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, the Earth belongs to You, the world and everything in it. You are an awesome and majestic God. When we have anxieties about what the future holds, remind us that the hearts of Kings, Queens, and Presidents are in Your hands and You guide them wherever You please. You are sovereign.

Today, bless our lawmakers. Give them a positive attitude regarding the challenges they face. Lord, help them believe that You guard this Nation and will empower them with exactly what they need to lead with excellence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD J. DURBIN 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 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. DURBIN 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

ELIZABETH MACDONOUGH

Mr. REID. Mr. President, as the Presiding Officer and all Senators should understand, we have a new sheriff in the Senate now. And we wish Elizabeth MacDonough well. She is certainly well qualified for this job. She has proven that in the decade she has been here, her fairness and astuteness of Senate rules. Let everyone understand that a new boss is in the Senate now.

This morning, following any leader remarks, the Senate will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the final half. Following morning business, we will resume consideration of the STOCK Act.

THE STOCK ACT

Mr. President, it is my understanding that the Republicans are going to have a luncheon today. I hope they discuss what they want to do here on the Senate floor. Last night we had a situation where two of our fine Senators, Mr. LIEBERMAN and Ms. COLLINS, who have a reputation of being fair and bipartisan, did their best to work through some amendments, to set up votes on them, and they couldn't do it because we had Senators who offered amendments that had nothing to do with this bill—nothing. But Republican Senators said they would not allow a vote on germane and relevant amendments until they were guaranteed a vote on their nongermane amendments. So that is not a good situation, and we cannot legislate in that fashion. It is one thing to offer an amendment that is not germane, but to demand a vote on it out of order before any other amendments? So the minority has to make a decision whether they want to legislate or have people give speeches all day that have nothing to do with the legislation.

I hope the leadership and the Senators generally on the other side of the aisle will work together to help us move this piece of legislation out of here. It is an important piece of legislation. We were told it is bipartisan. Only two Senators voted against breaking the filibusters so we could start debating this bill.

SPENDING

The Republicans in Congress often claim they are the only thing standing against a wave of deficit spending. But where were these Republicans when President Bush pushed for trillions in unpaid tax cuts for the rich? Where were they? They were right here in Congress, that is where. So instead of pointing the finger at us, Republicans should examine their own track record of extravagant spending: a prescription drug plan, unpaid for; two unpaid wars; tax breaks for the rich, unpaid for. And they were paid for—borrowed money, money borrowed from American taxpayers. Trillions of dollars. In fact, President Bush's tax cuts were the single largest contributor to the ballooning budget deficits during his administration. There were plenty of others, but that was No. 1. And no one benefited from these tax breaks more than billionaires and millionaires. Tax breaks for the richest Americans piled nearly $1 trillion on our debt over the last decade. The tax bill was far more than that, but that is just people making more than $1 million a year.

Yesterday the nonpartisan Congressional Budget Office released a report showing that these tax cuts will continue to push deficits to unsafe levels. We know that, but in addition to doing that, what it does is it makes the poor

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

poorer, the rich richer, and squeezes the middle class every day. Extending the Bush tax cuts for the wealthiest Americans—people making more than $1 million a year—would add another $1 trillion to the deficit over the next decade. We can no longer afford to bankrupt our Nation to give more tax breaks to people who do not need them. People are putting up accounts in the Cayman Islands, stashing money in Switzerland.

Republicans are right about one thing: We do have a deficit problem in this country. And there are two ways to ease this crisis. We could cut more jobs for teachers, firefighters, police, and Federal employees. We could cut Social Security and Medicare benefits for seniors after a lifetime of hard work. We could put off repairing our crumbling roads, bridges, and schools. We could continue to let our schools fall into disrepair and our students fall further behind. We could continue talking about what really does not matter.

The House keeps talking about bills they have passed that create jobs. Everyone, every pundit who has looked at those knows it is just a subterfuge. They want to cut regulations, and that would make people sicker, that would make our air dirtier and our water less pure and our food less safe. That is what they are doing to create jobs.

The other way to cut spending would be to take care of those unnecessary tax breaks for millionaires and billionaires.

So this is the choice we face: cutting the heart out of America or having the richest of the rich contribute just a little bit to the problems we have in America today as it relates to spending. The choice we face should not be a very difficult choice.

This country has limited resources, and we must use those resources wisely. Investing in the middle class is a wise use of those resources. When you put money back in the pockets of the middle class, they spend it. They spend it on groceries and gas and buying new cars, paying their mortgages, paying their rent, maybe repairing their family car, or spending it to fix the roof on their house that has become dilapidated. That spending boosts business, spurs hiring, and helps the economy. Rigging the tax system to favor the richest of the rich does not do that. Rigging the system does not create jobs. It does not spur growth. It is not a wise use of our resources.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, later this morning President Obama is scheduled to speak in Virginia on the economy. I have not seen the speech, but I expect he will not be talking about the negative impact his health care bill is already having on job creation, and I guarantee he will not be talking about one provision in particular, the CLASS Act, which the House of Representatives is voting to repeal today.

Like so many of his policies, the CLASS Act has not turned out the way the American people were told it would. At the time of its passage, Americans were told it would be a long-term care cost saver. Proponents of the CLASS Act said it would account for nearly half of the deficit reduction they claimed the health care bill would somehow miraculously bring about.

More recently, however, the administration has admitted that government officials knew their projections about the CLASS Act could not possibly be true. They knew it would not work as advertised. Yet the Obama administration went ahead with it anyway.

In 2009, the Chief Medicare Actuary wrote that, based on his 36 years of actuarial experience, he believed the CLASS Act would ''collapse in short order, and require significant Federal subsidies to continue'' and that it would lead to what he called an insurance death spiral since only the sickest people would sign up, making it impossible for the program to remain solvent. Another health care policy official said that the program ''seemed like a recipe for disaster.''

So last October the Obama administration was finally forced to admit what they refused to admit when the health care bill first passed: that the CLASS Act was indeed unsustainable. As HHS Secretary Sebelius put it, there is no viable path forward for the program. Yet for some reason the President is unwilling to follow through on that conclusion by his own administration. He opposes today's vote over in the House.

Most people would conclude that the administration would support repealing a portion of the health care bill that they now acknowledge is not financially viable, but they would be wrong. Despite admitting this program is doomed to fail, the Obama administration refuses to take it off the books. This refusal is all the more remarkable given the fact that President Obama has repeatedly said he is willing to listen to critics of his health care bill if they come up with ways to improve it. When it comes to the CLASS Act, the President does not even appear to be willing to listen to himself.

Well, it should be obvious what is going on here. The President is so determined to distract people from his own legislative record that he does not even want to have a conversation about it. He is so determined to convince people that the ongoing economic crisis is someone else's fault that he is acting as though the first 3 years of his Presidency never even happened. He refuses to admit the central role his policies have played in prolonging the economic mess we are in. Instead of leading, the President is biding his time, hoping the public will blame someone else for the jobs crisis. Instead of acknowledging the effects of his own policies, he is hoping he can change the subject. The problem is, the longer we wait to tackle these problems, the harder they will be to solve. And, frankly, most Americans think the President should be leading that charge, not avoiding it.

In 2009, President Obama said that rising health care costs were the most pressing fiscal challenge we faced as a nation. Yesterday, the Congressional Budget Office said government health care costs will double over the next decade. So the verdict is in. The administration looked at an area that both parties agree was in critical need of reform, and they made it worse, and now they will not even admit it. Why? Because it interferes with the President's reelection strategy. If it is about him or his policies, he does not want to talk about it. And when it comes to the CLASS Act, it is easy to see why.

So I would encourage our friends over in the House in their efforts today. I hope they send this bill over to the Senate with a strong bipartisan vote. If the President will not listen to his own advisers, let's hope he listens to Congress on the failures of his health care bill and in particular the failures of the CLASS Act.

If we are going to replace the President's health care bill with the kind of commonsense reform that the American people want, repealing the CLASS Act is a good place to start. As the House is showing today, if the President refuses to act on this important issue, Congress will.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with time divided equally between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to enter into a colloquy with my colleagues from North Dakota and Nebraska.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

KEYSTONE XL PIPELINE

Mr. THUNE. Mr. President, President Obama has said that every morning when he gets up, he thinks about what he can do to create jobs. Yet just in the last couple weeks, he turned thumbs down on a project that would create

20,000 shovel-ready jobs, the Keystone XL Pipeline, which is a project that is teed up and ready to go. It would invest $7 billion initially and create 20,000 jobs immediately. It will address a very important issue for this country—energy.

We talk about getting away from the dependence on foreign sources of energy and becoming more energy independent, and we have an opportunity to do that and, at the same time, create economic opportunity in this country and get people back to work. It is a mystery as to why the administration and the President would not find this particular project to be in America's national interest.

It comes down to whether we are going to continue to import the oil, the energy we need, from unfriendly nations—we get about 700,000 barrels a day from Venezuela—or whether we will get that oil from a friendly neighbor such as Canada. When we look at that juxtaposition, that comparison, and ask should we get that 700,000 barrels of oil from Hugo Chavez or from Canada, most Americans would say it makes more sense to do business with our friendly ally to the north. Also, we would have that come down into this country in a 1,700-mile pipeline, which would transport that oil to refineries in the United States, where it would be refined and create jobs there as well.

In almost all respects, as we look at the project and the attributes that come with it, they are job creation, investment, energy security, not to mention the State and local tax revenue, which is something that is important to a lot of people whom I represent in South Dakota. In fact, I had someone from western South Dakota in my office last week, and he said: We care about the energy security issue, the jobs issue, and all that, but we need the tax revenue for our school districts and county governments that would be generated.

So we have all these positive benefits associated with this particular project. Yet after having studied it for 3 years, about 1,200 days, and having done multiple environmental impact statements—the last one concluded in August of last year—lo and behold, the President decides he is not going to move forward with this project.

We think that is terribly unfortunate, not in the national interest. We believe it is in the national interest to move forward to address the important energy security needs, as well as the needs for job creation and economic growth.

Two of my colleagues, former Governors, now Senators from Nebraska and North Dakota, are people who are well acquainted with these types of projects. The Governor from North Dakota was very involved when the first Keystone Pipeline that was built from Canada through North Dakota, South Dakota, Nebraska, and points south. That project went through a permitting process. It was a couple years in the making and it was approved. The construction process was concluded and it is now operational. That is an example of how this particular project can work.

This pipeline would cross the State of the Senator from Nebraska. There were concerns about whether it had the right route in order for this to be done in the best environmental way. Those issues have been addressed. The Nebraska legislature met in special session, and they and the Governor came up with an alternative idea about how to do this. They have been supportive of moving forward with this project as well.

The question before the House is if the President of the United States determines this is not in the national interest, notwithstanding the support of lots of Members of Congress on both sides of the aisle and I think overwhelming support of the States through which this line would traverse and the labor unions which represent a lot of people who are involved. Many editorial pages support this, including the Chicago Tribune, which said:

> Obama's decision will cost the U.S. jobs. . . . He seems to think those jobs will still be there when he gets around to making decision on the pipeline. But they may well be gone for good.

They go further and say his decision ''will deny the U.S. a reliable source of oil.''

They recognize the importance of this project and doing business with a friendly country, the importance of energy independence, and the fact that if we don't benefit from this, it will go somewhere else. They have made it abundantly clear this is not something—if the United States turns it down—they will continue to wait around for until sometime in the future when we might consider it. They will go somewhere else—probably China—with it.

For those reasons, we believe we need to do everything we can do to move this project forward. My colleagues came up with legislation that recognizes the role of the Congress under the commerce clause and our ability to approve this project. I hope we will get an opportunity to discuss and debate this issue in the Senate and get a vote and perhaps get a vote as well in the House of Representatives, where Congress could weigh in and perhaps change the President's mind about this important project.

I am glad to be with my colleagues today. I will yield to the Senator from North Dakota and the Senator from Nebraska, two great leaders on this particular issue and all issues relating to energy security. They understand the history of this, as well as its importance to America's future.

I ask the Senator from North Dakota if he would like to give us an insight about the first Keystone Pipeline, built through his State a few years ago, the history of that, and the history of how this particular project was put forward as well and why we think it ought to go forward.

Mr. HOEVEN. Mr. President, I thank the Senator from South Dakota for organizing the colloquy and I also thank the good Senator from Nebraska for joining us as well. I appreciate working with them on this project, which is not only vital to our State but to our country.

As the Senator from South Dakota said, this project is critically important to our country for a number of reasons. First, it will create tens of thousands of jobs. There will be a $7 billion investment, not one penny of which will be Federal Government spending but all private sector investment. The Perryman Group projected, when they did a study on the job creation, that it would create 20,000 construction jobs right away; it would create upward of 100,000 spinoff jobs as they expand refineries and with the other economic activity that is created. Some might dispute those job numbers, but any way we look at it, tens of thousands of jobs will be created by the private sector, which is why it has strong union support at a time when we have 13-plus million people out of work and we need the jobs.

As the Senator from South Dakota said, it will generate hundreds of millions in tax revenues from a growing economy, from more economic activity. The last I checked, it is pretty important at the local, State, and Federal levels to have those revenues coming in. In addition, it will reduce our dependence on oil from the Middle East. With what is going on in Iran—and they are threatening to blockade the Strait of Hormuz—and with gas prices at $3.50 a gallon, roughly, and going up, it is important to consumers and the businesses of this country that we use the oil in this country and from our closest ally, Canada, rather than relying on the Middle East.

The third point is, this oil will be produced. If we don't build the pipeline capacity to bring it to our refineries to be refined, it goes to China. That is a fact. It will be produced. It will either go to China or it will come to us.

I have this chart to give a history of the project because, as the good Senator from South Dakota said, this has been under review for more than 3 years. TransCanada, the company that is trying to build the pipeline, built this Keystone Pipeline already. That is this red line on the chart. That project was approved in 2 years. Again, Keystone XL has been under study more than 3 years. The sister pipeline has already been built, and that was approved in 2 years. It comes from Alberta, Canada, to the refineries in the Patoka, IL, area.

The existing project, as we can see, comes through North Dakota—that was when I was Governor—through South Dakota, and down through Nebraska. The Keystone XL comes just to the west. I point that out because of the Bakken oil play in North Dakota

and Montana, it is very important we have the ability to put oil into this pipeline. We are looking at putting 100,000 barrels a day of U.S. crude into this pipeline so it can get to our refineries. In other words, it is not just about bringing Canadian crude to our refineries; it is about bringing our own crude to them. It also saves wear and tear on our roads, and it is a safety issue because it reduces truck traffic. We are talking 500 truckloads a day and 17 million truck miles a year that we don't have to put on our roads. We don't have to have the traffic issues, the safety issues or the road issues in our country because we have the ability to move the product with this pipeline.

Let's look at this timeline. September, 2008. I know this is hard to read. I will make an important point. In September 2008, TransCanada applied for a permit for the Keystone XL Pipeline. In November of 2008, the current administration was elected. For the entire time the current administration has been in office, they have held up this project. It has gone through the full NEPA process. It had the full environmental impact studies done. Even the State Department said there would be a decision before the end of last year. For the entire time this administration has been in office, TransCanada was working to go through the process with EPA and the Department of State, and the Department of State said they would have a decision before the end of last year, but we still don't have a decision. We have to ask why. Why don't we have a decision? That is what we are talking about. It is long past time to act.

Let's look at this chart. What are we talking about? What we are talking about is this—another pipeline. We are talking about another pipeline just like the one that has already been built. How about the hundreds or maybe I should say thousands of pipelines we already have, and somehow we cannot build this pipeline? That doesn't make any sense. Somebody needs to explain this to us.

We have legislation, with 45 Senators, 45 sponsors, who are saying: Hey, it is time to move forward and build the project. As a matter of fact, we are doing everything we can to address any and all problems or concerns the administration has raised.

That is why I am going to turn it over now to my good colleague from Nebraska, because when the administration says there is an issue or a State or the EPA says there is an issue, we stepped up in our legislation and solved it. We say: Great, let's address it, but let's move forward for the good of our economy and the good of our country.

I defer now to the good Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, I appreciate the comments that have been offered by my colleagues from South Dakota and North Dakota. They absolutely have it right in terms of the importance of constructing this pipeline. There is no question that we are in a dire situation in this Nation. We need the jobs, we need the oil, and this pipeline can take a significant step forward in both regards.

I think the pipeline will be a huge help in those areas. But let me start by noting that I was a cosponsor of the first Keystone bill. I am also a cosponsor of the bill that Senators HOEVEN, LUGAR, and VITTER introduced just this past Monday, the bill we are talking about today.

Here is a very important point for my State. In both cases, and specifically in reference to this bill, the effort was specifically crafted to safeguard the route selection process that is occurring in Nebraska. I thank my colleagues for recognizing that work and recognizing that Nebraska has a process that will near completion this August or September. They have worked very hard to take into account our issues, and their bill recognizes that the Nebraska effort will continue.

They decided in our State—the Governor, the legislature, and TransCanada—to work on an alternative to the proposed route. Recognition occurred that the route through Nebraska involved some very sensitive land—the Sand Hills—and a very sensitive water supply—the Ogallala aquifer. The Governor called a special session, and, as we do in Nebraska, everybody sat down and said: How do we solve this problem?

So they came to an agreement that the best way to solve the problem was to do an environmental impact statement, which will be no cost to the Federal Government. It will be paid for by Nebraskans. That was part of the provision of this agreement. And TransCanada agreed they would work to reroute the pipeline through our State. Everybody shook hands. We are now in agreement. Our problem is solved in Nebraska.

For months and months, the Federal Government has been saying to the State of Nebraska: You have the power to route this pipeline through your State. And that is exactly what we are doing. So this legislation recognizes that agreement and says: Great, we are going to allow Nebraska to move forward. But very wisely this legislation also recognizes there is no need whatsoever for any delay on the remainder of this pipeline. This was the only segment—and it is a handful of miles in our State—that anybody was contesting. So why not issue the permit? Why not get the project going?

My colleagues worked very hard on coming up with a solution, and their solution works. It says: Construction can begin immediately. Why? Because, as my colleague from North Dakota has explained well, Congress has the constitutional authority to regulate foreign commerce. This bill exercises that power in a thoughtful, deliberate, and careful way. It says: Look, this project has gone through 3 years of study and analysis. It specifically notes in this legislation the part regarding Nebraska will be solved, as the Federal Government has been saying for months, by Nebraska officials, but that we can go forward and start construction elsewhere.

So what is holding up the creation of these jobs? What is holding up our ability to get more oil from places such as North Dakota and a friendly ally such as Canada, versus a very unfriendly ally in Hugo Chavez in Venezuela? What is holding that up? What could possibly be holding that up? Well, the simple answer to that question is, the President of the United States is holding it up.

The President is in a bind. The environmentalists have declared war on the oil sands in Canada. They do not want the pipeline because they do not want the oil sands. On the other hand, unions want to build the pipeline. They want the jobs, and thoughtfully so. So this is a time where Congress does need to step in and exercise our constitutional powers. This is nothing unusual. In fact, there was a recent opinion by the Congressional Research Service which noted the Congress has the power to do exactly what this legislation is doing.

I will wrap up my comments today and yield back the time to the Senators from South Dakota and North Dakota and say this: This is a win-win situation for everybody. It is a win because we create jobs. It is a win for our country because we are trying in every way possible to get the Federal Government to lessen our dependence on foreign oil. Maybe the only person who it is not a win for is President Obama in his reelection. But this is a case where we need to put national interest ahead of November.

I urge my colleagues to support this legislation that was thoughtfully crafted. It is the right approach. I thank them for their sensitivity to the process going on in the State of Nebraska.

Mr. THUNE. Mr. President, I appreciate the hard work of the Senator from Nebraska on this subject, as well as the Senator from North Dakota, and he has fashioned a solution which I think does give us an opportunity as a Congress to assert our role under the Constitution, under the commerce clause of the Constitution, to move this project forward, notwithstanding the opposition, really of one person—the President of the United States, who is the person right now who is standing in the way of this.

I would again say to my colleague from North Dakota, as we wrap up here, I hear people say this needs to be studied further; that we need to do more analysis. It is sort of mind-boggling to think after more than 1,200 days of study, analysis, review, and scrutiny that people would come to that conclusion. The Keystone XL

Pipeline I, which the Senator from North Dakota is well acquainted with because it goes through his State and he was involved in negotiating that project, took 693 days in the process of getting approved. What is interesting to me about this particular project is that after 1,200 days—longer than any of the pipelines of this magnitude—the extended review and more than 10,000 pages of environmental analysis concluded—concluded—the pipeline will not adversely impact the environment. When the announcement was made to deny the construction of the pipeline, the State Department still had 5 weeks to review it if they had chosen to use it. Clearly, the announcement wasn't based on policy but on political expediency, which is what the Senator from Nebraska pointed out.

There is a tremendous amount of resource in my colleague's State—the State of North Dakota—that could benefit as well. I think the State of North Dakota has the potential to generate somewhere on the order of 500,000 barrels of oil, about 100,000 of which, I am told, could be moved through this pipeline if it is approved. It seems to me at least, again, that here is a resource, an energy reserve in our country, in my colleague's State, that could benefit people in this country.

By the way, in 2011, Americans spent more on gasoline than any other year since 1981. And reports indicate that 2012 could be even worse. So when we look at the economic impact on Americans, from our not having our oil and energy being produced in this country, it is a very real impact. In fact, since the President has taken office, gas prices have gone from $1.84 a gallon to over $3.30 a gallon, and this pipeline could be part of that solution.

I want to end with a quote made by the State Department in their review of the pipeline. The Department of Energy, I should say, but it was part of the State Department's review. The Department of Energy noted:

> Gasoline prices in all markets served by East Coast and Gulf Coast refineries would decrease, including the Midwest.

That is coming from the State Department's review, the Department of Energy, that gasoline prices in all markets served by east coast and gulf coast refineries would decrease. That is a pretty remarkable economic impact, not to mention all the jobs that would be associated with the construction, and once it is operational the jobs that would be created in refining this oil.

So again it is a win-win, as we heard from the Senator from Nebraska, who said that initially their State had some concerns about the route, but that has been all resolved so this project can move forward.

The legislation of the Senator from North Dakota, which I am proud to support and cosponsor, I hope gets a vote in the Senate, and I know the Senator is going to do everything he can to advance it—I hope he does—and I look forward to working with him.

Mr. HOEVEN. Mr. President, I thank my colleague from South Dakota again for organizing this colloquy this morning. I thank him and the esteemed Senator from Nebraska for their support of this legislation.

Again, we have taken a problem-solving approach to this legislation, and we are continuing to do that. We will continue to work with other Members of the Senate and our colleagues in the House, but we need the administration to engage with us on this important issue for the good of the American people.

Again, I thank my colleague from South Dakota.

Mr. THUNE. Mr. President, with that, I yield back the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I thank the Chair.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2059 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WHITEHOUSE. Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLLEGE COSTS

Mr. DURBIN. Madam President, too many Americans are out of work. We know that. Without a steady income, it is hard for families to stay current on their monthly expenses. We have all talked about the consequences of losing a job. When I meet with the unemployed in Illinois, one of the first things we talk about is health insurance because that is one of the first casualties. It is very difficult if not impossible for someone unemployed to maintain COBRA payments once they are out of work. They deplete their savings and find themselves in a very vulnerable position. Some fall behind on mortgage payments. More than 4 million families have lost their homes since the housing crisis began in 2008. Another 10.7 million Americans own mortgages that are underwater—the homeowner owes more than the home is worth.

One of the major mortgage banking associations in Washington, DC, recently had a short sale of their headquarters building in Washington. They went underwater. They could not pay their mortgage, and they ended up selling. It is happening not just to businesses, obviously, but to a lot of homeowners.

It is hard to keep up with these basic expenses. A lot of people who used to donate to food banks are now in line at food banks. According to the U.S. Department of Agriculture, one out of six Americans really has a food issue. They are hungry at the highest level since the government started taking these numbers in 1995.

But there is another obligation, a financial obligation that needs a little more focus here in Washington. Private student loan debt is becoming the biggest burden for families across America. Student loan debt in October of 2010 for the first time in our history surpassed credit card debt in America. At public universities, the average debt for a graduating student was $20,200. At private nonprofits, it was $27,650. For students at for-profit colleges, the debt burden is even greater. Students at for-profit colleges graduated with an average debt of $33,000. More than three out of four young adults say that college has become harder to afford in the past 5 years. Almost as many say that graduates have more student debt than they can possibly manage. There are few penalties for schools whose students incur huge amounts of debt when the student cannot repay their loan.

How did we reach this point? Two trends have led to this phenomenal level of student loan debt:

First, the for-profit college industry has grown by leaps and bounds over the last decade. It is the fastest growing sector of higher education. Three numbers put it in perspective. Ten percent of students out of high school end up in for-profit schools, yet for-profit schools consume 25 percent of all the Federal aid to education and account for 44 percent of student loan defaults. What is the obvious conclusion? These for-profit colleges are drawing in more student loan assistance from the Federal Government than their counterparts in the public and nonprofit area, and their students, deep in debt, cannot find jobs to pay off their debts and default on their loans.

Second, the cost of college is so far out of reach for most people that they exhaust their ability to borrow from the government and end up taking out private loans. Private loans are not federally guaranteed. The issuer is not required to work with you to consolidate the loans or restructure them in the future. If that sounds familiar, that is because many of the banks issuing these loans are the same banks holding your mortgage. Even more outrageous, the loans are protected in bankruptcy. What that means is, unlike other loans we would incur in our lives that we might bring into a bankruptcy court in

desperation, these loans cannot be discharged in bankruptcy. These loans will trail the borrowers to the grave. Student loan decisions made at the age of 19, 20, and 21 years end up being a lifetime of responsibility.

Yesterday the president of a small, very good college in Illinois said that so many students she meets with who are interested in going to school are debt-dumb; they do not even understand debt as it might affect them today and tomorrow. Unfortunately, these for-profit schools—and many others—are taking advantage of students with little or no life experience who end up, many times, with their parents signing for student loan debt that is unconscionable, at levels they will never be able to repay in any reasonable time, and often, when it comes to for-profit schools, for worthless diplomas if the student is lucky enough to finish.

One of my constituents, Hannah Moore, recently contacted my office regarding her outstanding student debt. I wanted to bring this to the attention of the Senate. In 2007, Hannah graduated with a bachelor of arts from a for-profit school called the Harrington College of Design. It was part of the Career Education Corporation's program. When Hannah graduated in 2007 from the Harrington College of Design, her student debt was $124,570.

After she exhausted all her Federal student loan options, she turned to private loans when she wanted to finish and get a degree. At first she tried to manage her payments of close to $800 a month by working three jobs. Her Federal loan is a reasonable payment because she signed up for the income-based repayment program, but the private loan demands are unreasonable. When the payments became unmanageable, she tried to work out a plan with her lender. They refused. She said that she speaks to her lender about once a month asking for assistance, with no help. When it became apparent she would not be able to afford the payments, her family offered to help. Her dad, who had retired, got a job just to help his daughter make her student loan repayments. Dad went back to work, out of retirement. Her parents spend their time stressing over her loans with her.

Hannah is 30 years old. She wants to be independent, but her student debt of over $124,000 is making that impossible. With the help of her family, dad going back to work and all she can do, she makes her monthly payments, but her life is still very much on hold. She said, ''My education doesn't feel rewarding, it's a burden right now.'' When asked how her student loan debt is affecting her life, she said: I can't start a family, can't buy a house, I can't even buy a car. She rides her bike to work. Think about that. She went to college, she stuck with it, and she graduated with a degree of no value and $124,000 in student debt.

She is not alone. Every week I hear from constituents who are seeking relief, and I invite them to come to my Web site and tell me their stories about student loan debt in America.

Last week, in his State of the Union, the President spoke about a plan to keep the cost of higher education from going even further. His proposal will provide better information to families, while enlisting colleges and State governments to partner with the Federal Government to keep costs down while improving student outcomes.

To make sure students and families have accurate information, the President has proposed creating a college scorecard for all institutions of higher education—all of them. The scorecard will provide families with clear, concise information about affordability and student outcomes—how many students go to this school and finish, how many who finish with a degree get a job. It is a pretty basic question. Then students and their families can make a good choice. They will not be overwhelmed by the spam and ads tossed at them on the Internet.

The plan would reward schools that give value, serve low-income students, and set reasonable tuition policies. These schools would be rewarded with additional campus-based aid so more students can attend college.

The President's proposal also builds on the success of the current Race to the Top Program by creating a new Race to the Top Program rewarding college affordability and completion that will promote change in State systems of higher education. This Race to the Top challenge will incentivize Governors and State legislatures around the Nation to join us in keeping tuition costs down.

Following the President's challenge to keep college costs down, the Senate HELP Committee is holding hearings this week on college affordability. I thank them for that. It is long overdue, and I look forward to working with Senators HARKIN and ENZI on this issue.

A hearing we had just a week or so ago in Chicago on the abuse of the GI bill education rights by for-profit schools should be a wake-up call to every Member of Congress. Holly Petraeus, the wife of General Petraeus, testified. She works at the Consumer Financial Protection Bureau, an agency that is in the news. It is controversial because the appointment of its Director, Richard Cordray, was announced by the President by executive appointment when the Senate refused to give him an opportunity to serve.

The Senate refused to break a filibuster on Mr. Cordray, even though I heard no speeches criticizing his ability. The speeches criticized the agency, which some Republicans loathe and despise, but it is in the law and it should be given a chance to work. Those who are critical of it should meet with Holly Petraeus, General Petraeus's wife. She is working with military families trying to stop the abuses of for-profit schools under the GI bill. That is something on which we should all join together, Democrats and Republicans alike. Americans who serve in the military are entitled to not only the GI bill but to institutions of learning that give them a chance to take their time in school and turn it into a much better life for themselves and their families.

I hope we can come together on the question of affordability and on taking a close look at many of these institutions of higher learning that are, unfortunately, defrauding many innocent children, families, and veterans who are returning from conflicts in Iraq and Afghanistan.

Madam 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. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2038, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2038) to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

Pending:

Reid amendment No. 1470, in the nature of a substitute.

Reid (for Lieberman) amendment No. 1482 (to amendment No. 1470), to make a technical amendment to a reporting requirement.

Brown (OH) amendment No. 1478 (to amendment No. 1470), to change the reporting requirement to 10 days.

Brown (OH)-Merkley amendment No. 1481 (to amendment No. 1470), to prohibit financial conflicts of interest by Senators and staff.

Toomey amendment No. 1472 (to amendment No. 1470), to prohibit earmarks.

Thune amendment No. 1477 (to amendment No. 1470), to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

McCain amendment No. 1471 (to amendment No. 1470), to protect the American taxpayer by prohibiting bonuses for senior executives at Fannie Mae and Freddie Mac while they are in conservatorship.

Leahy-Cornyn amendment No. 1483 (to amendment No. 1470), to deter public corruption.

Coburn amendment No. 1473 (to amendment No. 1470), to prevent the creation of duplicative and overlapping Federal programs.

Coburn-McCain amendment No. 1474 (to amendment No. 1470), to require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House.

Coburn amendment No. 1476, in the nature of a substitute.

Paul amendment No. 1484 (to amendment No. 1470), to require Members of Congress to certify that they are not trading using material, nonpublic information.

Paul amendment No. 1485 (to amendment No. 1470), to apply the reporting requirements to Federal employees and judicial officers.

Paul amendment No. 1487 (to amendment No. 1470), to prohibit executive branch appointees or staff holding positions that give them oversight, rulemaking, loan or grantmaking abilities over industries or companies in which they or their spouse have a significant financial interest.

DeMint amendment No. 1488 (to amendment No. 1470), to express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the number of terms a Member of Congress may serve.

Paul amendment No. 1490 (to amendment No. 1470), to require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, it is a new day and with it comes the hope we will make more progress than we did yesterday. Actually, we were prepared, after some good work by the four of us—Senator COLLINS; Senator BROWN; the occupant of the chair, Senator GILLIBRAND; and myself—and our staffs to move forward yesterday afternoon. Unfortunately, we were blocked in that. But I know efforts continue to allow us to at least proceed with the amendment Senator PAUL offered that was modified—or prepared to be modified, after discussion, with a reasonable conclusion that I think will be supported by most Members of the Senate.

There is so much we can do. Our staffs worked overnight. They have tried to divide the amendments into those that are germane and relevant and those that are not. I understand leadership on both sides will be talking about how to proceed.

I repeat what I said at the outset—and I know all of us who have worked so hard to respond to the concern that Members of Congress and our staffs are not covered by insider trading laws—that we not try to solve every problem or correct every potential source of public mistrust of Congress on this bill for fear that we will, therefore, never get anything accomplished.

I am hopeful, as the morning goes on and certainly into the afternoon, after discussions that occur at the lunch hour, we will be able to proceed to handle some amendments in an expeditious way and that we can see our way to the end of consideration of this bill, remembering that on the basic provisions of the bill we have overwhelming bipartisan support.

I understand the vote on cloture to proceed to the bill does not exactly express support for the final vote, but there were only two who voted against cloture, so clearly an overwhelming number of Members of the Senate want to proceed to vote on the bill.

If we do not break this unfortunate and unnecessary and harmful gridlock, either the majority leader is going to have to file cloture or leave the bill and go on to other pressing business—FAA reauthorization and the like—and that would be not only disappointing to us, but having aroused the hope that we would respond to the public concern and anger about the possibility that we are not covered by insider trading laws, we will have ended up increasing that concern and anger and disenchantment with Congress. I do not think any of us want to do that.

With that appeal to our colleagues to apply a certain rule of reason so we can get something done that will be good for our government and the people's respect for us, I am very pleased to see my colleague from Connecticut, Senator BLUMENTHAL, in the Chamber. I know he has an amendment he wants to offer at this time, and I will yield the floor to him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I thank the Presiding Officer, the distinguished Senator from New York, and my colleagues, Senator LIEBERMAN, Senator COLLINS, and Senator BROWN, for their superb leadership on this issue, and I am very pleased to strongly support the underlying bill.

AMENDMENT NO. 1498 TO AMENDMENT NO. 1470

Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Madam President, I call up amendment No. 1498.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. BLUMENTHAL], for himself and Mr. KIRK, proposes an amendment numbered 1498 to amendment No. 1470.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses)

At the appropriate place, insert the following:

SEC. ___. APPLICATION TO OTHER ELECTED OFFICIALS AND CRIMINAL OFFENSES.

(a) APPLICATION TO OTHER ELECTED OFFICIALS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(o)(2)(A) of title 5, United States Code, is amended—

(A) in clause (i), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in clause (ii), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(l)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in subparagraph (B), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(b) CRIMINAL OFFENSES.—Section 8332(o)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking clause (iii) and inserting the following:

''(iii) The offense—

''(I) is committed after the date of enactment of this subsection and—

''(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(II) is committed after the date of enactment of the STOCK Act and—

''(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii).''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

''(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

''(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

''(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the Unites States Court of Appeals for the Federal Circuit by Member of Congress).

''(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

''(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

''(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

''(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

''(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

''(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).

''(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

''(xi) An offense under section 607 of title 18 (relating to place of solicitation).

''(xii) An offense under section 641 of title 18 (relating to public money, property or records).

''(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

''(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

''(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

''(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

''(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

''(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

''(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

''(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

''(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

''(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

''(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

''(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

''(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

''(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

''(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

''(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

''(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

''(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under clause (xxix), to the extent provided in such clause.

''(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).''.

Mr. BLUMENTHAL. Madam President, essentially this amendment, very simply and directly, assures that Members of Congress who may be prosecuted and convicted of the offenses specified in the amendment also should see their pensions revoked, along with potentially other crimes that they may have committed.

The purpose essentially is to assure the credibility of Congress by revoking pensions of corrupt Members of Congress, not only those who may be convicted under this pending bill—insider trading—but also a variety of other public corruption offenses. In fact, the amendment adds 22 new public corruption offenses to existing law that merit the cancellation or revoking of congressional pensions.

I have worked with Senator KIRK, who, unfortunately, could not be with us today. He and his staff have been integral. It is a bipartisan-proposed statute that is similar to one I worked to enact in Connecticut when I was the attorney general there.

The guiding principle is absolutely crystal clear, consistent with the basic measure we are considering: not one dime of taxpayer money should go to corrupt elected officials.

Over the past 50 years, Members of Congress have been convicted of 16 separate felonies. So the need for this measure is considerable, even if it is a small minority of the Members of Congress. In fact, right now, approximately $800,000 a year is paid to Members of Congress who have been convicted of these kinds of felonies.

So I wish to particularly thank Senator KIRK and quote him since he could not be here today. He said, earlier this year, of this legislation:

American taxpayers should not be on the hook for the pension benefits of convicted felons. Expanding current law to include additional public corruption felonies will block pension benefits for Members who fail to honor their pledge to defend the Constitution and uphold the laws of the United States. Once you have violated the public trust in that way, I think that the taxpayers should not be supporting your retirement.

In short, very simply, a breach of law by an elected official is a serious offense that should have consequences. Taxpayers should not pay for the retirement benefits of elected officials convicted of a felony—Members of Congress, anyone else—especially as the United States faces the soaring deficits that it does now and the crippling debt that grows even higher.

I urge my colleagues to support this amendment.

I yield the floor.

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. SHELBY. 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. 1491 TO AMENDMENT NO. 1470

Mr. SHELBY. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up my amendment No. 1491, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 1491 to amendment No. 1470.

Mr. SHELBY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies)

On page 7, line 7, strike ''a'' insert ''each officer or employee as referred to in subsection (f), including each''.

On page 7, line 8 insert a comma after ''employee of Congress''.

At the end, insert the following:

''SEC. 11. PROMPT REPORTING AND PUBLIC FILING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

''Each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978.''.

Mr. SHELBY. Madam President, I rise today to talk about the amendment that I have offered, No. 1491, to the STOCK Act.

Right now, the STOCK Act, as it is written, does not apply to the public disclosure requirements to the executive branch or independent agencies.

The amendment that I have offered this morning ensures the public disclosure of all trading by senior government officials. Yes, I will say it again. My amendment ensures the public disclosure of all trading by senior government officials.

This is a very reasonable amendment, as it is limited to the executive branch and independent agency personnel who are already subject to the reporting requirements.

My amendment merely expands the enhanced disclosure requirement under the STOCK Act to these current filers. Without this amendment, it would be impossible for the public to know whether the executive branch officials are complying with the STOCK Act. The public should be able to monitor trades of all executive and legislative branch officials in the same manner. Let's not make Congress transparent while leaving the executive branch and independent agencies in the dark.

Ironically, the disclosure provisions of the STOCK Act currently do not apply to the Securities and Exchange Commission, their employees, and so forth, which is the body that will be responsible for enforcing such provisions on Congress. That is nonsense. The SEC, which has access to vast financial markets information, should be held to

the same standards it has been charged with enforcing.

My amendment will apply the disclosure provisions of the STOCK Act to all branches, ensuring transparency for all in government.

I appreciate the willingness of the chairman and ranking member of the Homeland Security and Governmental Affairs Committee to work with me. I look forward to working with them more to improve public disclosure for both the executive and legislative branches.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Alabama for coming to the floor and proposing his amendment. I agree that there should be parity between the legislative and executive branches wherever it is appropriate. I am very happy to work with him.

I must say that yesterday we made some progress on a somewhat similar amendment by Senator PAUL to appropriately scope the amendment on requiring executive branch officials to report on their financial transactions to Senate-confirmed positions. I don't know whether that is the resolution here, but I think we should work on it. I want to state for the record that the executive branch is not free of conflict-of-interest regulations. In fact, in some sense you might say they have tougher restrictions. Even the SEC employees have to get permission before they can make stock transactions, and then they have to file disclosures not within 30 or 10 days but within 2 days, I believe. There are many other regulations on them.

I think part of what is going on here is the nature of the two branches of Government to deal with conflicts of interest. We have focused on a system of disclosure and transparency. We have embraced the adage that sunlight is the best disinfectant. In contrast, the executive branch actually addresses potential conflicts of interest through not just transparency but statutory mandates that require the divestiture of stock when it may involve a conflict of interest and recusal being involved in handling anything that relates to any personal interest that an individual in the executive branch has. There is a very extensive system of high-ranking agency officials being forced to divest themselves of conflicting stock holdings—obviously, sometimes at a financial loss.

There could be an amendment to come up on that. But to do it in exactly the way—at least on the recusal section—the executive branch does it would not be appropriate for Members of Congress because Members are called on to vote on issues across the widest array of activity. Recusal, therefore, is not a viable option because it would deny our constituents representation and our votes on a very wide array of public issues. An amendment on divestiture of blind trusts or mutual funds is another question.

But the main point I wanted to make is there is a lot of regulation on the executive branch. The ethics rules, requirements, and guidance that have been put forth over the years by the Office of Government Ethics and at the agencies are extensive. I know volume of pages of law isn't everything, but it says a lot. There are six pages in the Senate Code of Conduct that cover conflicts of interest, while there are literally hundreds of pages of rules and requirements governing such conflict of interest situations for the executive branch.

The amendment offered by the Senator from Alabama, as drafted, would require that the annual filings of over 300,000 career civil servants and managers be published on the Internet. That is a lot of people and a lot of work to be done to process and handle those. But I understand the intention of Senator SHELBY. I think it is a good intention. Senator WYDEN has a similar amendment, and I wish to work with them, as I know Senator COLLINS would as well, to see if we can come to some meeting of the minds that would allow us to achieve the purpose we all have in the underlying bill, which is to build confidence in our government and its integrity.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Maine.

Ms. COLLINS. Mr. President, I support the intent of the amendment offered by the Senator from Alabama. I think he is right, we need parity, as much as possible, in the disclosure requirements. I also believe he is correct the disclosure reports should be online so they are easily accessible. So the intent of his amendment is one I wholeheartedly support.

As Senator LIEBERMAN does, I have some questions about the universe of Federal employees who would be covered by the amendment of the Senator from Alabama. We have been working successfully with the Senator from Kentucky, who first brought up this issue of parity, to make sure the scope of coverage is appropriate. It seems to me one way to solve these issues is to use a similar scope as we have agreed on with Senator PAUL in the amendment that Senator SHELBY has brought forth. We would then have a certain consistency that we had vetted the universe of Federal employees that should be covered. That seems to me to be a very appropriate and relatively easy fix to this issue.

I do want to emphasize that I agree with Senator SHELBY that those Federal employees should be required to file in the same timeframes as Members of Congress and their staffs, and that certainly those reports should be accessible online.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1481

Mr. BROWN of Ohio. Mr. President, across the Nation, Americans wonder if Washington is working for them. Congress's approval rate, as we know so well, is an abysmal 13 percent, 12 percent—different surveys—but not very good. One factor contributing to this distrust is the sense that elites in Washington are using their positions to get ahead financially. Members of Congress have the privilege and the honor of being elected to serve the public. Unfortunately, some elected officials have used the information they have acquired through service to the public—and I might put service to the public in quotation marks—to enrich their stock holdings. That is wrong. Public servants should not receive financial benefits for the votes they cast or the issues they work on. That is why I appreciate the work Senator GILLIBRAND, Senator LIEBERMAN, and Senator COLLINS are doing in this legislation.

How many articles do we have to read about the appearance of impropriety on the investment decisions of lawmakers and their staff? In a Washington Post article from June of 2010, Taxpayers for Common Sense said:

> By being on a committee with a particular jurisdiction, they're in a better position of influencing the performance of their investments, or at least appearing to have that ability.

I am not saying my colleagues do that. I think perhaps some do. I do not know that, but I do know that the appearance to the public is that Members of the Senate are in a position to enrich themselves on a variety of issues and investments.

In a Washington Post article on December 20, the Project on Government Oversight—this was about a year, 13, 14 months ago, this article—said:

> It's a problem. They will come back and say that it's ludicrous that I would think of my stocks, that they only think about the nation's interests and of their constituents. The problem is, we can't know.

That is exactly right. We can't know.

This is a USA editorial from yesterday:

> If lawmakers were really concerned with ethics, they'd put their equity holdings in blind trusts, so they wouldn't have the obvious conflict of interest that comes from setting the rules for the companies they own.
>
> Banking committee members wouldn't invest in financial institutions, armed services committee members wouldn't invest in defense contractors, and energy committee members wouldn't investment in oil companies.

These stories simply do not reflect well on the world's greatest deliberative body. Most of us think these investments don't affect our decisions. They probably do not. But isn't it time we hold ourselves to a higher standard?

That is what the STOCK Act is all about. The Senate is considering the

STOCK Act, which clarifies the insider trading laws, that they apply the same way to Members of Congress as they do to people in the rest of the country. But the STOCK Act only deals with insider trading, which is very important, but that is only a small part of the problem. Senator MERKLEY and I are proposing the Putting the People's Interests First Act amendment to the STOCK Act. It would require all Senators and senior staff, probably legislative director, their most senior legislative people—person—and their Chief of Staff, all Senators and their Chiefs of Staff, all subject to financial disclosure, to sell individual stocks, divest themselves of individual stocks that create conflicts or place all of those individual stock investments in blind trusts.

No one is required to avoid equities. We can still invest in broad-based mutual funds or exchange-traded funds. We have already had this in a limited way. Senate ethics rule 37.7 requires committee staff making more than $125,000 a year to ''divest himself or herself of any substantial holdings which may be directly affected by the actions of the committee for which {that person} works'' unless the Ethics Committee approves an alternate arrangement.

The Armed Services Committee requires all staff, spouses, and dependents to divest themselves of stock in companies doing business with the Department of Defense and Department of Energy. The Committee does permit the use of blind trusts.

In the executive branch, Federal regulations and Federal criminal law generally prohibit employees, their spouses, and their children from owning stock in companies they regulate.

All Senator MERKLEY and I are saying is Members of the Senate should hold themselves to the same standard we require of committee staff and executive branch employees. We tell committee staff and executive branch employees they can't do this. Why should we be allowed to do this? If we think this is a sacrifice—which it is not, ultimately—remember that while the median net worth of all Americans dropped 8 percent from 2004 to 2010, the median net worth of Members of Congress jumped 15 percent over that same period. It is not a judgment of my colleagues, simply what we should do, what the public would want us to do.

Some argue selling our stock will make us lose touch with the rest of society. That thinking falls on deaf ears for most Americans. Why should they vote on issues that affect the oil industry when they own oil stocks? Why should Members of the Senate vote on issues that affect health care when they own stock in pharmaceutical companies—Big PhRMA stocks?

Appearance matters. Right now the American people do not trust that we are acting in the Nation's best interests far too often.

I will close with this and then turn to Senator MERKLEY. Public service is a privilege. Folks around Washington are paid pretty well for what we do—are paid very well for what we do. We take these jobs seriously. We should take them seriously. We should look at them as the privilege they are to serve in the greatest deliberative body in the world and get to serve my State, 11 million people; the State of Senator GILLIBRAND, 19 million people, something like that; and the State of Senator MERKLEY—millions of people we serve. It is a privilege to do it. There is no reason our colleagues need to be buying and selling stocks in multimillion dollar portfolios. When asked about the fact that the Senate Armed Services Committee conflict of interest rules apply only to staff and to DOD appointees, President Bush's Deputy Secretary of Defense Gordon England said, ''I think Congress should live by the rules they impose on other people.''

In the State of the Union Address the President said, ''Let's limit any elected official from owning stocks in industries they impact.''

Everything we do in this body, almost everything we do—committee hearings, floor sessions, calls to agencies—affects businesses and the profits businesses make or do not make. That is why Senator MERKLEY and I are introducing this amendment. It is simple. It is direct. The public should expect nothing else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to rise today in support of the STOCK Act and in support of amendment No. 1481 that my colleague from Ohio has put forward to address the fundamental issues of conflict of interest that reside here in our body.

Let me start with the defining principle; that is, there should not be one set of rules for Members of Congress and a different set of rules for ordinary Americans. I think the citizens of the United States of America in every State understand that principle. Everyone else in the country has to abide by rules that say they cannot profit in the stock market from privileged information. There is no reason those rules should not apply to Members of Congress.

Indeed, Members of Congress at any given time can hold access to immense amounts of information from previews of economic forecasts, from advanced knowledge of events affecting major employers in their State, to classified defense information that might have implications for, for example, the oil market.

Under the right circumstances, all of this information can provide insider knowledge of which ways the markets are likely to move. So I am delighted that this body has voted overwhelmingly to move forward with the STOCK Act. It would make clear that trading on congressional knowledge is no more acceptable than any other form of insider trading, and it would also make financial disclosures for Members of the Senate searchable online, and that is also very important in the principle of transparency.

These are important steps, but they do not go far enough. Let's remember that insider trading is extraordinarily difficult to define and extraordinarily difficult to prosecute. Where did you get that information and what truly motivated you to make a particular trade in a stock? And because of that, when the conflict of interest exists, we have stepped forward to say that this must be addressed. We ask members of the executive branch to put aside their individual stocks in situations where the conflict arises. We ask our staff members to set aside and divest themselves of their stock when a conflict of interest arises. We applaud the fact that partners in law firms dealing with cases set aside and divest themselves of stock when the conflict of interest arises. But somehow we have not seen fit to have the debate about our own activities.

My colleague put it very well when he said: Why should we allow Members of Congress to hold oil stocks and then vote on issues affecting oil companies? Why should folks be able to invest in renewable energy companies and then fight for tax credits that benefit renewable energy companies? Why should we allow Members to hold stock in pharmaceutical companies and then be deciding on issues such as whether we should have competition in the pricing of pharmaceuticals for Medicare? It is a direct conflict of interest.

Any Member of this body who says, I never even gave a passing thought to the impact on my several-hundred-thousand-dollar investment in X, Y, and Z, I must say, well, I honor their thought, but it doesn't address the issue about us as an institution because no one else outside these walls will believe you didn't think a little bit about the impact on your personal financial portfolio when you voted for that tax credit or you voted for that policy that made your investment worth a lot more than it would have been otherwise.

The people in America are far ahead of us. During January, I had seven townhall meetings in which the STOCK Act came up several times, and I asked for feedback. I said: How many folks here believe Congress should live by the same rules of insider trading that everyone else in America lives by? And there was not a person who raised their hand in support of having a separate set of rules for Congress. Then I asked the question: Do you think we should go further? Should Members not be allowed to hold individual stocks given that they are making decisions that affect the values of the stock? Again universal support that Congress should address this conflict of interest in the same way we have addressed it for the executive branch or for our staff members. So the citizens of this country understand this.

The amendment that Senator BROWN is championing and that I am partnering to support has three advantages: It directly prevents conflict of interest, and that is a good thing. Second, it eliminates the appearance of impropriety. It gives Americans confidence that we are addressing issues not with a thought to our personal financial status, and that is a good thing. Third, it is very straightforward to enforce. It is not like insider trading, which is difficult to define and difficult to prosecute. It is very clear-cut. You get rid of your individual stocks and you hold broad mutual funds, you hold your investments in a blind trust. These are reasonable options. So for these three reasons, the Members of this body should debate this.

I know many do not agree. A number have come up to me and said they are almost offended by the notion that we would address conflict of interest in this body. I would invite them to come to the floor and converse on this. Yes, it is a longstanding Senate tradition, but there have been a lot of longstanding Senate traditions that didn't work well for the Senate and our place in helping to shape the laws of this Nation. We have changed many of them, and we should change this.

I encourage my colleagues to support the amendment Senator BROWN has put forward, and I applaud him for doing so.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1481, AS MODIFIED

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to bring up a modified version of amendment No. 1481.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. _____. PUTTING THE PEOPLE'S INTERESTS FIRST ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''Putting the People's Interests First Act of 2012''.

(b) IN GENERAL.—A covered person shall be prohibited from holding and shall divest themselves of any covered investment that is directly, reasonably, and foreseeably affected by the official actions of such covered person, to avoid any conflict of interest, or the appearance thereof. Any divestiture shall occur within a reasonable period of time.

(c) DEFINITIONS.—In this section:

(1) SECURITIES.—The term ''securities'' has the same meaning as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(2) COVERED PERSON.—The term ''covered person'' means a Member, officer, or employee of the Senate, their spouse, and their dependents.

(3) COVERED INVESTMENT.—The term ''covered investment'' means investment in securities in any company, any comparable economic interest acquired through synthetic means such as the use of derivatives, or short selling any publicly traded securities.

(4) OFFICER OR EMPLOYEE.—The term ''officer or employee of the Senate'' means any individual whose compensation is disbursed by the Secretary of the Senate or employee of the legislative branch (except any officer or employee of the Government Accountability Office) who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule.

(5) SHORT SELLING.—The term ''short selling'' means entering into a transaction that has the effect of creating a net short position in a publicly traded company.

(d) EXCEPTIONS.—

(1) BROAD-BASED INVESTMENTS.—Nothing in this section shall preclude a covered person from investing in broad-based investments, such as diversified mutual funds and unit investment trusts, sector mutual funds, or employee benefit plans, even if a portion of the funds are invested in a security, so long as the covered person has no control over or knowledge of the management of the investment, other than information made available to the public by the mutual fund.

(2) CERTAIN SPOUSAL INVESTMENTS.—Nothing in this section shall preclude a spouse from purchasing, selling, investing, or otherwise acquiring or disposing of the securities of the company in which the spouse is employed.

(e) TRUSTS.—

(1) IN GENERAL.—On a case-by-case basis, the Select Committee on Ethics may authorize a covered person to place their securities holdings in a qualified blind trust approved by the committee under section 102(f) of the Ethics in Government Act of 1978.

(2) BLIND TRUST.—A blind trust permitted under this subsection shall meet the criteria in section 102(f)(4)(B) of the Ethics in Government Act of 1978, unless an alternative arrangement is approved by the Select Committee on Ethics.

(f) APPLICATION.—This section does not apply to an individual employed by the Secretary of the Senate or the Sergeant at Arms.

(g) ADMINISTRATION AND ENFORCEMENT.—

(1) ADMINISTRATION.—The provisions of this section shall be administered by the Select Committee on Ethics of the Senate. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this section.

(2) ENFORCEMENT.—

(A) PENALTY.—Whoever knowingly fails to comply with this section shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

(B) REPORTING.—

(i) COMMITTEE NOTIFICATION.—The Select Committee on Ethics shall notify the United States Attorney for the District of Columbia that a covered person has violated this section.

(ii) SECRETARY OF THE SENATE NOTIFICATION.—The Secretary of the Senate shall notify the United States Attorney for the District of Columbia that a covered person required to file reports under title I of the Ethics in Government Act has violated this section.

Mr. BROWN of Ohio. Mr. President, I would just briefly explain that we narrowed the amendment to only cover those who disclose, which means people pretty much making over $120,000 or so. It conforms with the disclosure requirement under the STOCK Act. Our concern is top staff in major decision-making positions and sitting U.S. Senators. That is our target, that is our concern, and we wanted to conform it with provisions Senator GILLIBRAND has put in her legislation subject to the STOCK Act.

Thank you, Mr. President. I appreciate Senator MERKLEY's input and involvement in helping with this amendment.

I yield the floor.

Mrs. GILLIBRAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

AMENDMENT NO. 1500 TO AMENDMENT NO. 1470

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 1500.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mrs. HUTCHISON, proposes an amendment numbered 1500 to amendment No. 1470.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit unauthorized earmarks)

At the end of the amendment, insert the following:

SEC. _____. PROHIBITION ON UNAUTHORIZED EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, conference report, or amendment that provides an earmark.

(b) SUPERMAJORITY.—

(1) WAIVER.—The provisions of subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fourths of the Members, duly chosen and sworn.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fourths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) EARMARK DEFINED.—In this resolution, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district unless the provision or language—

(1) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction;

(2) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or

(3) is awarded through a statutory or administrative formula-driven or competitive award process.

Mr. INHOFE. Mr. President, today I understand Senator TOOMEY is going to be offering an amendment that will—it is quite an oversimplification to state it this way, but it would make permanent the temporary ban on earmarks. I think this is something we have talked about and talked about and talked about on this floor. In fact, the last time we talked about an amendment to put a moratorium on earmarks, my conservative rating of No. 1 in the U.S. Senate moved to No. 20 because I was telling the truth and not demagoguing an issue.

The problem we have is this: When the House of Representatives, first of all, came up some time ago—2 years ago—with doing away with earmarks, putting a moratorium on earmarks, then they defined what that moratorium was and defined an earmark in a certain House rule. The bottom line is this: It said it is any kind of an appropriation or authorization.

Now, here is where the problem is. Because everybody is upset with the process that has taken place by Democrats and Republicans on the floor of this Senate—and I will not name names, but I think most of the Members know the ones I am talking about. Many of them are members of the Appropriations Committee, where they would sit down during the course of an appropriations bill, and they would swap out deals, favors, and get things for their State. This is the type of thing that is wrong, and it should not take place.

But I have to remind my friends here that we have a Constitution for this country. Article I, section 9 of the Constitution makes it very clear that we—those of us in this Chamber and in the House Chamber across the hall—have a primary constitutional responsibility; that is, to authorize and appropriate. That is what article I, section 9 of the Constitution says we are supposed to be doing.

If you go back and study what Justice Joseph Story, back in 1833, talked about, he kind of made the interpretation of the intent of the Constitution so far as what our duties and the President's are. He said very clearly that we are doing this because if the President has the power to do the appropriating—or if you want to call it earmarks, you can call it earmarks—appropriating or authorization, that is too much power in the hands of one person. So he is very specific that our Founding Fathers wanted to make sure the President does not do this.

So what happens today? Today we get a budget from the President, which is taking place right now as we speak. I could talk about this, all the deficits in the budget and all that, but that is not my purpose for being here. My purpose for being here is to articulate how things are working today and how they have worked up until the moratorium language came into effect.

The President sends a budget to Congress. Then that is supposed to go to authorizing committees. I am on two authorizing committees—one is Environment and Public Works, one is the Senate Armed Services Committee. The Senate Armed Services Committee is staffed with experts in areas of missile defense, in areas of national defense, in areas of strike vehicles, in areas of lift capacity—all the areas that are in his budget in every area of national defense. But here is the thing: These are experts, so they advise us as we have our meetings and we are drafting in the Senate Armed Services Committee—SASC—the defense authorization bill, the NDAA, as we did just a few months ago. We come up with how we think we should be spending the money to defend America within the parameters of the President's budget.

I will give you an example. A couple years ago, before there was any discussion on the moratorium, the President had in his budget $330 million to go to a launching system. It was called a bucket of rockets. It was a good system, something we need, something that would be very helpful to have. But with the limited resources we have and the fact that we were fighting a war on two fronts at that time, we made a determination in the Senate Armed Services Committee that $330 million would be better spent if we bought six new F–18E/F models. Those are strike vehicles. One of reasons for that was the President in his budget did away with the only fifth-generation fighter we had, the F–22. That was back in his first budget, and he is talking about delaying the F–35, the Joint Strike Fighter, which is going to be necessary to have.

So we made that decision, and that was made by a majority of the members of the Senate Armed Services Committee. It had nothing to do with whose home State makes the F–18. None of that made any difference. It was just that we could do a lot more to defend America by having six new F–18s than we could by having the launching system called a bucket of rockets. Now, if you do that today, that is an earmark, to say: Well, no, that was not in the President's budget.

I have to remind everyone, it does not matter whether the President of the United States is a Democrat or Republican; the President is the guy who designs the budget. A lot of people do not know that. It is not the Democrats, not the Republicans, not the House, not the Senate. It is the President. When he designs this budget, he makes the determination as to how he thinks everything should be spent. If we say we cannot do authorization and appropriation, then that would be called an earmark, and there is a ban on earmarks.

The reason I have kind of walked around the barn a long way on this issue is that I have an amendment, the amendment I have just now brought up for consideration, amendment No. 1500. What that does is it merely defines an earmark as an appropriation that has not been authorized. I just described the authorization process. If we go through that, then there are not going to be any earmarks in the way most people think of earmarks, but we will be doing our duty.

I feel very confident we are going to be able to get this passed. Several of the individuals here very responsibly have talked about this issue. For example, Senator TOOMEY said yesterday on the floor that some earmarks ''ought to be funded. But they ought to be funded in a transparent and honest way, subject to evaluation by an authorizing committee.'' So here is the author of the ban on earmarks agreeing that if we go through an authorization process, it is all right to fulfill our constitutional function of appropriating and authorizing.

Senator COBURN, my junior Senator, said:

> It is not wrong to go through an authorization process where your colleagues can actually see it. It is wrong to hide something in a bill. . . .

Agreed. We all agree on that. That was a year ago when he made that statement.

Senator MCCAIN—by the way, I introduced this amendment in bill form last year. He was my cosponsor. We introduced it together. That was merely changing the definition of an earmark to be an appropriation or spending that has not been authorized.

Senator MCCAIN said:

> Some of those earmarks are worthy. If they are worthy, then they should be authorized.

That is the whole issue. I can understand some Democrats wanting to do away with congressional earmarks because if they do that, it goes right back to Obama. If I were in a position where I felt President Obama or any other President could do a better job of appropriating money, that would be another motivation to do this. But for responsible conservatives who believe in what the Constitution says, this is a very easy solution to the problem.

The amendment will be brought up. I do not know when yet. I suppose I could find out just what our timing is going to be. But the amendment I have offered simply bans any congressional earmark that is not first authorized.

If we do this, instead of an outright ban, it will preserve our ability to keep the President's power in check. I would hope that many of my colleagues go back and read what our Founding Fathers had in mind when they talked about article I of the Constitution. I think they would find that they made it very clear we want to have a separation of those powers so we do not have either the House or the Senate or the Presidency doing everything. Instead, we should follow the Constitution.

So that is what my amendment is all about. I will be looking forward to bringing it up. I think it probably will be considered today. I look forward to that.

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.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, we have an incredibly important opportunity to do something so basic, so commonsense to begin restoring the faith and trust that the American people have in this institution. We have a responsibility to do it right, to show without question, without any ambiguity, that all Members of Congress, their staffs, and Federal employees play by the exact same rules as everyday Americans.

The American people deserve to know their lawmakers' only interest is in what is best for the country, not their financial interest. Members of Congress, their families, their staffs, and Federal employees should not be able to gain any personal profit from information they have access to that ordinary Americans do not—whether it is trading stock or making inside real estate deals. It is simply not right. Nobody should be above the rules.

The commonsense bill before us would finally codify this principle into law, as it should be. Chairman LIEBERMAN, Ranking Member COLLINS, Senator BROWN of Massachusetts, and their committee members and staffs have crafted a very strong bipartisan bill with teeth that is narrowly tailored and targeted to ensure that we achieve this very common goal. Because of this bipartisan work, last night this Chamber came together in what has become nearly an unprecedented fashion these days and voted almost unanimously to begin debate on this sorely needed legislation. As we continue to debate, I urge my colleagues to focus on the specific task at hand. Let's show the American people we can come together and get this done to begin to restore their trust in us.

If there are ideas to make the bill stronger, let's debate them. But let's not get bogged down in the politics as usual, with nongermane side issues that will prevent us from swiftly moving on an up-or-down vote the American people expect of us. We are already starting in a strong position with our colleagues in the House.

This STOCK Act legislation is very similar to legislation introduced by my colleague in the New York delegation, Congresswoman LOUISE SLAUGHTER, and Congressman TIM WALZ. I thank them for their longstanding advocacy and focus and leadership on this important issue.

Our bill, which has received the support of at least seven good government groups, covers several very important principles. First, Members of Congress, their families, their staffs, and Federal employees should be barred from gaining any personal profit on the basis of knowledge gained through their congressional service or from using knowledge to tip off anyone else.

This bill will, for the first time, establish a clear fiduciary responsibility to the people we serve. This simple step removes any present doubts as to whether the SEC and the CFTC are empowered to investigate and prosecute cases involving insider trading of securities from using this nonpublic information. It also provides additional teeth. Such acts would also be in violation of Congress's own rules, to make it clear that this activity is inappropriate and subjects Members to additional disciplinary measures by this very body.

Second, Members should be required to disclose major transactions within 30 days to make this information available online for their constituents to see, providing dramatically improved oversight and accountability. We should be able to agree that these reports should be available in the light of day and not stored in some dusty back room.

The committee heard experts testifying during a Senate hearing that reducing this new reporting requirement to 90 days was not good enough. The committee listened to these experts carefully, and the bill has been strengthened and currently has a 30-day proposal, a sea change of improvement from the current reporting requirement of a yearly reporting requirement on a paper document.

Some critics say this bill is unnecessary and is already covered under current statutes. I have spoken with experts tasked in the past with investigations of this nature, and they strongly disagree. We must make it clear as day and unambiguous that this kind of behavior is illegal.

President Obama told us in the State of the Union to send him a bill, and he will sign it right away. We should not delay. This is the time to act. Let's show people who send us here that we can come together and do the right thing. Let's show them we know they deserve a government that is worthy of them. We have an opportunity to take a step toward restoring some of the faith that has been lost in Washington and in this institution. I urge my colleagues to seize this opportunity.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mrs. BOXER. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1489 TO AMENDMENT NO. 1470

Mrs. BOXER. I call up amendment No. 1489 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. ISAKSON, proposes an amendment numbered 1489 to amendment No. 1470:

At the end, add the following:

SECTION 9. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by inserting after ''spouse'' the following: '', except that this exception shall not apply to a reporting individual described in section 101(f)(9)''.

Mrs. BOXER. I am sure, listening to that, it is hard to understand exactly what this is all about, so let me take a moment.

I want to first thank Senators LIEBERMAN and COLLINS for all their hard work and I want to thank Senator GILLIBRAND for writing the STOCK Act.

I come to the floor as the chairman of the Ethics Committee with an amendment that we wrote together, Senator ISAKSON and I, who is the vice chair of the committee. So this is quite a bipartisan amendment and I don't think it should be controversial or troublesome in any way.

This amendment actually comes from a bill that Senator ISAKSON and I wrote together after the Countrywide fiasco. If you want to recollect that unhappy issue, it was a situation where Countrywide had set up a VIP program and they literally targeted Members of Congress of the House and Senate to put them into this program and never told the Members of Congress that there was this program, and yet it went forward. And because there is no rule that personal mortgages be shown on the disclosure form, this was quite a shock when it all came out. What we are saying is we want to improve the disclosure requirement on home mortgages.

Right now, if it is at your own personal home, you don't have to show the mortgage, and this would correct that. It would mean that you have to show the date the mortgage was entered, the balance, and a range, the interest rate, the terms, the name and address of the creditor. So it is an omission—but actually it is a pretty glaring omission—in our financial disclosure requirements because, again, of the Countrywide example. We don't want to have a situation—because we are not allowed to get better treatment than anyone else. And the fact that we didn't disclose these mortgages—it was quite a story when it came to light that there was this special VIP program at Countrywide. So this legislation, this amendment, addresses this omission. It requires Members of Congress to make a full and complete disclosure of all the mortgages on their personal residences.

Again, right now this requirement is in place for mortgages that you may have on investment properties but not on your personal properties. It would include Members of Congress and their spouses as well.

In his State of the Union Address, the President spoke about the deficit of trust between Washington and the rest of the country. I don't know that this amendment is going to cure all those problems, but I do think it shows that we are ready to learn from a bad experience, which was the Countrywide experience. So I think the Boxer-Isakson amendment and the underlying bill are sensible steps toward rebuilding our Nation's faith in government.

Again, the rules are already clear that we are not permitted to get any financial arrangements that are better than they are for any other constituent, so I think by this disclosure we are saying that even in our own personal mortgages we have to be aware of this. I think this listing is called for, and I urge my colleagues to support this amendment and the underlying legislation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I want to comment briefly on the amendment that has been proposed by the Senator from California to the legislation written by Senator BROWN. Senator GILLIBRAND has a similar bill as well, and I want to explain to our colleagues what the state of the current law is, which I think would be helpful.

Under the Ethics in Government Act of 1978, there is an exemption from disclosure for mortgages secured by real property that are the personal residence of the reporting individual or his spouse.

Under the liabilities section of that same report, which we now file annually, liabilities in excess of $10,000 must be reported that are owed by the Member, the spouse, or the dependent child to any one creditor during any time during the reporting period. Credit card debts, for example, are reported. Other kinds of loans are reported. Mortgages held on investment properties—properties, for example, that are rented—are reported. The exemption only goes to the personal residence of the Member and/or the Member's spouse.

I am unclear, and need to get clarification from Senator BOXER and also the Office of Government Ethics, whether her amendment would extend the new disclosure requirement that she is proposing to executive branch employees or whether it would only apply to the legislative branch. As I read her amendment, it looks as though it only applies to the legislative branch and perhaps only to Members.

I would ask, through the Chair, if the Senator from California could clarify for me—this is truly an informational question—whether she is intending this new requirement to apply to congressional staff and whether she is intending this new requirement to apply to executive branch members who are currently required to file an annual financial disclosure form.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I very much thank Senator COLLINS for that question.

Senator ISAKSON and I, as the chair and vice chair of the Ethics Committee, are applying this to the Members of Congress. That is because the scandal that took place with Countrywide involved the Members of Congress. We are not including staff in this. It also applies to more than one residence, because some of our Members have seven homes, six homes, four homes, two homes. If you have mortgages on any of those properties, you would now have to disclose those.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from California for clarifying that issue and answering my question.

I guess my further question would be, why would we only apply it to Members of Congress and not apply it to members of the executive branch? For example, I would argue that if there are conflict of interest issues or allegations of a sweetheart deal for mortgages that might be revealed by this disclosure, that that would apply equally to, say, Treasury officials—in fact, even more so to Treasury officials or bank regulators—as it would Members of Congress.

I wonder if the Senator's intent is to make sure that Members are not getting sweetheart deals on their mortgages—which obviously no Member should be receiving a sweetheart deal on a mortgage—why that same logic would not apply to executive branch officials, particularly since arguably they have far more direct influence and jurisdiction and regulatory authority over financial institutions than do Members of Congress.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would be happy to go on as a cosponsor to Senator COLLINS if she wants to take on the additional burden of moving this idea forward. I don't have any problem with it.

The point is, I am here—and I have been very open about it because I know what I am talking about when it comes to Members of Congress, because as chair of the Ethics Committee, I don't oversee Treasury. This is not my role, this is not my expertise, and I am very humble about that. I did see what happened here, along with, I would say, every member of the Ethics Committee and Senator ISAKSON.

This is a bipartisan amendment and we know what we are talking about, and we are saying there was a problem and Members of Congress were courted by Countrywide. Did they court other people? I don't know. But if there is some proof that they did and there is need to go and cover them with a similar amendment, I would be happy to work with my colleague on that. But I am not going to change this particular piece of legislation, because I know what I am talking about here. I know how to fix this. I know we have made a big mistake, and I feel it is our job to clean up our own business. And our own business, when it comes to this, is not good.

Would I wish to look over at what the Bush administration did or what the Obama administration is doing or what other administrations will do? I am happy to do that. But I am here to address our house—our house. Clean it up. Act as a role model.

I do not have any problem with supporting another piece of legislation. Maybe there is a problem over there. I, frankly, do not know what their ethics rules are. I know what our ethics rules are, and I know we have made a glaring omission when Members may have three, four, five, six, seven houses; they may have two, three, four, five, six mortgages and they never have to show them. Let's clean it up.

If my friend believes there is need for another amendment, I am happy to look at it. But Senator ISAKSON and I are doing something we have long wanted to do. This is not something we just made up. We have had a bill for a long time doing exactly this. This is a moment we would like to get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the reason I am raising this issue—I realize the Senator from California has not had the misfortune I have had, of being constantly on the floor listening to the debate on this bill—but a major issue we have been grappling with is parity in the rules. This issue has not just come up with regard to the amendment of the Senator from California, it has come up over and over.

I am not in any way singling out the Senator from California to raise this issue. This has come up on every single issue we have been tackling on the floor, which is, if we are going to have more disclosure for the legislative branch, should we not have the exact same or comparable disclosures for high-ranking executive branch officials?

The issue I raised, I wish to assure the Senator from California, is no means unique to her amendment. It has come up over and over and, indeed, the first amendment that we were supposed to have voted on last night was an amendment by Senator PAUL, making clear that this bill applied to the

executive branch and then Senator SHELBY had an amendment to make sure there was online disclosure by the executive branch.

This is an issue that has permeated the entire debate on the STOCK Act. It is not unique to the issue that has been raised by the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague for that because it was a little surprising. My understanding, and I hope to stand corrected by the Senator from Maine, if I am wrong, and the Senator from New York, that the whole idea behind the STOCK Act, the bill written by Senator GILLIBRAND and the bill written by Senator BROWN, did not deal with the executive branch. I thought the whole notion behind this was for us to clean up our act. Clean up our act over here. That is the best way to proceed.

I have no problem if my colleague wants to write an amendment, she herself, on this particular issue. If she can make the case that it has been shown that VIP loans were given to members of the executive branch—whether under George Bush or Barack Obama—and I think in the years she is looking at it would have been under Bush, but those are the years the Countrywide scandal took place—if my friend has absolute information for me that shows that members of the Bush administration or the Obama administration got special treatment from the Countrywide scandal, I would like to know about it. I do not know anything about that at this time.

If my friend believes it would be a good thing to do, to offer a separate amendment covering certain members of the executive branch, I am happy to look at it. But it strikes me as bizarre that this has become an issue. It sounds like what is going on from the Republican side is all of a sudden they want to turn attention over to the executive branch rather than focus it on us—which I think is critical. But I am happy to look at any amendment that deals with abuses the Senator can show me were occurring over on the executive branch side during those years that Countrywide was doing its damage. I would be happy to support an amendment. But I think we should keep this amendment clean. I think this amendment should be clean because we are looking at a particular ethics rule and we are essentially cutting out a loophole which has allowed colleagues to not have to list their personal residences when, in fact, we know some of them got special treatment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me make the point to the Senator from California, I am a cosponsor of the STOCK Act. I cosponsored Senator BROWN's bill, so it is not that I do not think legislation is needed in this area. I am a cosponsor on this bill and have commended him for his work. But the fact remains that in our committee markup the bill was changed.

I know the Senator was distracted when I answered that question. The bill was changed in committee to extend to the executive branch. It is in the bill that is before us now. The Senator was misinformed in that regard. The bill was changed to make very clear that the insider trading prohibition applied to the executive branch and that executive branch members have a duty to their agencies, to the government. We make that explicit. That was changed in committee.

The Senator is not correct that the bill that was brought to the floor only applied to Congress. It does not. It applies to the executive branch.

The second point I will make is this is not a partisan issue. We have bills on both sides of the aisle. We have amendments on both sides of the aisle. Indeed, we have disclosure amendments that apply to the executive branch coming from both sides of the aisle. Senator WYDEN has a disclosure amendment that is similar to that of Senator SHELBY's. We are working with both of those offices right now to try to work those out.

I do not know how this all of a sudden became a partisan debate or a debate about the Bush administration or anything. This is a debate about good government and how we can best assure the American people that, regardless of whether public officials are in the executive branch or the legislative branch, they are putting the public's interests ahead of their private interests and that they are not profiting from insider information, nonpublic information that is not available to the public which they are using inappropriately—if, in fact, that is even happening—for personal gain.

I did wish to clarify that the bill, as reported from committee, does apply to the executive branch as well as the legislative branch, that the statement made by the Senator was inaccurate in that regard, and that we have amendments on both sides of the aisle that we are working on right now to extend the disclosure requirements, the reporting requirements to the executive branch. Those are amendments coming from both Democrats and Republicans.

I would like to yield at this point to the Senator from Massachusetts.

Mrs. BOXER. Mr. President, if I can respond?

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mrs. BOXER. The Senator can't yield—I would like to have the floor now. She can't yield to another colleague except if it is for a question. I would like to have the floor since the Senator just said I was incorrect. I would like to correct her, if I might.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. What I said was, when these bills were introduced, they were directed at the Congress. That is what I said. I talked about the bills. I did not talk about what went on amending them, et cetera. I will repeat what I said was accurate. Both Mr. BROWN's bill and Mrs. GILLIBRAND's bill were, in fact, talking about the Congress.

What I would also like to say is if my colleague wants bipartisanship, she should be happy with this amendment since it is coming from Senators BOXER and ISAKSON, the chairman and the vice chairman of the Ethics Committee.

We did not investigate the executive branch and Countrywide's going after the people in the Bush administration and the Obama administration. We do not have that information. If she has information that shows there have been sweetheart deals over there, I certainly want to know about it. As I said, if my colleague wants to offer a first-degree amendment that broadens this, I am happy to look at it. Because if it can be shown to me that there have been abuses over there, from the mortgage companies going after these folks over there, I am happy to agree to that. I would have to take it to Senator ISAKSON because he is, in fact, the coauthor. Also, I have to point out that this same amendment I offered was put forward in a bill by Senator CORNYN in 2008. So there is a lot of interest on this.

I am a person who likes to know what I am talking about. I try very hard. I do not know if there has been abuse from the mortgage companies over to the executive branch. But I know for sure there has been a big problem here with colleagues getting sweetheart deals. I want to put an end to it.

If my colleague wants to strengthen my amendment, she can offer a second-degree amendment. If she can prove to me that there has been abuse and there has been a problem and there is not enough protection, I am happy to support it. But I guess I am a little taken aback as I come here in a bipartisan spirit to offer a bipartisan amendment, I have kind of been the subject of some weird sort of attack for not going far enough with my amendment. I find it bizarre, to be totally frank, and I will continue to stay on the floor until I understand what this is all about. Maybe I have nothing to do with it. If I said something wrong, I would like to know what it is. But I am offering, in good faith, a bipartisan amendment that is a no-brainer, that comes straight out of the Countrywide scandal that we studied in a bipartisan way, in Congress, and we are moving to correct the problems we know exist.

If there are more problems out there and if my friend has proof of that, if she can prove it to us, I am happy to support a first-degree amendment to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I do not know why the Senator from California, first of all, is assuming I am somehow

opposed to her amendment. I have not said that. What I raised was a very legitimate question of asking whether she had considered extending it to the executive branch.

Then her response seems to be an attack; that if I have information that there are problems and sweetheart deals in the executive branch, I should prove them.

I am not making allegations. I do not make unsubstantiated allegations against individuals. What I was trying to tell the Senator from California is that the issue of the scope and applicability of this bill has come up over and over. It came up in committee. We changed the bill in committee to make it clear that the prohibition against insider trading and a duty applied to the executive branch as well as to the legislative branch.

I have not criticized her amendment in any way. I asked a series of questions about the scope of her amendment because this issue has come up repeatedly, on both sides of the aisle. It came up in committee during our markup. It has come up on the Senate floor repeatedly as far as what the disclosure requirements should be and to whom they should apply.

I am the one who is baffled by the response of the Senator from California, since I have not indicated any opposition whatsoever to her amendment.

I have merely brought up the fact that the issue of the scope of this bill has come up repeatedly, so I was curious why she chose to have such a narrow bill rather than applying it to executive branch officials who filed the same kinds of disclosure.

The PRESIDING OFFICER. The Senator from California.

Ms. BOXER. Mr. President, we can go back and forth 100 ways to Sunday. I thought I explained exactly why Senator ISAKSON and I have a narrow bill. We are trying to fix a problem we know exists. We feel very strongly that for the good of the Senate, in particular—because this is the body we serve in. We love it. We want to make it strong and appreciated and not derided. We had a scandal that touched this body and we had a thorough investigation. It took a long time to get to the bottom of it. We uncovered the fact that Countrywide had a sweetheart deal and they were aiming it at Members of Congress.

We have crafted this amendment to respond to what we know is a problem. I am not in the business of coming down here and legislating on things that I might guess are a problem or, gee, maybe I can throw out a fishing net and catch everybody in it. If there is a problem elsewhere, I am happy to support my colleague if she would like to broaden this. I am not against it. I am saying for me and Senator ISAKSON, we have offered an amendment that cures a very simple problem; that ethics rules, as they are today, allow Senators and Members of Congress to avoid showing the mortgages they hold on personal residences. If the same thing exists in the executive branch, I don't know about that. I am dealing with an amendment here and so is Senator ISAKSON, that we know about.

If the Senator asks again why our amendment is narrow, let me again answer it in another way: We are curing a narrow problem but a problem that exists. We are not throwing out some big fishing net to catch everybody in it whom we don't know about. We think this will make the Congress a better place. We do. Because there are Members who have two, three, four, and five homes. They may have two, three, four, and five mortgages, and we think it is important for the public to know that.

But, again, I hope my colleague from Maine supports this. I don't know if she does.

She doesn't oppose it. That is a good start. I hope she supports it. If she feels she can make it stronger, she should offer a first-degree amendment, let me take a look at it, let me see whether it is necessary, and let me see whether there is reason to do it. I can surely tell her I am very open to broadening it, but the reason it is crafted the way it is is that it is dealing with a problem we are not guessing exists; we know it exists where there have been abuses before and we are trying to cure that problem.

I thank the Senator for her patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I enjoyed that back and forth debate very much. I appreciate the spirit in which that amendment was offered. I wrote the original bill. It was my bill and Senator GILLIBRAND then filed a bill. We went through the committee process, and the original intent of the bill was to deal with insider trading. It applied to all Federal employees, not just congressional, so it is an insider trading bill.

The spirit of what we have been trying to do over the last day and a half is to address issues equally so as to eliminate all appearances of impropriety and for any branch of government to not play by the same rules as the American people would play by. So every single amendment that has come through this Chamber right now has not only been expanded to cover, obviously, those in the Senate and the House of Representatives but also equally to the executive branch.

So if this amendment is going to have any chance of passing, I can assure you I will not support it unless it specifically also applies to the executive branch. If she wants to amend it or modify it to include that, then it will have a good chance of passing; if not, I will do my best to prohibit it because it needs to be applied to everybody. For us to come and say we need to come up with proof that somebody is doing something or not doing something—listen, it is no different than what we are trying to do on the insider trading bill. There is no one who has been brought to court and found criminally responsible. We are dealing on inference and reference and innuendo. That is why we are trying to reestablish the trust with the American people to do something that would not traditionally have been done but not for a 60-minute speech. So if we knew something was happening in the mortgage industry, great, let's let it apply across the board and not exclude a group of Federal employees for some particular political reason.

Once again, if she wants to amend it, great. If not, I am going to do my best to make it amended so we can have it apply equally if we are going to ultimately take it up.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Thank you, Mr. President. I also enjoyed this debate. I agree with Senator BROWN. It is a form they already fill out now. We just have to add one other line. It is not complicated. I think it is a good idea. I will leave it at that.

I ask unanimous consent to speak in morning business about the STOP Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BEGICH pertaining to the introduction of S. 2054 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BEGICH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I wish to thank the Senator from Alaska for his explanation of what has been going on as far as executive compensation with FHFA.

AMENDMENT NO. 1492 TO AMENDMENT NO. 1470

Mr. TESTER. Mr. President, I would ask the Senate set aside the pending amendment and call up amendment No. 1492.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes amendment numbered 1492.

Mr. TESTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act)

At the end, insert the following:

SEC. _____. SMALL COMPANY CAPITAL FORMATION ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''Small Company Capital Formation Act of 2012''.

(b) AUTHORITY TO EXEMPT CERTAIN SECURITIES.—

(1) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(A) by striking ''(b) The Commission'' and inserting the following:

''(2) ADDITIONAL EXEMPTIONS.—

''(A) SMALL ISSUES EXEMPTIVE AUTHORITY.—The Commission''; and

(B) by adding at the end the following:

''(B) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

''(i) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed $50,000,000.

''(ii) The securities may be offered and sold publicly.

''(iii) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

''(iv) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

''(v) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

''(vi) The Commission shall require the issuer to file audited financial statements with the Commission annually.

''(vii) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

''(I) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements and a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

''(II) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

''(C) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

''(D) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

''(E) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.''.

(2) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(A) in subparagraph (C), by striking ''; or'' at the end and inserting a semicolon; and

(B) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

''(d) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

''(I) offered or sold on a national securities exchange; or

''(II) offered or sold to a qualified purchaser as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale.''.

(3) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 is amended by striking ''section 3(b)'' and inserting ''section 3(b)(1)''.

(c) STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall—

(1) conduct a study on the impact of State laws regulating securities offerings (commonly referred to as ''Blue Sky laws'') on offerings made under Regulation A (17 C.F.R. 230.251 et seq.); and

(A) transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

AMENDMENT NO. 1503 TO AMENDMENT NO. 1470

Mr. TESTER. Mr. President, I ask that the amendment be set aside, and I ask unanimous consent to call up amendment No. 1503.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes amendment numbered 1503.

Mr. TESTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Senate candidates to file designations, statements, and reports in electronic form)

At the end, add the following:

SEC. ___. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

Mr. TESTER. Mr. President, I also ask unanimous consent to be recognized to speak on this amendment for up to 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. TESTER. Mr. President, I am pleased to offer this amendment with Senator COCHRAN and ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. This is a straightforward amendment. It simply requires candidates for the Senate, both challengers and incumbents, file their quarterly campaign finance reports electronically. Anyone seeking the Presidency or a spot in the U.S. House of Representatives is required to submit campaign finance records electronically right now, but Senators or would-be Senators are not. It makes no sense.

Right now, Senate candidates drop off a hard copy of their filing report with the Secretary of the Senate. Someone from the FEC comes over and then takes the reports over to the FEC to make copies, and then, finally, the copies are put online.

These documents often run hundreds of pages in length. The FEC estimates it wastes about $250,000 of taxpayer money each year just to make those copies and put them online. Now, that might not sound like a lot of money in Washington, DC, but the idea of spending $1/4 million on an outdated process represents what is wrong with Washington, DC.

Americans deserve to know how much money candidates raise and from whom, and they deserve to be able to access that information in real time.

It is not just the cost of the current process that folks should be angry about. The process of making copies and posting the documents online takes weeks. That is not just a waste of time, it is bad for the democratic process.

Campaign finance data filed right before a general election is not available to the public until the following February, long after the election has already taken place.

Since the Citizens United ruling, folks aren't able to tell who is funding third-party advertisements. It is hard enough to know who is spending the money on third-party advertisements. The least we can do is to make sure that folks have better access to the information about who is giving to the candidates.

My bill from the last Congress had strong bipartisan support—14 Democrats, 6 Republicans, and 5 of the cosponsors are members of the Homeland Security Committee. I especially appreciate, and I wish to thank, the Republican manager of the STOCK Act, Senator COLLINS, for being a supporter of that original bill.

We have an opportunity to do something that cuts government spending and adds more transparency and accountability to the elections process. I urge all of my colleagues to support this amendment.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, for the information of our colleagues, productive work is going on to try to reach a final list of amendments for the STOCK Act and to have an agreement which will come up for a vote, and to have that obviously by a bipartisan agreement. We are making progress. I hope we can continue to do that.

ORDER FOR RECESS

I ask unanimous consent that the Senate recess from 4 to 5 p.m. so that all Senators can attend a classified briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. 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. BARRASSO. 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. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do week after week, as a physician who practiced medicine in Wyoming for a quarter of a century to give a doctor's second opinion about the health care law.

I was thinking last week, while sitting in the House Chamber when the President was giving his State of the Union Address, about something he said. He said:

> We will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits.

Repeating, he promised not to go back to an economy weakened by phony financial profits. That is why today, in the next hour or so, the House of Representatives will answer the President's call. They will agree. They will vote to repeal the CLASS Act—a program that is the perfect example of phony financial profits.

Let me explain further. President Obama's health care law established the CLASS Act—a brandnew Federal long-term care entitlement program. CLASS pays a stipend to individuals enrolled when they are unable to perform daily living activities, such as dressing, bathing, and eating. The issue is that to qualify for the CLASS benefit, an individual would have to pay a monthly premium for 5 years before the Federal Government starts to pay out any benefits. Well, that sounds great, but not so fast. It turns out that the math for the program doesn't add up and it will not work.

The worst part about it is that the administration has known from the very beginning that this CLASS Program—and the President's entire health care law—was built on phony financial profits. Specifically, the Obama administration hid behind a Congressional Budget Office estimate showing that this program would reduce the deficit by $70 billion over a 10-year period. These savings are entirely mythical, and they come from premiums collected over the first 5 years. During that time, the program isn't required or even allowed to pay out individual benefits. Over its first 10 years, this program, the Congressional Budget Office estimated, would collect $83 billion in premiums but would only pay out $13 billion in benefits. But then instead of holding on to the $70 billion in excess premiums collected to pay out future expenses, the Washington Democrats used it as an accounting gimmick, a budgetary trick to pay for the President's health care law. Adding insult to injury, Washington Democrats then tried to claim that the same $70 billion could also be used to pay down the deficit. Talk about phony financial profits. This is the very practice used by the President that the President now objects to.

The good news is that the administration finally admitted late last year that the CLASS Act was a complete failure and they could not make it work. The bad news is that the phony financial profits continue.

Just because the program won't go forward doesn't mean that the costs of the President's health care law don't go forward, because they do. Now the American people are stuck with the bill, and it is a much more expensive bill than the one they had been promised and the one they had expected. In fact, just yesterday, the nonpartisan Congressional Budget Office reported that the health care law is now likely to cost $54 billion more than expected between 2012 and 2021.

As Politico says:

> The big change that makes the law more expensive is the Obama administration's decision not to implement the CLASS Act, which means the government will not collect $76 billion in premiums over the next 10 years.

I applaud the House for taking the lead and voting to repeal the CLASS Act. I call on President Obama and my colleagues in the Senate to do exactly the same. Senate majority leader HARRY REID should bring H.R. 1173, the Fiscal Responsibility and Retirement Security Act, to the Senate floor for a vote. This bill will repeal the CLASS Act so that the American people have a clear understanding of the cost of the President's health care law.

It is time to end the phony financial profits in the President's health care law that continue to burden our economy and our Nation. It is time to finally find out if the President truly does believe in fairness because if he does, he will repeal the CLASS Act and make it clear that he has the same accounting standards for Washington as he has for the private sector. Washington should not be able to cook the books and to make the President's health care law look more financially sound than it really is.

The American people are sick of phony financial profits, and they are demanding fairness in the public sector as well as the private sector. That is why I will continue to come to the floor and fight each and every day to repeal and replace the President's broken health care law—replace it with a patient-centered plan, a plan that allows Americans to get the care they need from a doctor they want at a price they can afford.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate recess at this time under the previous order.

There being no objection, the Senate, at 3:59 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT—Continued

Mr. CARDIN. 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. CARDIN. 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. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, as we start Black History Month, I rise to discuss a national hero I have spoken about many times on the Senate floor. With this year's Black History Month focused on African-American women, it is all the more appropriate for me to talk about Maryland's Harriet Ross Tubman and her dedication to justice, equality, and service to this country.

In my career, I have spoken on the Senate floor, at events in Maryland, in meetings with constituents, and with my colleagues about Harriet Tubman's legacy. While I hope each opportunity I have taken to discuss the life of this remarkable woman helps raise the

awareness about her importance to the history of our great Nation, my ultimate goal is to properly commemorate her life and her work by establishing the Harriet Tubman Underground Railroad National Historical Park on the eastern shore of Maryland, and, in working with my colleagues from New York, to establish the Harriet Tubman National Historical Park in Auburn, NY.

A year ago this week, I reintroduced the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park Act with Senators SCHUMER, MIKULSKI, and GILLIBRAND as original cosponsors. I am happy to say since that time the Senate Energy and Natural Resources Committees held a positive hearing on the bill, the Energy Committee favorably reported the bill, and it has been placed on the Senate calendar. I thank my colleagues on the committee for their support, particularly Chairman BINGAMAN and Ranking Member MURKOWSKI, and the chairman of the National Park Subcommittee, Senator UDALL of Colorado.

The establishment of the Harriet Tubman Historical Park has been years in the making and is long overdue. The mission of the National Park Service has evolved over time, from preserving our natural wonders across the United States for recreational purposes to commemorating unique places of significance to historical events and extraordinary Americans who have shaped our Nation.

The woman who is known to us as Harriet Tubman was born in approximately 1822 in Dorchester County, MD, and given the name Araminta—Minty—Ross. She spent nearly 30 years of her life in slavery on Maryland's eastern shore. She worked on a number of different plantations on Maryland's eastern shore, and as a teenager she was trained to be a seamstress. As an adult, she took the first name Harriet, and when she was 25 years old she married John Tubman.

In her late twenties, Harriet Tubman escaped from slavery in 1849. She fled in the dead of night, navigating the maze of tidal streams and wetlands that to this day comprise the eastern shore's landscape. She did this alone, exercising incredible courage and strength.

Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline Counties, where under the most adverse conditions she led away many family members and other slaves to freedom in the Northeastern United States.

She helped develop a complex network of safe houses and recruited abolitionist sympathizers residing along secret routes connecting the southern slave States and the northern free States. No one knows exactly how many people she led to freedom or the number of trips between the North and South she led, but the legend of her work was an inspiration to the multitude of slaves seeking freedom and to abolitionists fighting to end slavery.

Tubman became known as ''the Moses of her people'' by African Americans and White abolitionists alike. She is the most famous and the most important conductor of the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout, and a nurse. She served in Virginia, Florida, and South Carolina. She is credited with leading slaves from those slave States to freedom during those years as well.

Following the Civil War and the emancipation of all Black slaves, Tubman settled in Auburn, NY. There she was active in the women's suffrage movement and established one of the first incorporated African-American homes for the aged to care for the elderly. In 1903, she bequeathed the Tubman Home to the African Methodist Episcopal Zion Church in Auburn where it stands to this day. Harriet Tubman died in Auburn in 1913, and she is buried in Fort Hill Cemetery.

Fortunately, many of the structures and landmarks in New York remain intact and in relatively good condition. Only recently has the Park Service begun establishing units dedicated to the lives of African Americans. Places such as the Booker T. Washington National Monument on the campus of Tuskegee University in Alabama, the George Washington Carver National Monument in Missouri, the Buffalo Soldiers at Guadalupe Mountains National Park, the National Historical Trail commemorating the march for voting rights from Selma to Montgomery, AL, and, most recently, the Martin Luther King Jr. Memorial on The National Mall.

These are all important monuments and places of historical significance that help tell the story of the African-American experience.

As the National Park Service continues its important work to recognize and preserve African-American history by providing greater public access and information about the places and people that have shaped the African-American experience, there are very few units dedicated to the lives of African-American women, and there is no national historical park commemorating African-American women.

I cannot think of a more fitting hero than Harriet Tubman to be the first African-American woman to be memorialized with a national historical park that tells her story and her fight against institutions of slavery and the work on the Underground Railroad. I hope my colleagues will support my effort to honor Harriet Tubman and support the passage of my bill to authorize the creation of the Tubman National Historical Parks in New York and Maryland.

Let me just point out that the landscapes in which she lived still exist today, and that will be an incredible part of the national park that can tell the story, particularly to young people, about the courage of this extraordinary woman. A number of structures exist in Auburn, NY, which complement her life as the conductor of the Underground Railroad, as well as her later life in helping to advance the rights of all people.

This is an incredible opportunity for us to honor her with this national park and to help future generations understand the history of America and the courage of this extraordinary leader and hero of our Nation, Harriet Tubman.

Mr. President, these parks will hopefully pave the way for the Park Service to develop more National Historical Park commemorating the lives of many other important African-American women in our history.

The vision for the Tubman National Historical Parks is to preserve the places significant to the life of Harriet Tubman and tell her story through interpretative activities and continue to discover aspects of her life and the experience of passage along the Underground Railroad through archaeological research and discovery.

The buildings and structures in Maryland have mostly disappeared. Slaves were forced to live in primitive buildings even though many slaves were skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand.

As I mentioned, the landscapes of the Eastern Shore of Maryland, however, remain similar to the time Tubman lived there. Farm fields and forests dot the lowland landscape, which is also notable for the extensive network of tidal rivers and wetlands that Tubman, and the people she guided to freedom, would have traveled under the cover of night.

In particular, a number of properties—including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the master plan boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are currently protected by various conservation easements.

Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to freedom.

There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, has been exceedingly difficult.

The National Park Service determined that designating a Historical Park that would include two geographically separate units would be an appropriate tribute to the life of this extraordinary American.

The New York unit would include the tightly clustered Tubman buildings in the town of Auburn. The Maryland portion would include large sections of landscapes that are representive of Tubman's time and are historically relevant.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts but values she fought tirelessly for. She lived those principles and achieved freedom with hundreds of others. In doing so, she has earned the Nation's respect and honor.

Harriet Tubman is one of many great Americans who we honor and celebrate every February during Black History Month.

In schools across the country, American History curriculums teach our children about Tubman's courage, conviction, her fight for freedom and her contributions to the greatness of our Nation during a contentious time in U.S. history. Now it is time to add to Tubman's legacy by preserving and commemorating the places representative of her extraordinary life.

Every year, millions of school children, as well as millions of adults, visit our National Historical Parks and gain experiences and knowledge about our Nation's history that simply cannot be found in history books or on Wikipedia.

Our Nation's strength and character comes from the actions of the Americans who came before us and the significant events that shaped our Nation.

The National Park Service is engaged in the important work of preserving where American history has taken place and providing a tangible experience for all people to learn from.

It is one thing to learn about Harriet Tubman from a book, it is a completely different and fulfilling experience to explore, to see, to listen, and to feel the places where she worked as a slave, where she escaped from, and where she lived her days as a free American.

The National Park Service is uniquely suited to honoring and preserving these places of historical significance, and I urge my colleagues to join me in preserving and growing the legacy of Harriet Tubman by establishing the Harriet Tubman National Historical Parks in her honor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

REMEMBERING J. JOSEPH GARRAHY

Mr. REED. Mr. President, I rise today to join with my colleague and friend from Rhode Island to pay tribute to former Rhode Island Governor J. Joseph Garrahy, who passed away last week at the age of 81.

Joe Garrahy loved Rhode Island, and in turn the people of Rhode Island loved Joe Garrahy. His intelligence, his instinct, and his integrity led our State with compassion and courage. He believed in the people of Rhode Island and in the virtue of public service.

More than three decades after he left public office, Joe Garrahy remains one of our most respected and beloved leaders. A man of the people, the Governor of Rhode Island, Joe Garrahy, is a Rhode Island icon who will be held in high esteem for generations to come. Rhode Islanders lost a friend. We all lost a good friend.

John Joseph Garrahy was born in humble circumstances in Providence, Rhode Island, on November 26, 1930, the son of Irish immigrants. He graduated from La Salle Academy in Providence and attended the University of Buffalo and the University of Rhode Island.

The Governor began his political career in 1962 when he was elected to represent Smith Hill in the Rhode Island General Assembly. He served as Rhode Island's Lieutenant Governor from 1969 to 1976, and then was elected Governor and served from 1977 to 1985.

After his retirement from public life, Governor Garrahy was a business consultant who championed new economic development projects and helped existing businesses that have always been the backbone of our economy in Rhode Island. He never stopped looking for and finding new ways to promote his beloved State of Rhode Island.

As Governor, Joe Garrahy had vision, initiative, and an incredibly strong work ethic. He possessed the unique ability to bring people together to address their needs at the most basic level, while at the same time tackling the most pressing public policy issues of his time. He was also particularly gifted in bringing together opposing sides and would often invite diverse interests into the room to discuss issues and matters of conflict. Because of his integrity, his decency, and his sincerity, he was more than an honest broker; he was someone people trusted.

His leadership and his example led Rhode Island with special distinction. He brought people together because they innately trusted this kind and wise gentleman. They knew he always had the interests of the State at heart, not his personal ambition, not his personal progress, but the welfare of the people of Rhode Island. His list of achievements is long. His many good works have made a lasting impression on our State. He believed government could and must do all it can to improve the lives of its citizens.

He was elected Governor after the Navy decided to close Quonset Point—which was a premier naval air station in Rhode Island, a major employer and a major source of economic activity—and reduced its presence in Newport. This was a shock to the economy of Rhode Island. In spite of double-digit unemployment and the challenging economy that was worsened by this departure, he set a new course to redirect resources and make government work for the people.

He fought for the rights of the disabled and led in the deinstitutionalization of the mentally disabled citizens of Rhode Island. He closed the Ladd School, which was our residential center, and he literally ended the practice of warehousing the disabled at the Institute of Mental Health. He reformed Rhode Island's prison system, which was plagued with unrest and violence, transforming it to a national model.

Following the energy crisis in the 1970s, the Governor provided resources to a much needed energy office to look for innovative ways to deal with a problem that still challenges the State and the Nation. He also forged creative partnerships with neighboring States throughout the Northeast and with leaders in Canada.

Governor Garrahy was a man of great passion, great decency, and he had a special affection for the elderly and the children of Rhode Island. Under his tenure he created the Department of Elderly Affairs and Children, Youth and Families, he said, to focus the attention of the State and make the delivery of services to these seniors and children more efficient and more effective. That was Joe Garrahy—thinking not about himself but, in particular, thinking about the most vulnerable people in our society.

He was always a great cheerleader for Rhode Island. He led the way for the Rhode Island Heritage Commission to flourish and to publicize and popularize our State's unique contributions to American history and its rich cultural heritage—a rich ethnic heritage which he was awfully proud of. He was always a staunch supporter of our tourism industry.

He also had a profound respect and regard for the environment and worked diligently to clean up pollution in Narragansett Bay and preserve our open spaces. He helped establish the Narragansett Bay Commission, which is one of the leading agencies in the State that treats our waste products and makes sure they are not discarded untreated into the bay. In fact, his efforts—with foresight years ago—paved the way for one of the largest projects ever completed in the State of Rhode Island, which now prevents sewage from flowing into our bay unabated. But this was just one of the extraordinary commitments he made to our environment.

He was always looking to bring businesses to Rhode Island—high-tech businesses, along with businesses that would provide people the chance for employment, the chance to own a home, and the chance to provide for a better life for their children. He worked to revitalize, particularly, the downtown Providence area through his work with the Capital Center Commission, which did landmark work in literally reshaping the face of Providence, making it one of the most attractive and most compelling cities in our country.

Throughout his administration, he always worked for public transportation facilities, and everything that would complement our economic growth. He did it with great passion, great diligence and, again and again and again, extraordinary decency.

In his final days in office he launched The Greenhouse Compact, which was a bold economic revitalization plan. He proposed to create 60,000 high-paying jobs and lay the foundation to combat the dying manufacturing industries of the State of Rhode Island at that time. And although the compact was not approved by the voters—there were concerns about how it would be paid for—many of its proposals have come to fruition; a tribute again to his foresight, to his vision, to his courageous leadership, and to his confidence, that bringing these issues to the people would eventually lead to their adoption. And they have.

Joe Garrahy was the person you wanted leading you in difficult times, and there was no more difficult time than in 1978, when the great blizzard descended upon Rhode Island. Literally, Rhode Island was paralyzed. You couldn't move. People were without communication, without electricity. But there was one constant beacon of hope and stability and strength, and that was Governor Joe Garrahy. He was the voice who quelled the anxiety—the fear, frankly—that this natural disaster would overwhelm us. In time of great turmoil, he was there. He assured us that help was on the way. And in what has become a famous historic relic in the State of Rhode Island, he did it all wearing the same plaid shirt, it seemed. That plaid shirt was a symbol of him: Nothing fancy; someone you could trust; someone you could depend upon; someone who rolled up his sleeves to get the job done for the people of Rhode Island to literally, in some cases, save people in a very demanding natural disaster through his leadership. He was, as I say again and again, one of the most decent individuals I have ever met. He was so kind to me, so understanding, so tolerant. And I am not alone.

I recall something that was said about another great American, Franklin D. Roosevelt. He was in his final position; the cortege was going down Pennsylvania Avenue. There was an individual by the side of the road who was weeping, literally. A reporter went up to him and said, Well, you must have known the President; you are so upset. And he said, No, no; I didn't know him, never met him. But he knew me.

Joe Garrahy knew the people of Rhode Island. He was a man of innate decency and goodness. He believed that every situation had some merit, a silver lining, something he could do to bring forth good out of bad, progress out of adversity. He was a man of deep faith, who worked hard, and remained optimistic and compassionate in every moment. He was a noble public servant. That word is used often, but no more accurately than with respect to Joe Garrahy, a man of nobility—a nobility born not of privilege or wealth but of character, conscience, and concern.

He had an extraordinary winning personality. He was one of those people you wanted to bump into because he made you feel better. His warm, embracing personality, his humor, his friendliness, his caring, his sincerity, all those things transmitted this sense of knowing you and caring for you—which was unique and will never, I think, in my mind, be replicated by any of us in Rhode Island.

Whenever you were with the Governor, you always felt a little bit better about where you were, about the future, and about the world. He was fond of people, and that fondness was repaid by a deep sense of gratitude for what he has done and profound respect for a wonderful man.

But above all this, he loved his family the most. He was a devoted husband, father and, as he was described by his grandchildren, their Poppy.

We remember him now, and we also remember his family because they have lost a great man. But he did so much for all of us to make us bigger and better that we can withstand this great loss.

I want to join with my fellow Rhode Islanders in offering my heartfelt sympathy to his wonderful wife Margherite and his wonderful family, Colleen and Michael Mahoney, their children Ryan and Michaela; John and Barbara Cottam Garrahy, their daughters Katherine and Elizabeth; Maribeth and Robert Hardman and their son Wesley; Sheila and Gregory Mitchell and their children, CJ, Todd, and Chad; and Seana and Michael Edwards and their children Drew, Brayden, and Ellie Rose.

We will miss him. But his legacy and his personal example of kindness and good will continue to sustain and inspire us. Today, we celebrate his life, and in the days and weeks and years to come we will remember him fondly as one of Rhode Island's greatest Governors. We are all the better for having Joe Garrahy in our Biggest Little State.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to join my senior colleague, Senator REED, in tribute to the memory of a great public servant and a great friend, Jay Joseph Garrahy, former Governor of Rhode Island, who passed away last week at the age of 81.

At his funeral services this week, he was remembered by an enormous crowd for his warmth, for his kindness, and for his steady leadership of our State.

Joe Garrahy was born in Providence, RI to a blue-collar, Irish immigrant family. He worked his way through Catholic school, and he served in the Air National Guard and in the Air Force during the Korean war. He came back home from the war and went to work as a beer salesman for our Narragansett Brewery. He was what they fittingly called a Narragansett Goodwill Man. And, as Senator REED has explained, Joe Garrahy brought good will wherever he went.

He turned to politics and to public service with the 1960 Presidential campaign of John F. Kennedy. Joe followed his path himself, ultimately, with election to the Rhode Island Senate, and then he was elected statewide as Lieutenant Governor, and then served two terms as Rhode Island's Governor—serving as Chief of State in the very statehouse where his mother had once cleaned floors. It was a beautiful American success story for him to rise to lead the statehouse that his mother had cleaned.

The story was told at his funeral that when he was Lieutenant Governor and she was still cleaning the statehouse, he said: Mom, don't you want to find something else to do now that I am here as Lieutenant Governor? She turned to him and said: Joe, I got here first.

In his public life, Joe Garrahy always made the effort to be what he once described as ''probably one of the easiest guys in the State of Rhode Island to get along with.'' He sure was. I don't think anyone who has worked with him over the years would disagree with that. Joe was certainly always very kind and supportive to me as I embarked on my fledgling career in public service.

But Governor Garrahy's service to our State stands as a guidepost for today's political leaders. He saw Rhode Island through the difficult economic recession of the early 1980s. He was a staunch defender of Narragansett Bay, our environmental jewel, and of Rhode Island's open spaces; his efforts to attract high-tech industries to Rhode Island and to advance our economy; his work on behalf of children and senior citizens and those with disabilities all continues to inspire us.

Of course, all Rhode Islanders who are old enough remember the blizzard of 1978, which buried parts of our State under 3 feet of snow and brought our roads and businesses to a shuddering halt. People spent days in factories, in movie theaters, in department stores where they were snowed in. I still recall the scene of cars up and down 95 covered in snow, abandoned, the road closed. Rhode Islanders are filled with stories of where they were and what they did during the great blizzard of 1978 and how they struggled to get home to their loved ones.

Through all of that, Governor Garrahy marshaled resources from the Federal Government and from neighboring States and got Rhode Island back on its feet. In his frequent televised messages to Rhode Islanders during the crisis, his plaid flannel shirt became a trademark of his accessible, hard-working, easygoing style.

Governor Garrahy's righthand man throughout his political career was Bill Dugan, his chief of staff. As fate would have it, we are also mourning the loss of Bill, who passed away the day before we lost the Governor. It was often said that Governor Garrahy didn't know how to say no. He was too nice for that. Well, that job often fell to Bill Dugan.

Joe and Bill were lifelong friends, graduated in the same class at La Salle Academy, went into politics together, and made a memorable political team in Rhode Island history. Last Thursday, Joe Garrahy and his dear companion and political associate Bill Dugan were together one last time.

Bill's sons are friends of mine, David and Richard. At Bill's funeral I spoke to Richard, and I remarked on how extraordinary it was that this exceptional Rhode Island friendship and political alliance should end with these two men dying in the same week within virtually hours of each other.

Richard looked back at me and he said: SHELDON, you don't know the half of it. It was during my father's wake at Boyle's Funeral Home that the Governor was brought home from Florida, where he had been vacationing, by the State police to Rhode Island. And that night, the two old companions rested one last time, side by side, on Smith Hill at Boyle's Funeral Home.

On behalf of my wife Sandra and my family, I extend to the Garrahy family our deepest condolences. To Joe's loving wife Margherite, to their children Colleen, John, Maribeth, Sheila, Seana, and their 11 grandchildren and the entire Garrahy family, we have you in our hearts.

Joe Garrahy often spoke about the great joy his children and his 11 grandchildren gave him, especially in the years after his retirement. Our thoughts and prayers are with them all today.

I am very pleased to have this opportunity to join with Senator REED and with so many Rhode Islanders who are still remembering, thinking of, praying for, and giving homage to Governor Garrahy. We will never forget his ready smile, his easy friendship, his distinguished service, his ability to remember every name, and his long and very loving marriage.

I join Senator REED in saluting his legendary service to our State.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I know folks are riveted to their televisions. I wanted to give them an update as to where we are on the STOCK Act.

First of all, there have been a lot of good amendments back and forth. We have reviewed them. We worked obviously late into last night and have been working throughout today. We are gearing up for votes that hopefully will be forthcoming, if not today, then hopefully tomorrow.

But I do appreciate the process, and I wanted to publicly thank Leader REID for his willingness to allow us to work through this process because it is sensitive for some people and it is new territory for others. But I will say, being the first time and having the ability to come down and co-manage the floor with Senator COLLINS and work with Senator LIEBERMAN and Senator GILLIBRAND, the process has been open and fair. We are trying now to eliminate some of the amendments that may not be relevant. We have had some folks step back and say, yes, take this off or take that off, and that is good. And we have been trying to combine other amendments to try to solidify where we want to go.

But I did want to let folks know that we are working diligently with the staffs of all the concerned Members, and hopefully we will get some votes very shortly.

Once again, I commend Leader REID and his staff, the chairman and his staff, Senator GILLIBRAND, and Senator COLLINS, for everyone working together trying to make this happen. I appreciate that, and I want to make that reference for folks who are paying attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, I apologize to the Presiding Officer and staff and Senators, but we have not been able to reach an agreement yet on how to move forward on this simple bill. Remember, everybody loved the bill? We should have been able to finish it quickly. It has not worked out that way, but we are close. I hope in the morning we can do this and finish the bill tomorrow afternoon. That would be preferable. I hope we can do that.

Everyone has worked in good faith and there are a number of amendments we will vote on, and if that is the case, we can finish this hopefully tomorrow, late in the afternoon or early evening. We are not there yet, but we are very close.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, while the majority leader is here, I wished to thank him for the work he and his staff have continued to do to enable us to get to a vote on this bill, which most everybody in the Senate supports, to make it clear that Members of Congress and our staffs are covered by anti-insider trading laws. Senator GILLIBRAND, Senator COLLINS, and Senator BROWN have all been working to bring this to an end and give Members on both sides the opportunity to introduce amendments. Senator REID has been showing great forbearance in not moving to file a cloture motion. In some sense, this is a test of whether we can all apply to ourselves a rule of reasonableness so that there can be a pretty open amendment process, but one that does not stop the Senate from getting something accomplished.

I share the leader's optimism. There is only one obstacle now to having an agreement and, hopefully, we can begin voting tomorrow afternoon and get it done before we finish.

Mr. REID. Mr. President, it is Senator GILLIBRAND's fault we are in all of this trouble.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. I wish to commend the leader for his forbearance and patience in this very long and extended process. But we are making great efforts to come together to work in a bipartisan way to accomplish something good for the American people and to begin to restore faith and trust in this institution and in our government. So I thank our leader. We are so grateful for his patience. I also thank the chairman for his work in leading this legislation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, to Senator LIEBERMAN, we did a lot more generalized work than the distinguished junior Senator from New York. She is an absolute expert in this area where we are dealing with corporate law, all the stuff we did with derivatives and all that, and I was certainly joking when I said she was the cause of trouble for this legislation. It was her idea. We appreciate her good work. Senator LIEBERMAN and I have been through a number of battles together and this is one of the minor skirmishes.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PHYLLIS CAUSEY

Mr. MCCONNELL. Mr. President, I rise to send my best wishes and gratitude to a good friend of mine and a loyal public servant to the people of

Kentucky for many years, Ms. Phyllis Causey. After nearly 2 decades working for the Representative from Kentucky's 2nd Congressional District—first Congressman Ron Lewis, then Congressman BRETT GUTHRIE—she has chosen to embark on a well-earned retirement.

As a field representative for Congressmen GUTHRIE and Lewis, she has made a huge impact on the lives of countless Kentuckians. Her dedication and hard work has set a standard for all who enter public service. She made many friends across the Commonwealth in her 18 years as a House staffer, and I am proud to be one of them.

Phyllis graduated from Hopkinsville Community College in 1970 and earned her bachelor's degree at Western Kentucky University in 1972. She also worked for Western Kentucky University for 23 years.

Before going to work for Kentucky's Second District, Phyllis was the vice chairwoman of the Warren County Republican Party. It was in that capacity she met Ron Lewis, who was exploring a run for Congress. A lot of people did not give Ron much of a chance at the time—after all, the previous holder of that district's Congressional seat, a Democrat, had held it for almost 40 years.

Well, Ron Lewis surprised a lot of people when he won that race. After winning, one of his first decisions—one of his best decisions—was to hire Phyllis Causey. And one of BRETT's best decisions was to retain her.

In her retirement, Phyllis has said she hopes to be able to spend more time with her husband, Larry, and also care for her mother. As so many people have stepped forward to wish her well upon the news of her retirement, Phyllis has humbly said, ''All I can hope is that I have made a difference.''

I certainly think it is safe to say she has. I value her friendship and wish her the best in her future endeavors. I know my colleagues in the U.S. Senate join me in honoring Ms. Phyllis Causey upon her retirement and thanking her for her many years spent in public service.

The Bowling Green, Kentucky-area publication The Daily News recently published an article highlighting Phyllis Causey's life and career. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Daily News, Jan. 14, 2012]

CAUSEY IS HAILED AS PUBLIC SERVANT; GUTHRIE AIDE RETIRING AT THE END OF JANUARY

(By Andrew Robinson)

When U.S. Rep. Brett Guthrie, R–Bowling Green, was campaigning for Congress in 2008, he was frequently posed a question. But it wasn't about his views on taxes, federal spending or social issues.

''Are you going to keep Phyllis Causey?'' people often asked Guthrie.

Guthrie did in fact keep Causey, who served as his field representative for the past three years. But Causey said goodbye Friday, retiring after 18 years of work with congressmen in Kentucky's 2nd Congressional District.

Causey, who worked for former U.S. Rep. Ron Lewis before joining Guthrie's office, officially retires at the end of January.

In a reception at the Warren County Justice Center, Causey thanked co-workers, friends and families for their support over the years.

''I have mixed emotions,'' Causey said. ''I've been crying a lot, as a matter of fact. It's very nice that people are stopping by.''

She said she'll remember the friends she has made.

''And, of course, working for a great guy like (Guthrie) and the previous congressman is a blessing,'' Causey said.

In December, Guthrie spoke for a few minutes about Causey's service on the floor of the U.S. House, a moment that was entered into the Congressional Record.

''She has been such an inspiration to me,'' Guthrie said on the floor. ''She has always been devoted to the causes she believes in—church, family and friends. Phyllis is an incredible wife, daughter, sister and mother. I know her family, especially her husband Larry, will be happy to have her around more often.''

The moment caught Causey by surprise.

''I did not know that was happening until the day before,'' Causey said. ''I'm overwhelmed and honored that he would want to do that.''

Of course, Guthrie and Lewis had nothing but good things to say about Causey.

''I used to tell her, and she thought I was kidding, but I used to say, ''Phyllis, don't run against me, you'll beat me hands down,''' Lewis said. ''In the counties that Phyllis serves, the people love her. She's never met a stranger. Everywhere you go, they know Phyllis Causey.''

Lewis met Causey in 1993. She was working as the vice chairwoman of the Warren County Republican Party and Lewis was trying to gauge his support in Warren County when he ran for Congress.

Lewis was invited by Causey to several events in Warren County.

''She became one of my first supporters in Warren County,'' Lewis said. ''She told me all the key people to talk to.''

Such stories are endless, Lewis said.

''A lot of people who are very political have trouble turning that into public service,'' Guthrie said. ''And what's amazing about her, as hard-core of a Republican she is, she served everybody.''

Causey plans to spend more time with her husband, as well as be a full-time caregiver for her mother. Mark Lord, who is serving as Guthrie's district director, will step up to serve Warren and Barren counties as field representative.

''She just has a great personality, loves people, loves her job—and talk about a true public servant,'' Lewis said. ''Phyllis is a public servant. I'm sad she's retiring because people love her.''

TRIBUTE TO KEN HARVEY

Mr. MCCONNELL. Mr. President, today I wish to recognize a distinguished Kentuckian who has worked tirelessly and selflessly in public service for over 25 years. I am sad to report to my colleagues today that Mr. Ken Harvey, the longest serving tourism director for any county in the Commonwealth, is retiring today.

Ken has worked since 1986 as the executive director of the London-Laurel County Tourist Commission in southeastern Kentucky. During his tenure, tourism growth in the area has tripled, the number of motels in the area has more than doubled, and the number of restaurants has doubled. Ken's coworkers, friends, and neighbors know that such a feat would not have been possible without Ken's endless energy and enthusiasm in his work.

When Ken moved to London, KY, with his wife Cheryl many years ago, he was working for Kmart and was sent to Kentucky for a temporary assignment. But, in Ken's own words, London ''just felt like home.'' It is to the rest of the town and county's benefit that Ken and Cheryl decided to put down roots and make London their home.

In addition to his long tenure as executive director of the London-Laurel County Tourist Commission, Ken keeps busy with many other pursuits. He is a longtime board member of the Southern/Eastern Kentucky Tourism Development Association and has served as that organization's president. He has been a board member of the Kentucky Tourism Council Federation and served that group for several terms as chairman or vice chairman. He has served with the Kentucky Festival Association and the Kentucky Main Street Board. Ken is also an avid historian who has volunteered for the Kentucky Civil War Trail and helped coordinate Civil War reenactments.

Ken is also a member of the Optimist Club, the Laurel County Rotary Club, and a Leadership Tri-County graduate. He was named Laurel County Man of the Year by the News Leader in 1990. And I would certainly be remiss if I did not mention what many believe to be Ken's greatest achievement as tourism director—for many years he has been the driving force behind the World Chicken Festival.

The World Chicken Festival brings over 200,000 visitors to Kentucky each year for what has become one of the top 10 festivals in the Southeastern United States. It offers entertainment, talent shows, art exhibits, carnival rides, and of course food—particularly chicken. It has been noted for exhibiting the world's largest stainless steel skillet. Lasting 4 days, taking up 10 square blocks, and free to visitors, I am sure my colleagues will understand when I say that under Ken's leadership, the World Chicken Festival is one of Kentucky's most ''egg-citing'' events.

Ken's retirement will be Kentucky's loss but certainly his family's gain. I understand he is looking forward to spending more time with his 6-year-old grandson. On behalf of the people of London, Laurel County, and all of Kentucky, I want to thank Mr. Ken Harvey for his many years of service. He will be missed, and I certainly wish him all the best in his well-earned retirement.

Mr. President, a recent article printed in the Laurel County area publication the Sentinel Echo highlighted Mr. Ken Harvey's many achievements. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Nov. 28, 2011]

HARVEY TO RETIRE

LONGEST-SERVING TOURISM DIRECTOR IN STATE

(By Nita Johnson)

LAUREL COUNTY, KY.—What began as a year's assignment in 1982 evolved into the longest-running term of a tourism commissioner in the state.

Ken Harvey, executive director of the London-Laurel Tourist Commission, announced his plans to retire on Feb. 1, after serving in that capacity for 26 years.

He has seen much growth during his tenure with the tourist commission, with his latest focus on developing the Heritage Hills property off Falls Street.

But the evolution of the World Chicken Festival, the Redbud Ride, various athletic events and a motel tax are just a few of the accomplishments that have brought revenue to the tourism commission during Harvey's term—accomplishments he credits to the board members with whom he has served.

Board members returned the compliment, with Tourism Commission Board President Caner Cornett describing Harvey as ''one of a kind.''

''He's a self-propelled man. Ken only knows one speed—full force,'' Cornett said. ''He's the kind who can talk to someone on jail work release or the governor and show no partiality. He has that kind of personality.''

Cornett said Harvey's exit as tourism director leaves ''some big shoes to fill.''

''He'll be hard to replace. His knowledge and experience is invaluable,'' he added.

Though coming to London from Ohio, Harvey said just a few months after settling here, he and wife Cheryl knew they wanted to stay in the area.

''It just felt like home,'' he said. ''When we came here, there were 650 motel rooms. Now there are 1,300,'' he said. ''Interstate 75 is an attraction in itself for travelers going north or south. We have a good cross-section of dining here and our board is made up of citizens whose home is here.''

Other attractions that have increased the tourism business are the annual Battle of Camp Wildcat, which Harvey considers ''the best in the state,'' along with the location of the Harley-Davidson dealership.

Harvey has been honored several times for his diligence in promoting tourism in the London area and is proud that the London commission is highly respected across the state. While he readily admits he does not wish to retire, he realizes that his ongoing health problems and three recent back surgeries are limiting his ability to serve in the capacity that he wishes to continue.

''It's time. I hope they bring in someone with fresh ideas that can continue to develop the Heritage Hills property and give some new ideas for other developments,'' Harvey said. ''Besides, I have a grandson who is six years old and I'm looking forward to spending lots and lots of years with him.''

VISA WAIVER PROGRAM ENHANCED SECURITY AND REFORM ACT

Ms. MIKULSKI. Mr. President, Senator KIRK and I have introduced the Visa Waiver Program Enhanced Security and Reform Act.

This is a piece of legislation near to my heart. For those who have known me, they have known I have fought long and hard for Poland to become free and independent. I think about the dark days of martial law in Poland, when we worked to support the solidarity movement in Poland and remove the yoke of communism. And after Poland emerged from the Iron Curtain, I worked with many of my colleagues to secure Polish democracy and bring them into NATO, securing their future in Western Institutions.

This legislation would help provide Poland a path to entry into the visa waiver program. It would eliminate the need for Polish citizens to obtain a visa to travel to America. As the granddaughter of a woman who came to America from Poland over 100 years ago, it would warm my heart to know a grandmother from Gdansk would no longer need a visa to visit her grandchildren in Baltimore.

This legislation does much more than just strengthen our relationship with Poland. It is a jobs bill. The visa waiver program makes America open for business for more tourists from allied countries. This can have a profound impact. South Korea entered the VWP in early 2009. In 2010, there was an increase of 49 percent in arrivals to the United States from South Korea, which created $789 million in new spending and supported 4,800 new jobs.

If Poland becomes eligible for the visa waiver program and has a similar increase in visitors, it would create $181 million in new spending and 1,500 new jobs. It's good for business and good for the economy.

Finally, it would strengthen America's national security by improving how we protect our borders. To participate in the visa waiver program, countries must agree to stronger passport controls, border security, and cooperation with American law enforcement—making it harder for terrorists to use these countries as entry points to the United States.

This legislation reinforces the program as an important component of national security by placing member countries on probation if any of the VWP requirements are not met and requiring a country's removal if it does not fulfill its requirements within two years.

The legislation also reinstates the Secretary of Homeland Security's Waiver Authority and a new cap on visa refusal rates will be set at no more than 10 percent, allowing the Secretary to recognize those nations that have met U.S. concerns on passport security, law enforcement cooperation, and border security. By admitting countries that have greater security standards for their travelers, the State Department can focus its limited consular resources on higher risk nations.

Poland has long been a friend to the United States, sending two of its finest heroes, Kosciusko and Pulaski, to fight in the Revolutionary War for America's freedom. In recent years, Poland has stood besides the United States in the aftermath of September 11, sending troops to fight alongside Americans in Iraq and Afghanistan.

Poland has overcome a melancholy history to become a vibrant and growing democracy. This legislation helps cement that relationship while improving America's security and creating new jobs. I look forward to working with my colleagues to secure its passage.

REMEMBERING RAY REID

Mr. BOOZMAN. Mr. President, I rise today to honor the life of Ray Reid, a devoted champion of Arkansas and its citizens, affectionately known as Arkansas's 'fifth congressman.'

Ray dedicated his life to public service, serving more than 30 years in the Army including three wars—WWII, Korea and Vietnam—before retiring as a colonel and continuing his commitment to this country serving for more than 23 years as chief of staff for three of Arkansas's Third Congressional District Congressmen—John Paul Hammerschmidt, Tim Hutchinson and Asa Hutchinson.

As a loyal staffer, Ray was an ambassador of and to Arkansas, going above and beyond to help resolve issues constituents had with the Federal Government. Under his guidance, Congressman Hammerschmidt laid the groundwork for successful constituent service. Ray recognized that the key to good governing and good public service is that you treat everyone fairly and set political differences aside.

Congressman Hammerschmidt recently said of his former right-hand man that he was the best administrative assistant in the House during his service. Upon his retirement Congressman Asa Hutchinson said Ray was known to be one of the most knowledgeable men in Washington.

When I was elected to Congress in 2001, Ray went out of his way to help us get on the right track. His skills and experiences were vital to helping us build a strong foundation to serve the people of the Third District.

Despite working in the minority for much of his career, Ray managed to accomplish great things for Arkansas because of the long-lasting relationships he built. Certainly Ray saw many changes in the Third Congressional District during his years of service to Arkansas and many can be credited to his efforts. Ray had a hand on many infrastructure projects including Interstate 540 and the Northwest Arkansas Regional Airport.

In a recent interview, Congressman Hammerschmidt fondly recalled Ray's passion for the Natural State: ''Ray really loved Arkansas,'' he said. Ray helped change the landscape of Arkansas. His impact is far reaching and his legacy is evident in the Third Congressional District.

The State of Arkansas has lost a true friend who went to great lengths to make it a better place.

ADDITIONAL STATEMENTS

RECOGNIZING MONTH OF THE HAWAIIAN LANGUAGE

● Mr. AKAKA. Today I wish to speak to the celebration of the Hawaiian language. February is designated as the ''Month of the Hawaiian Language'' by the State of Hawai'i. Speakers and students of the language use this time to foster and promote Hawaiian through festivals, spelling bees, and speech and debate competitions where the Hawaiian language is the primary medium.

Since the first official designation in 1994, February has been a celebration of the Hawaiian language in Hawai'i. However, this modern renaissance happened only after the Hawaiian language came close to extinction, and the people of Hawai'i fought to preserve it.

In 1896, following the overthrow of the Kingdom of Hawai'i, English was named as the primary language of instruction in Hawai'i's schools. As a result, students who spoke Hawaiian were subject to physical punishment or public humiliation. As Native Hawaiian families struggled to assimilate with the increasing Western presence in Hawai'i, parents gave children non-Hawaiian first names. Families who carried Hawaiian family names adopted Western surnames to avoid a Hawaiian identity. Parents stopped teaching their children Hawaiian, and maintained English-only households. This was a sad chapter in Hawai'i's history, but fortunately, today, thanks to the effort of many Hawai'i residents, political and community leaders, and educators, the Hawaiian language is thriving.

In 1978, the Hawaiian language, also called 'Ōlelo Hawai'i by its speakers, was declared one of the two legal languages of the State of Hawai'i. In 1984, the first Hawaiian language preschool was established, 'Aha Pūnana Leo. Three years later, Hawaiian language immersion expanded to include kindergarten through grade 12, and today, students can study the Hawaiian language from preschool through their doctorate studies.

Use of the Hawaiian language is not limited to its fluent speakers. Those who live in and visit Hawai'i use Hawaiian words and phrases in their everyday vocabulary, whether they are Native Hawaiian or not. Towns, roadways, schools, and parks bear Hawaiian names. Island residents commonly give each other directions using the words mauka—meaning towards the mountains, or makai—meaning towards the ocean. A waitress might ask you if you are pau, or done, with your meal before she clears the table. You might tell her it was 'ono, or delicious.

Some of the more commonly used words, including aloha and mahalo, are known well beyond the shores of Hawai'i. I probably do not have to explain that mahalo means thank you, or that aloha is a greeting that conveys warmth, love, and affection and is used to both welcome someone and wish them well.

The Hawaiian language is thriving in our modern society and it remains relevant as technology evolves around us. The iPhone and Google's homepage are just two instances where the Hawaiian language can be selected as an option in language settings. Developers of the popular website, Wikipedia, borrowed the Hawaiian word wikiwiki, meaning speedy, for its name. Travelers through Honolulu International Airport are greeted every half hour with a public announcement first in Hawaiian, followed by its English translation. Local television reporters and weather forecasters consult with language experts on Hawaiian pronunciation. One of the morning news shows features a segment produced entirely in the Hawaiian language. Cable subscribers receive a channel featuring Hawaiian language reporting.

The Hawaiian language is engrained in our daily lives in Hawai'i, and is important to all of Hawai'i's people. I am extremely grateful for the efforts made by kūpuna, our elders, as well as language and cultural educators, to preserve the Hawaiian language. According to the University of Hawai'i at Hilo, there are approximately 7,500 people learning the Hawaiian language today, from preschools, institutions of higher education, and community programs. Parents are again raising their children to speak Hawaiian. While there is an increasing interest in the Hawaiian language, this is still just a small percentage of the population of the State of Hawai'i. I applaud the State for designating February as the ''Month of the Hawaiian Language'' and bringing awareness to the need to perpetuate our language so that future generations may learn the language of their ancestors.

E ola mau ka 'Ōlelo Hawai'i! Long live the Hawaiian language.●

RECOGNIZING NATIONAL GIRLS AND WOMEN IN SPORTS DAY

● Mr. BENNETT. Mr. President, today, February 1, I wish to celebrate the 26th annual National Girls and Women in Sports Day, on which we praise the importance of sports participation and athletics in the lives of girls and women everywhere. This year's celebration has special meaning as it falls on the eve of the 40th anniversary of the passage of title IX of the Education Amendments of 1972. For over 40 years, this historic law has furthered gender equality in sports participation in schools so that young women, including my three daughters, Caroline, Halina and Anne who all play soccer, may enjoy the benefits that come along with sports participation.

Studies show that participation in sports has a positive influence on the intellectual, physical and psychological health of young girls. According to the National Federation of State High School Associations, by a 3–1 ratio, female athletes do better in school, do not drop out, and have a better chance to get through college. Additionally, a study from the Women's Sports Foundation showed that high school athletes are less likely to smoke cigarettes or use drugs than their non-athlete peers. Sports participation is also linked to lower rates of pregnancy in adolescent female athletes. With these statistics in mind, it is not surprising that a study from the Oppenheimer/MassMutual Financial Group shows that of 401 executive business women surveyed, 82 percent reported playing organized sports while growing up, including school teams, intramurals, and recreational leagues.

In my home State of Colorado, we are ahead of the curve with regard to the participation of girls and women in sports. The U.S. Olympic Training Center, located in Colorado Springs, was created by an act of Congress in 1978, just a few years after title IX was passed. It is encouraging to know that women like Gold Medal Winner Lindsey Vonn, now make up nearly half of all U.S. Olympians competing at the games, representing more than 48 percent of the 2008 team. Colorado also supports the success of Paralympians such as Sarah Will, who after a skiing accident that left her paralyzed from the waist down, went on to help found the Vail Monoski Camp and won 12 gold Paralympic medals from 1992 to 2002.

Colorado is also a vanguard in providing early education and sports opportunities for women. The flagship all girls school, GALS, Girls Athletic Leadership Schools, has opened its first public charter school in Denver, CO. The school practices active learning that engages students in health and wellness activities in the belief that these are key contributing factors in optimizing academic achievement and self-development. There are also groups such as the Colorado Women's Sports Fund Association that work towards increasing the number of girls and women who participate in athletics and reducing and eliminating barriers that prevent participation.

Despite the vast improvements with regard to sports participation for girls and women, inequalities and disparities still remain. According to the National Federation of State High School Associations, schools are still providing 1.3 million fewer chances for girls to play sports in high school than boys. These numbers have an even greater impact on Latinas and African-American young women. The Women's Sports Foundation shows that less than two-thirds of these girls play sports while more than three-quarters of Caucasian girls do. And three-quarters of boys from immigrant families are involved in athletics, while less than half of girls from immigrant families are.

Mr. President, we have work to do. Part of our job is to promote the importance of this national effort to grow the rates of female athletes. Please

join me in celebrating National Girls and Women in Sports Day by supporting efforts to expand equality in sports participation and education for women and girls around the country.●

TRIBUTE TO JACK KING

● Mrs. FEINSTEIN. Mr. President, on behalf of myself and Senator BOXER, I join my colleagues in the House of Representatives, including Mr. COSTA, Mr. LUNGREN, Mr. CARDOZA, Mr. FARR, Mr. DENHAM, Ms. RICHARDSON, Mr. BACA, Mr. HERGER, Mrs. CAPPS, Mr. FILNER, Ms. LOFGREN, Ms. MATSUI, Mr. NUNES, Mr. MCNERNEY, Mr. THOMPSON, Mr. SCHIFF, Ms. LEE, Ms. LORETTA SANCHEZ, Ms. ESHOO, Ms. CHU, Ms. SPEIER, Ms. LINDA SÁNCHEZ, Mr. BECERRA, Ms. HAHN, Mr. SHERMAN, Mr. HONDA, Mr. MCCLINTOCK, and Mr. CALVERT, to pay tribute to Mr. Jack King on the occasion of his retirement from the California Farm Bureau Federation. For more than 35 years, Jack King has worked on behalf of our Nation's farmers and ranchers to ensure that they have a voice in our Nation's capital. His passion for agriculture has made him a strong and effective advocate for the American Farm Bureau Federation and the California Farm Bureau Federation.

Growing up on a dairy farm in Wisconsin taught Jack the value of hard work, and the important role agriculture plays in America—specifically when it comes to feeding and clothing our families and supporting our economy. Upon graduating from the University of Wisconsin, Jack began his career in agriculture with the university's cooperative extension office. Jack then went on to work for the Wisconsin Council of Agricultural Cooperatives and the Wisconsin Council of Agriculture. In 1973, Jack ventured west and joined the California Farm Bureau Federation as assistant manager of the information division.

Jack expanded his work with the Farm Bureau, and in 1985, he became news services director for the American Farm Bureau Federation. Based in Illinois, Jack managed internal and external communications and often worked in conjunction with the Washington, D.C. office to ensure that legislators were connected with farmers and ranchers. In 1994, Jack returned to California to serve as manager of the California Farm Bureau Federation's National Affairs Division. He served as a direct link between farmers, ranchers, and Members of Congress.

Jack's tremendous contributions and dedication can be measured in a number of ways. Notably, Jack made approximately 200 trips to Washington, D.C. His deep commitment was based in his belief that legislators needed to hear directly from farmers and ranchers in order to understand their contributions and the difficulties they face. Specifically, Jack has been dedicated to working on comprehensive immigration reform, natural resource regulations, and renewable energy.

Of course none of these accomplishments would be possible without the love and support of Jack's wife, Mary Ann; their sons, Carl, David and Bryan; and two grandchildren.

We ask our colleagues to join us in recognizing Jack King's enthusiasm and work ethic. His devotion and loyalty to our Nation's farmers and ranchers make him a source of pride for our community, State and Nation. We thank Jack for his work on behalf of farmers and ranchers in California and all across the country, and wish him well in retirement.●

RECOGNIZING BULL JAGGER BREWING COMPANY

● Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I have heard time and again how difficult it is to start a business in our current economy. As the new year begins, I find it especially critical to honor those entrepreneurs, who in spite of these challenging times, are surmounting all obstacles to pursue the American dream of starting a small business. With this in mind, today I wish to commend and recognize the most recent addition to the renowned brewing family, the Bull Jagger Brewing Company of Portland, ME.

Bull Jagger opened in the fall of 2011 with two employees and a dream to produce high-quality lager. In a 1,500-square-foot space in Portland's Riverside Industrial Park, the two owners, Tom Bull and Allan Jagger, have begun producing the Portland Lager. In their small facility, they currently produce about eight barrels a week which makes approximately 1,800 bottles of the refreshing beverage. Their lager debuted at the Portland Harvest on the Harbor in October of 2011 to rave reviews.

This success is truly exceptional as only a few years ago, Tom Bull, a Bath native who has worked at local companies such as Gritty McDuff's and the former Stone Coast Brewing, was developing his own homemade beer and dreaming of opening a micro-lager business. Fortunately, after meeting through mutual friends and tasting Tom's homebrew, local businessman Allan Jagger was convinced that Tom's dream was worth pursuing. Together as partners, they decided to turn their aspirations into reality and venture into Maine's micro-brew market.

Across the State, both Tom and Allan found that Maine's micro-brew market lacked one particular beer variety—a micro-brew lager. While larger breweries all produce lagers, most micro-breweries shy away from lagers because of the increased length of brewing time in comparison to ales. Typically, lager has to sit in a cold cellar for several weeks to allow proper fermentation to occur. While this may have deterred other micro-breweries in the past, Bull Jagger believed their lager would be worth the wait, and they were certainly right. In true lager fashion, this small brewery allows their lager to ferment over 6 weeks, which is approximately a month longer than traditional ales. This may have diminished the speed with which the product leaves the factory, but it certainly has not slowed down the consumption, as sales are continuing to grow.

As a new small business that has already distinguished itself in Maine's prominent micro-brew market, Bull Jagger is looking forward to producing additional varieties, including a Pilsner beer, in the near future. This small firm's attention to detail and initial success demonstrates the remarkable quality of their product. I am proud to extend my congratulations to Tom Bull and Allan Jagger for their tremendous efforts, and offer my best wishes for the continued success of Bull Jagger Brewing Company.●

TRIBUTE TO ERICA MARIE D'AQUIN

● Mr. VITTER. Mr. President, today I recognize Ms. Erica Marie d'Aquin, a bright and talented young Louisianian.

Each year since 1743, the carnival celebration known as Mardi Gras, French for Fat Tuesday, has been celebrated by the people of New Orleans. The season officially begins on January 6, the Twelfth Night of Christmas and the Feast of the Epiphany. Also recognized in many countries around the world with large Roman Catholic populations, Mardi Gras is the final blow out party prior to the ritual fasting of the Lenten Season, which begins on Ash Wednesday.

Over the many decades that New Orleanians have celebrated Mardi Gras, ''krewes'', or private Mardi Gras social organizations, have also contributed to the merriment and glee surrounding the festive season. In Greek mythology, Endymion was known for his everlasting youth and beauty. In 1966, the Krewe of Endymion was established and has annually paraded through the streets of New Orleans. Today, Endymion is known for being the largest parade in New Orleans, both for the number of members—2300—and also for the number of floats. This krewe has meant a lot to me since I had one of my first jobs as a high school student painting Endymion's floats—white primer only, as I wasn't trusted with colors.

During this, the Krewe of Endymion's 46th year, Ms. Erica Marie d'Aquin will reign as queen. Ms. d'Aquin is a senior at Archbishop Chapelle High School and is on the distinguished honor roll. She is a member of the National Art Honor Society, is a member of the pro-life club, has a fond love for art, and is very active in the Chapelle Animal Rescue Effort to promote the awareness of issues affecting animals. She is the daughter of Mr. and Mrs. Daryl d'Aquin and the granddaughter Mr. and Mrs. Edmond J. Muniz, the founder and captain of the Krewe of Endymion.

It is exciting for such an accomplished young person to have this honor and will be something she will cherish for a lifetime. She joins a long line of family members who have also had the honor of serving as queen of Endymion: her mother Mary in 1984, her aunt Michelle in 1986, and her aunt Margie in 1991.

As we celebrate the 2012 Mardi Gras season, it is my pleasure to honor Ms. Erica d'Aquin as the 46th queen of the Krewe of Endymion.●

REMEMBERING GAIL ACHTERMAN

● Mr. WYDEN. Mr. President, today I wish to recognize someone who may not be familiar to members of the Senate, but in my State is synonymous with what makes Oregon a place that values the environment, its natural resources and its scenery.

Gail Achterman of Portland passed away on January 28 of pancreatic cancer. Gail was a special friend for more than 40 years. When I arrived on the Stanford University campus in the summer of 1969, Gail and I were tour guides together, two Democrats at the conservative Hoover Institution of War, Revolution and Peace. We laughed about it then, and kept sharing jokes and stories for more than 40 years.

Gail leaves behind an impressive legacy of public service and dedication to environmental causes that will endure for years to come. Her professional resume is impressive: Lawyer, director of the Institute for Natural Resources at Oregon State University, chair of the Oregon Transportation Commission, natural resources advisor to a former governor and member of too many State councils, boards and commissions to list here.

Even more impressive, however, was her life-long commitment to those things that make Oregon great. For an example, look no further than the indispensable role she played in creation of the Columbia Gorge National Scenic Area in 1981. Anyone who has seen the majestic Columbia River Gorge knows it is one of the most beautiful places on earth—a crown jewel in a landscape filled with natural beauty. I was proud to be part of protecting The Gorge and proud of partnering with Gail in making that happen.

I want to extend my condolences to her husband Chuck and to her family and assure them that Oregon is a greater State thanks to my special friend Gail and the ideals she believed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Nieman, 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 and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriates for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MICA, PETRI, DUNCAN of Tennessee, GRAVES of Missouri, SHUSTER, Mrs. SCHMIDT, Messrs. CRAVAACK, RAHALL, DEFAZIO, COSTELLO, BOSWELL, and CARNAHAN.

From the Committee on Science, Space, and Technology, for consideration of sections 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X and title XIII of the House bill and sections 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and section 732 of the Senate amendment, and modifications committed to conference: Messrs. HALL, PALAZZO, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Ways and Means, for consideration of title XI of the House bill and titles VII and XI of the Senate amendment, and modifications committed to conference: Messrs. CAMP, TIBERI and LEVIN.

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–4825. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Real-Time Public Reporting of Swap Transaction Data'' (RIN3038–AD08) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4826. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Change in Reporting Requirements and New Information Collection'' (Docket No. AMS–FV–11–0041; FV11–920–1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4827. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Dairy Promotion and Research Program; Amendments to the Order'' (Docket No. AMS–FV–11–0047; FV11–930–1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trichoderma virens strain G-41; Exemption from the Requirement of a Tolerance'' (FRL No. 9333–5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4829. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John D. Gardner, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4830. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Robert F. Willard, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–4831. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4832. A joint communication from the Acting Under Secretary of Defense (Personnel and Readiness) and the Deputy Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities of the Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries, and Amputations; to the Committee on Armed Services.

EC–4833. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act Implementation'' (RIN2590–AA44) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4834. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Implementation'' (RIN2590–AA46) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4835. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4836. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4837. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4838. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–4839. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–4840. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers'' (RIN1904–AB92) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Energy and Natural Resources.

EC–4841. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, General Service Incandescent Lamps, and Incandescent Reflector Lamps'' (RIN1904–AC45) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Energy and Natural Resources.

EC–4842. A communication from the Assistant Administrator for Strategic Infrastructure, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Implementing the National Environmental Policy Act'' (RIN2700–AD71) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC–4843. A communication from the Chief of the Aquatic Invasive Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Injurious Wildlife Species; Listing Three Python Species and One Anaconda Species as Injurious Reptiles'' (RIN1018–AV68) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC–4844. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision 1 to the Final Safety Evaluation of Electric Power Research Institute (EPRI) Report, Materials Reliability Program (MRP) Report 1016596 (MRP–227), Revision 0, 'Pressurized Water Reactor (PWR) Internals Inspection and Evaluation Guidelines' (TAC No. ME0680)'' received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC–4845. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 8-hour Ozone Standards'' (FRL No. 9624–6) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-hour Ozone Standards'' (FRL No. 9624–5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4847. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation of Areas for Air Quality Planning Purposes; Maryland; Determination of Nonattainment and Reclassification of the Baltimore 1997 8-hour Ozone Nonattainment Area'' (FRL No. 9625–3) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4848. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regional Haze State Implementation Plan'' (FRL No. 9625–5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4849. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Virginia's Regulation Regarding the Sulfur Dioxide National Ambient Air Quality Standard'' (FRL No. 9625–8) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4850. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nonconformance Penalties for Onhighway Heavy Heavy-Duty Diesel Engines'' (FRL No. 9623–8) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4851. A communication from the Acting Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Global Entry Program'' (RIN1651–AA73) received in the Office of the President of the Senate on January 31, 2012; to the Committee on Finance.

EC–4852. 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 ''Revenue Ruling: 2012 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2012–6) received in the Office of the President of the Senate on January 31, 2012; to the Committee on Finance.

EC–4853. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0001—2012–0011); to the Committee on Foreign Relations.

EC–4854. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age'' (29 CFR Part 4044) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4855. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4044) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4856. A communication from the Chairman of the National Endowment of the Arts, transmitting, pursuant to law, the Endowment's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4857. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Agency's fiscal year 2011 Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4858. 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 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4859. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–272 ''District Department of Transportation Omnibus Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4860. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–273 ''Processing Sales Tax Clarification Second Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4861. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–274 ''Green Building Compliance Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4862. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–275 ''Retirement Distribution Withholding Temporary Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4863. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–276 ''Board of Elections and Ethics Electoral Process Improvement Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4864. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–277 ''Public Notice of Advisory Neighborhood Commissions Recommendations Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4865. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–278 ''Captive Insurance Company Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4866. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–279 ''Board of Medicine Membership and Licensing Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4867. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–280 ''Southwest Duck Pond Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4868. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–281 ''Commission on African-American Affairs Establishment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–282 ''Paul Washington Way Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–283 ''Glover Park Community Center Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–284 ''Rev. Dr. Jerry A. Moore, Jr. Commemorative Plaza Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–285 ''Military Parents' Child Custody and Visitation Rights Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–286 ''Long-Term Care Ombudsman Program Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–287 ''Human Rights Service of Process Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–288 ''Oak Hill Conservation Easement Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–289 ''9/11 Memorial Grove Dedication Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–290 ''District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–291 ''Old Naval Hospital Real Property Tax Exemption Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–292 ''Lillian A. Gordon Water Play Area and Park Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–293 ''Willie Wood Way Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–297 ''William O'Neal Lockridge Memorial Library at Bellevue Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

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. BENNET (for himself and Mr. WARNER):

S. 2053. A bill to encourage transit-oriented development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH (for himself, Mr. THUNE, Mr. TESTER, Mr. BLUNT, Mrs. MCCASKILL, Mr. GRASSLEY, Mr. HOEVEN, Mr. BROWN of Massachusetts, Mr. BAUCUS, Mr. ENZI, Mr. JOHANNS, Mr. CASEY, Mr. MCCAIN, Mr. DEMINT, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. BURR, Mr. RISCH, Mr. TOOMEY, Mr. PAUL, Mr. COBURN, and Mrs. SHAHEEN):

S. 2054. A bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY (for himself, Mr. CRAPO, and Mr. WICKER):

S. 2055. A bill to amend the Federal Deposit Insurance Act with respect to the protection of certain information; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. LEE):

S. 2056. A bill to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 2057. A bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mr. HELLER, Mrs. GILLIBRAND, Mr. PORTMAN, Mr. BARRASSO, Mr. CORNYN, Mr. KYL, Mr. VITTER, Mr. RISCH, Mr. HOEVEN, Ms. LANDRIEU, Mr. BEGICH, Mr. LUGAR, Mr. BENNET, Mr. MENENDEZ, and Mr. CRAPO):

S. 2058. A bill to close loopholes, increase transparency, and improve the effectiveness of sanctions on Iranian trade in petroleum products; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHUMER, and Mr. REED):

S. 2059. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 2060. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of non-participation due to Government error; to the Committee on Armed Services.

By Mr. GRAHAM:

S. 2061. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. Res. 365. A resolution honoring the life of Kevin Hagan White, the Mayor of Boston, Massachusetts from 1968 to 1984; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. NELSON of Florida, and Mr. CASEY):

S. Res. 366. A resolution honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza; considered and agreed to.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. KOHL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 27, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 704

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 720

At the request of Mr. THUNE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1610

At the request of Mr. BARRASSO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1895

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was withdrawn as a cosponsor of S. 1895, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes.

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1895, supra.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1979

At the request of Mr. CONRAD, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2005

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2005, a bill to authorize the Secretary of State to issue up to 10,500 E-3 visas per year to Irish nationals.

S. 2043

At the request of Mr. RUBIO, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Arizona (Mr. MCCAIN), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. WICKER), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Dakota (Mr. THUNE), the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. COBURN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Maine (Ms. COLLINS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2046

At the request of Ms. MIKULSKI, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Ohio (Mr. BROWN), the Senator from Alaska (Mr. BEGICH), the Senator from Maryland (Mr. CARDIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

AMENDMENT NO. 1470

At the request of Mr. MANCHIN, his name was added as a cosponsor of amendment No. 1470 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1471

At the request of Mr. MANCHIN, his name was added as a cosponsor of amendment No. 1471 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1480

At the request of Mr. HELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 1480 intended to be proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1483

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of amendment No. 1483 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH (for himself, Mr. THUNE, Mr. TESTER, Mr. BLUNT, Mrs. MCCASKILL, Mr. GRASSLEY, Mr. HOEVEN, Mr. BROWN of Massachusetts, Mr. BAUCUS, Mr. ENZI, Mr. JOHANNS, Mr. CASEY, Mr. MCCAIN, Mr. DEMINT, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. BURR, Mr. RISCH,

Mr. TOOMEY, Mr. PAUL, Mr. COBURN, and Mrs. SHAHEEN):

S. 2054. A bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BEGICH. The STOP Act is the Stop the Outrageous Pay for Fannie and Freddie Act, the bill Senator THUNE and I introduced this morning. Our bill comes in the aftermath of a series of events that began last November when reports surfaced that the Federal Housing Finance Agency, FHFA, approved nearly $13 million in bonuses for 10 executives, that enterprise that supervises Fannie Mae and Freddie Mac.

In response, Senator THUNE and I spearheaded a bipartisan letter, signed by 58 other Senators to the FHFA, Acting Director Edward DeMarco and the Treasury Secretary, Timothy Geithner. We expressed outrage over these pay levels, and I believe our message was heard. Almost 3 months after our letter was sent, the pressure was clearly on. Government regulators were cutting the pay of the executives they hired to replace the departing heads of Fannie Mae and Freddie Mac.

Also, in response to our efforts, House Financial Services Committee chairman SPENCER BACHUS introduced legislation suspending these bonuses and limiting future compensation packages for Fannie and Freddie employees. In November, his committee passed the bill by a vote of 52 to 4.

The Begich-Thune STOP Act is a commonsense approach to address the outrageous Wall Street-like bonuses and pay that have occurred at Fannie Mae and Freddie Mac for far too long and which continue to occur to this day, even after billions in taxpayer bailouts. I wish to make it clear, this bill will not change the life much for nonexecutives. The pay structure for the everyday, hard-working Americans at Fannie and Freddie will stay almost as it is today. They are not the target. However, it will change the life for executives such as Peter Federico, who earned $2.5 million in 2010 and had a target compensation of $2.6 million in 2011. This was at the same time he was gambling that struggling homeowners would be unable to refinance their high-interest mortgages to record-low interest rates. This is unacceptable, unethical, and I know this body will not tolerate it.

Here is how our legislation works: It simply places Fannie Mae and Freddie Mac employees on the same pay scale as the financial regulators at the FDIC and SEC, a pay scale long established in Federal law. It is a pay scale called the Financial Institutions Reform, Recovery, and Enforcement Act. This is the pay scale we are basing our legislation on.

Under our approach, Fannie Mae and Freddie Mac employees cannot be paid more than employees of other Federal financial regulatory agencies. Right now the highest paid person under this pay scale makes $275,000 a year. This is our pay cap. While this is a lot of money, it is not any more than what the cops, as we call them, on the financial beat make to ensure that ordinary Americans are protected and get a fair shake.

Our legislation also stops any future bonus payments that go beyond the cap established in this legislation. Also, any bonuses that have been granted but have not yet been paid will be stopped. Any money in excess of the cap we have established will be used to pay down the national debt. Finally, our bill requires that Fannie and Freddie salaries be made available to Congress and the public through the Senate Banking Committee and the House Financial Services Committee.

I am aware of the criticism of this bill and I would like to address them. Senator MCCAIN offered an amendment yesterday that freezes bonus pay. I support Senator MCCAIN in his efforts. In fact, I cosponsored this very same amendment the last time it was offered. Many of my colleagues have asked me why our bill does not freeze bonus pay. Our bill is based on a broad-based approach that looks at the entire pay structure within Fannie Mae and Freddie Mac.

While it tackles the huge bonuses and pay policies for executives at Fannie and Freddie, we believe the everyday employees earning modest salaries should be occasionally rewarded for outstanding work so it ensures they get the small bonuses that may be effective for them. But to clarify, these would be modest bonuses that would never exceed the pay cap established in this bill.

I have also heard the concern that Fannie and Freddie will not be able to attract the right kind of talent if they cannot pay people multimillion-dollar compensation packages. I hate to state the obvious: Fannie and Freddie have proven the opposite. They paid executives outrageous compensation and yet still failed by Alaskans and all Americans. They needed hundreds of billions of dollars in taxpayer bailouts and still ended up in conservatorship. This sends an unsettling message to millions of hard-working people who are struggling to make ends meet. They have taken Alaskans' tax dollars in the form of bailouts. Yet when my constituents in Anchorage or Kotzebue or Fairbanks or Juneau needed help to avoid foreclosure or refinance their loans, Fannie and Freddie often turned their backs.

Finally, I have this response to people who say Fannie and Freddie executives need to earn millions: Whatever happened to the concept of public service or to the notion that it is an honorable calling to work on behalf of your friends and your neighbors? There are lots of dedicated, hard-working professionals at Fannie and Freddie who believe in that notion, and they are doing their absolute best to help American families to afford the American dream of owning and keeping their homes.

The Begich-Thune bill makes sure this hard work continues and that their bosses at Fannie and Freddie come to work every day not with visions of dollar signs but instead with a clear eye of doing what is right for all Americans.

I urge all Members to support this commonsense bipartisan bill. Senators TESTER, MCCASKILL, BAUCUS, BLUNT, GRASSLEY, HOEVEN, ENZI, and SCOTT BROWN have already joined Senator THUNE and me as original cosponsors. I wish to thank them for their support.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHUMER, and Mr. REED):

S. 2059. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Finance.

Mr. WHITEHOUSE. Mr. President, we are in an age of tight budgets and tough choices, and I rise today to introduce legislation that would address some loopholes in the Tax Code that provide ways for Americans with superhigh incomes to pay lower tax rates than are paid by regular hard-working, middle-class families. These middle-class families feel they are struggling to get by but then find that some people with extremely high incomes are actually paying a lower, all-in federal tax rate than they are. To them, it defies common sense, and I think for all of us it defies common sense. Americans deserve a straight deal, and right now they are not getting one from our tax system.

To see the unfairness of our current tax system, we don't have to look much further than the national headlines. According to a Forbes magazine report last fall, billionaire Warren Buffet ''paid just 11.06 percent of his adjusted gross income in Federal income taxes'' in 2010. Mr. Buffet is the first to express his dismay at this circumstance and acknowledges that the rate he pays is lower than the tax rate paid by his own secretary. Mr. Buffet has called for a correction of this anomaly, and I agree with him. So does President Obama, who, in his State of the Union Address, said Washington should stop subsidizing millionaires. I agree.

We should celebrate the success of people who are earning $1 million and more a year, but we don't—particularly in this time of tight budgets and hard choices—need to subsidize that. The legislation I have introduced today, the Paying a Fair Share Act of 2012, would ensure that those with extremely high incomes pay at least a minimum Federal tax rate of 30 percent. I thank Senators AKAKA, BEGICH, LEAHY, HARKIN, BLUMENTHAL, and SANDERS for being initial cosponsors of this measure.

The structure of our bill is pretty simple. If your total income—capital gains included—is over $1 million, you calculate your taxes under the regular system. If your effective tax rate turns out to be greater than 30 percent, you pay that rate. If, on the other hand, your effective tax rate is under 30 percent, like Warren Buffet's 11 percent, then you would pay the fair share tax rate.

After collecting input from some of my colleagues, I have also included a provision to allow the fair share tax to be gradually phased in for taxpayers earning between $1 million and $2 million per year. Taxpayers earning less than $1 million—which is 99.9 percent of all Americans—wouldn't be affected by this bill at all. Taxpayers earning over $2 million would be subject to the 30 percent minimum Federal tax rate, and those in between $1 million and $2 million would pay, on a phased-in basis, a portion of the extra tax required to get up to the 30-percent effective tax rate. This way we make sure no taxpayer faces a tax cliff where earning an additional $1 of income increases his or her taxes by more than $1.

In his State of the Union Address on Tuesday, President Obama called for legislation to ensure that the highest earning taxpayers pay at least a 30-percent tax rate. The Fair Share Act would do just that. To call our tax system fair, I believe the highest income Americans should pay a higher rate—not a lower one—than middle-income taxpayers. For more context, let's take a look again—because I have given this speech over and over on the floor—at how superhigh-income-tax payers fare under our current system.

This is the Helmsley Building in New York, as I have pointed out before. It is on Park Avenue, and it has a unique characteristic, which is that it is so big it has its own ZIP Code. Because the Internal Revenue Service publishes information about tax payment by ZIP Code, we can see what the tax payments are that come out of this building. What we find with the latest information that the IRS has published is that the average filer has an adjusted gross income of over $1 million in the Helmsley Building, but the average tax payment out of that building is only 14.7 percent.

To provide a little context for that, if we look at what the average New York City janitor or the average New York City security guard pays in terms of an effective all-in Federal tax rate, it is 28.3 percent for the security guard and 24.9 percent for the janitor. So at this point it looks as if the people who are the very successful occupants of the Helmsley Building pay an actual lower Federal tax rate than the people who come in and clean the building, and that does not seem fair or sensible.

One might say, well, maybe it is just something about the Helmsley Building that causes it, but it is not. Despite Leona Helmsley's infamous line that it is only the little people who pay the taxes, it is a broader issue than that. Take a look at the income tax information about the 400 highest earning Americans.

In the same way that the IRS aggregates information by ZIP Code, it also takes the highest income earners and reports on them in aggregate. The 400 top incomes for 2008—which is the last year the IRS has assembled—had an average income each of $270 million, which certainly is something to be proud of and to celebrate if one can achieve that kind of success. But the average tax rate paid by the 400 was only 18.2 percent, which is—apart from the discussions we have been having in the Senate—about what the top income tax rate should be.

We discuss often whether the top income tax rate should be 35 percent or should be 39.6 percent. It was 39.6 percent, for instance, during the booming Clinton economy. It is now 35 percent. Depending on where the tax cut discussion goes, it may go back up again. But that is not what a large number of these very high income earners pay. In fact, the top 400 aren't anywhere near that. They are at half that, at 18.2 percent. We are supposed to have a progressively graduated Tax Code, with people who earn more paying a higher rate.

Let's see who else pays at the 18.2-percent rate. We looked at Bureau of Labor Statistics information for a single filer earning $39,350. That is where you hit an 18.2-percent tax rate, just like the 400 who made $¼ billion each, on average. They are in the same position as somebody who is earning a little less than 40,000 who pays 18.2 percent under our present system. If we look at the type of jobs that hit that area, according to the Bureau of Labor Statistics, in the Rhode Island labor market a truckdriver earns on average $40,200. So we have a truckdriver paying the same rate of Federal tax as somebody earning $¼ billion in a year.

So I think there is plenty of room for correction and to bring our tax system in line to the principle that I think we all espouse theoretically, which is that it is a progressive tax system. The more you earn, the more you pay and indeed the higher rate you are supposed to pay. It is not supposed to be at the other way around where, at the other high extreme, you end up paying lower rates than regular Americans.

The Helmsley Building was one building that has a little story to tell all of us. Here is another building with a story to tell. This is a building that is called Ugland House, and it is in the tax haven Cayman Islands. It doesn't look like much, does it? I don't want to say it is a crummy little building, but it certainly doesn't compare to a lot of other business buildings. But it does have something remarkable happening within it. It has 18,000 corporations that claim to be doing business out of this location—18,000 corporations in this little five-story building. It gives a new meaning to the phrase ''small business.''

As our budget chairman KENT CONRAD has pointed out, the only business going on in Ugland House is funny business with our Tax Code, shell companies that hide assets and dodge tax liabilities. It does not make sense that our tax system permits the highest income Americans to pay a lower tax rate than a truckdriver pays, and it doesn't make sense that we allow Americans and American companies by the thousands to hide income in offshore tax havens.

If we look at the rates that are paid—Warren Buffet 11.6 percent, the occupants of the Helmsley Building on average 14.7 percent, and the 400 $¼ billion-a-year earners on average 18.2 percent—and we look at the fact that we have multi-trillion-dollar budget deficits, it means the taxes they are not paying at the nominal 35-percent rate are taxes that somebody else ends up having to pay either through deficit or through additional taxation.

This is why the Fair Share Act makes a lot of common sense, and I hope Senators on both sides of the aisle will take a look at it. This bill would do a lot of good. It would simplify taxes. There is no point chasing loopholes if someone knows they are going to have to pay the 30-percent minimum. It will simplify that. It would discourage the exotic tax dodges that allow people to go down to 14 percent or whatever tax rates because they know they are going to get caught at 30 percent, so why do the effort. The exotic tax dodges will be discouraged. It will reduce the deficit. We don't have a number yet from the Joint Committee on Taxation, but the public reporting so far has suggested it is going to be in the $40 billion to $50 billion range per year. Of course, it will bring fairness, as well as common sense, to our tax system. It makes no sense for somebody earning $80,000 or $100,000 or $120,000 a year to be paying a substantially higher tax rate than somebody earning $¼ billion a year.

There are a lot of advantages that come with enormous income, and that is a great thing because America thrives on capitalism, and we all love success. We celebrate success in America. We provide an economy and a culture in which people can accomplish remarkable things and create enormous fortunes and become enormously successful. That is part of what is good and what is right with America. They do it through hard work, they do it through being smarter than other people, they do it with a lot of good personal characteristics. But with all the advantages that do come with an enormous income, paying a lower tax rate than regular working families should not be one of those advantages.

I hope we can get together to correct this, and I look forward to working with my colleagues on this issue.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 2060. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error; to the Committee on Armed Services.

Mr. KOHL. Mr. President, I rise today to introduce the Fair Military Leave Act. This legislation fixes a problem that is preventing some of our brave servicemembers from using benefits that they earned after serving multiple or extended deployments overseas.

In 2007, the military established the Post-Deployment/Mobilization Respite Absence Program, or PDMRA, to assist men and women who are ordered to deploy beyond the established standards for troop rotation by providing extra paid leave when they return home. Unfortunately, a mistake during demobilization prevented some soldiers from receiving the paid leave they earned. The Army's records indicate that this problem affects 577 soldiers across the country, including 80 in Wisconsin.

These soldiers have since gotten their military records corrected to reflect the days of PDMRA leave they were supposed to receive. However, the only way for these soldiers to use this benefit is to take extra paid leave on a future deployment. For those soldiers who will not deploy again or who have left the military entirely, this remedy does not work.

Mistakes happen, but they need to be fixed. The Fair Military Leave Act gives troops the option of cashing out the leave they were incorrectly denied when they came home. This solution is modeled after legislation Congress passed in the National Defense Authorization Act for fiscal year 2010. As with that bill, the Fair Military Leave Act reimburses soldiers at a rate of $200 per day of PDMRA that they were incorrectly denied.

I am pleased to have the senior Senator from Oregon join me as an original cosponsor of this legislation. My friend from Oregon led the effort to fix the earlier problem with PDMRA benefits in the 2010 defense authorization.

The men and women of our Armed Forces have done so much for our country, and we should not drag our feet in making this right. These troops earned their PDMRA benefit, and they should be allowed to use it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 365—HONORING THE LIFE OF KEVIN HAGAN WHITE, THE MAYOR OF BOSTON, MASSACHUSETTS FROM 1968 TO 1984

Mr. KERRY (for himself and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 365

Whereas Kevin White was born in Boston on September 25, 1929;

Whereas his father, Joseph C. White, a legislator of the Commonwealth of Massachusetts; his maternal grandfather, Henry E. Hagan; and his father-in-law, William Galvin; each served as presidents of the Boston City Council;

Whereas Kevin White earned a bachelor's degree from Williams College in 1952, a law degree from Boston College in 1955, and also studied at the Harvard Graduate School of Public Administration, now the John F. Kennedy School of Government;

Whereas in 1956, Kevin White married Kathryn Galvin;

Whereas in 1960, at the age of 31, Kevin White was elected Secretary of the Commonwealth of Massachusetts and was reelected 3 times, serving until 1967;

Whereas in January 1968, Kevin White became the 51st Mayor of the City of Boston, Massachusetts;

Whereas within months after taking office as Mayor of Boston, Kevin White was instrumental in helping guide the City of Boston after the assassination of Dr. Martin Luther King, Jr.;

Whereas on April 5, 1968, Mayor White asked that the James Brown concert at the Boston Garden be televised rather than be cancelled, as many suggested;

Whereas during the concert, Mayor White addressed the citizens to plead for calm and said, ''Twenty four hours ago Dr. King died for all of us, black and white, that we may live together in harmony without violence, and in peace. I'm here to ask for your help and to ask you to stay with me as your mayor, and to make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.'';

Whereas during his time as Mayor of Boston, Kevin White undertook a program of urban revitalization of the downtown areas of Boston that forever transformed Faneuil Hall and Quincy Market;

Whereas during his time as Mayor, Kevin White brought the residents of each neighborhood of Boston, from Mattapan to Charlestown, from South Boston to Brighton, from East Boston to West Roxbury, together through programs like Summerthing, Little City Halls, and jobs for at-risk youth;

Whereas in 1974, Judge W. Arthur Garrity Jr. of the United States District Court for the District of Massachusetts ordered Boston to begin busing children to integrate its schools;

Whereas during a difficult period of racial tension for the City of Boston, Mayor White urged the people of Boston to remember their common identity;

Whereas from 1984 to 2002, Kevin White was the director of the Institute for Political Communication at Boston University;

Whereas Mayor White valiantly fought against Alzheimer's disease after his diagnosis in 2003 and despite this debilitating challenge, he never stopped being an example of strength for the City of Boston and his family;

Whereas Kevin White is survived by his wife, Kathryn; a brother, Terrence, who managed his early campaigns; his sons, Mark and Chris; his daughters, Caitlin, Beth, and Patricia; his 7 grandchildren; and his sister, Maureen Mercier;

Whereas the most famous campaign slogan coined Kevin White, ''A loner in love with the city''; and

Whereas the irony of the slogan is that Kevin White was never lonely and that the people of Boston who he loved so much, loved him back: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes that Kevin White forever enriched the Boston political landscape and forged a new path for the City of Boston;

(B) pays tribute to the work by Kevin White to improve the lives of the residents of the City of Boston; and

(C) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to the family of Kevin White; and

(2) when the Senate adjourns today, it stand adjourned as a mark of respect to the memory of former Boston Mayor Kevin Hagan White.

SENATE RESOLUTION 366—HONORING THE LIFE OF DISSIDENT AND DEMOCRACY ACTIVIST WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO REGIME FOR THE DEATH OF WILMAN VILLAR MENDOZA

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. NELSON of Florida, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 366

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime;

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, ''Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.'';

Whereas Amnesty International stated, ''The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.'';

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the ''Black Spring'' crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011; and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people;

(2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011;

(3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;

(4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;

(5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;

(6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;

(7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and

(8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales and members of the Ladies in White (Damas de Blanco).

AMENDMENTS SUBMITTED AND PROPOSED

SA 1496. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

SA 1497. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1498. Mr. BLUMENTHAL (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1499. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1500. Mr. INHOFE (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1501. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1472 proposed by Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DEMINT, Mr. UDALL of Colorado, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. THUNE, and Mr. JOHANNS) to the amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1502. Mr. BENNET (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1503. Mr. TESTER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1504. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1505. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1506. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1507. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1508. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1509. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1510. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1496. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) MAINTENANCE OF LONG RUN GROWTH; PRICE STABILITY AND LOW INFLATION.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—

(1) by striking ''maximum employment, stable prices,'' and inserting ''long-term price stability, a low rate of inflation,''; and

(2) by at the end the following: ''The Board shall establish an explicit numerical definition of the term 'long-term price stability' and shall maintain monetary policy that effectively promotes such long-term price stability.''.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed as a limitation on the authority or responsibility of the Board of Governors of the Federal Reserve System—

(1) to provide liquidity to markets in the event of a disruption that threatens the smooth functioning and stability of the financial sector; or

(2) to serve as a lender of last resort under the Federal Reserve Act when the Board determines such action is necessary.

(c) CONGRESSIONAL OVERSIGHT.—The Board of Governors of the Federal Reserve System shall, concurrent with each semiannual hearing to Congress, submit a written report to the Congress containing—

(1) numerical measures to help Congress assess the extent to which the Board and the Federal Open Market Committee are achieving and maintaining a legitimate definition of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section);

(2) a description of the intermediate variables used by the Board to gauge the prospects for achieving the objective of long-term price stability; and

(3) the definition, or any modifications thereto, of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section).

SA 1497. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—RESIDENTIAL MORTGAGE MARKET PRIVATIZATION AND STANDARDIZATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Residential Mortgage Market Privatization and Standardization Act of 2012''.

SEC. 202. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) COVERED MORTGAGE LOAN.—

(A) IN GENERAL.—The term ''covered mortgage loan'' means any residential mortgage loan, including any single-family and multifamily loan, that is originated, serviced, or subserviced, in whole or in part, owned directly or indirectly, including through any interest in a security that is backed in whole or in part by a mortgage loan, or securitized or resecuritized, by an entity or affiliate or subsidiary thereof that is regulated by any of the agencies listed in subparagraph (B).

(B) AGENCIES.—The agencies listed in this subparagraph are—

(i) the Board of Governors of the Federal Reserve System;

(ii) the Department of Agriculture;

(iii) the Department of Housing and Urban Development;

(iv) the Federal Deposit Insurance Corporation;

(v) the Federal Housing Finance Agency;

(vi) the Farm Credit Administration;

(vii) the Federal Trade Commission;

(viii) the Office of the Comptroller of the Currency;

(ix) the National Credit Union Administration; and

(x) the Securities and Exchange Commission.

(2) ENTERPRISES.—The term ''enterprises'' means, individually and collectively, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(3) FHFA; DIRECTOR.—The terms ''FHFA'' and ''Director'' mean the Federal Housing Finance Agency and the Director thereof, respectively.

(4) MORTGAGE DATA.—

(A) IN GENERAL.—The Director shall define mortgage data, by regulation, consistent with this paragraph.

(B) SINGLE-FAMILY LOANS.—For single-family covered mortgage loans, the term ''mortgage data'' means, as of the date of origination—

(i) the loan origination date and the loan maturity date;

(ii) whether the loan is a purchase loan or a refinance, and for refinance loans—

(I) the date on which the refinanced loan was originated;

(II) the identity of the lender on the refinanced loan; and

(III) the unpaid principal balance of the refinanced loan that was repaid by the new loan;

(iii) the value of the collateral property on which the lender relied, and how the lender determined the value;

(iv) the credit score or scores that the lender used or on which it relied, and the entity that supplied each;

(v) debt-to-income ratios, including—

(I) the ratio of the total debt of the borrower and coborrowers, expressed as a monthly payment amount, to the total current and expected future income of the borrower and any coborrowers on which the lender relied, expressed as a monthly income amount; and

(II) the ratio of the first scheduled payment on the loan, expressed as a monthly payment amount, to the total current and expected future income of the borrower and any coborrowers on which the lender relied, expressed as a monthly income amount;

(vi) the total value of borrower assets, but not including the value of the collateral and not including income, on which the lender relied;

(vii) the principal amount of the loan;

(viii) the interest rate on the loan;

(ix) if the interest rate may adjust under the loan terms, the terms and limits of any permissible adjustment, including the index and margin, if applicable, when the rate may adjust, and any caps or floors on any such adjustment;

(x) if the principal may increase under the loan terms at origination, the terms and limits of any permissible increase, including when the increase or increases may occur, how the amount and timing of any increase is determined, and any caps on any such increases;

(xi) if the payment amount may adjust, independently of a rate adjustment or of an increase in the principal amount, the terms and limits of any permissible adjustment, including when the adjustment may occur, how the amount and timing of any adjustment is determined, and any caps or floors on any such adjustments;

(xii) whether, under the loan terms, the borrower may be required to pay any prepayment penalty, and if so, the potential amount and timing of any such penalty;

(xiii) any permissible grace periods and late fees under the loan terms, including fee amounts permitted on the loan;

(xiv) whether the borrower or any coborrower has stated an intent to reside in the property as a principal residence;

(xv) whether the loan is assumable under the loan terms at origination and if so, the conditions on which any assumption may be denied;

(xvi) whether the originating lender was or is aware of any subordinate or senior lien on the property at the time at which the loan was originated, and if so, the identity of all lenders or other lienholders of such other loans, the relative lien position of each, and the date of origination of each lien if it secures a mortgage loan;

(xvii) the type of mortgage insurance relating to the loan, including who pays it, and the amount and scheduled payment dates of any premiums;

(xviii) whether flood insurance is required in connection with the loan, and if so, the amount and timing of premiums;

(xix) whether the loan has an escrow account and if so, the amount of the initial deposit into the escrow account and the amount of the monthly payments scheduled to be deposited into the escrow account;

(xx) the amount of points, fees, and settlement charges paid to originate the loan, including the amount of any compensation paid to a mortgage broker, and who paid it;

(xxi) whether the borrower or borrowers have any payment assistance at origination, such as government or private subsidies or buydowns, and if so, the amounts, terms, and timing of such assistance; and

(xxii) the address of the real property securing the mortgage loan.

(C) MULTIFAMILY LOANS.—For multifamily covered mortgage loans, the term ''mortgage data'' means, as of the date of origination—

(i) the number of dwelling units in each property securing each loan;

(ii) the rent on each dwelling unit, or, if more than 1 has the same rent, the number of units at each rent level;

(iii) the occupancy status of each dwelling unit;

(iv) whether the rent is subsidized by any government agency and, if so, in what amounts, under what terms and conditions, and for what period of time;

(v) whether the rent on the units is current, and if not, how many days or months the rent for each unit is delinquent; and

(vi) all of the information described in subparagraph (B), except as modified by the Director, by regulation, consistent with this title.

(D) AFTER ORIGINATION.—For both single-family and multifamily covered mortgage loans, beginning the day after the date of origination of the loan, and reported not less frequently than monthly thereafter until the loan ceases to exist, the term ''mortgage data'' includes—

(i) the amount and date of payments received each month, including—

(I) whether each payment is received by the due date or within a grace period, and if a payment is received after the scheduled due date, how many days past due;

(II) the amount of any payment deposited into an escrow account;

(III) amounts paid for other loan charges, with an identification of the amount and type of such other charge; and

(IV) the amount of any prepayments;

(ii) for loans on which any payment or partial payment is overdue, the number of days since the loan was current;

(iii) whether property taxes, hazard insurance premiums, and any flood insurance premiums required in connection with the loan are paid by the borrower or borrowers as required, and if any such item is not paid as required—

(I) the number of days since the payment was required, and the amount of the missed payment;

(II) whether the servicer or other party on behalf of the servicer paid property taxes on the property, and in what amount; and

(III) whether the servicer or other party on behalf of the servicer force-placed hazard or flood insurance, and if so, the amount of the premium and the identity of the insurer;

(iv) the amount of any interest paid to the borrower on any escrow;

(v) the type and date of any actions taken by or on behalf of the servicer due to default, including nonpayment default, and the amount charged to the borrower or borrowers as a result of the action or actions; and

(vi) if the servicer is aware of any damage to the property securing the loan, the type and extent of the damage and of any repairs, the amount of insurance proceeds paid, the amount of such proceeds disbursed or paid to the borrower, and the amount held by the servicer, and the date and results of any inspection done by or on behalf of the servicer.

(E) ADJUSTMENTS CONSISTENT WITH THE PURPOSES OF THIS TITLE.—The Director may adjust the items that are included in or excluded from the definition of mortgage data consistent with this title, as appropriate to protect the privacy of individual consumers.

(F) PRIVACY.—The regulations required by subparagraph (A) may require rounding off of the debt to income ratios required to be included as mortgage data to protect the privacy of the borrower, taking into consideration the information that is already available on the Internet or in other ways.

SEC. 203. GSE WINDDOWN.

(a) FANNIE MAE.—Section 304 of the National Housing Act (12 U.S.C. 1719) is amended by adding at the end the following:

''(h) WINDDOWN OF ENTERPRISES.—

''(1) ANNUAL GUARANTEE REDUCTIONS.—Not later than 180 days after the date of enactment of the Mortgage Market Privatization and Standardization Act of 2011, and annually thereafter, the Director shall begin reducing the percentage of the value of a trust certificate or other security that may be guaranteed by the corporation by not less than 10 percent per year.

''(2) STRUCTURE.—The percentage of the bond guaranteed by the corporation can be structured on either a pro-rata or senior-subordinated basis, as determined by the Director. The Director shall pursue a strategy that allows for market signals to assist Congress and the Director to monitor and assess the price that private market participants are assigning to mortgage credit risk.

''(3) MORTGAGE-BACKED SECURITIES.—The existing portfolio of mortgage-backed securities of the corporation shall be reduced by not less than 20 percent per year.''.

(b) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following:

''(d) WINDDOWN OF ENTERPRISES.—

''(1) ANNUAL GUARANTEE REDUCTIONS.—Not later than 180 days after the date of enactment of the Mortgage Market Privatization and Standardization Act of 2011, and annually thereafter, the Director shall begin reducing the percentage of the value of a trust certificate or other security that may be guaranteed by the corporation by not less than 10 percent per year.

''(2) STRUCTURE.—The percentage of the bond guaranteed by the corporation can be structured on either a pro-rata or senior-subordinated basis, as determined by the Director. The Director shall pursue a strategy that allows for market signals to assist Congress and the Director to monitor and assess the price that private market participants are assigning to mortgage credit risk.

''(3) MORTGAGE-BACKED SECURITIES.—The existing portfolio of mortgage-backed securities of the corporation shall be reduced by not less than 20 percent per year.''.

SEC. 204. RESIDENTIAL MORTGAGE MARKET TRANSPARENCY.

(a) IN GENERAL.—Mortgage data relating to all covered mortgage loans shall be put into the public domain in accordance with this section.

(b) AGENCY ACTION.—Each agency named in section 202(1)(B) shall, not later than 1 year after the date of enactment of this Act, require, by regulation, that all entities regulated by such agency shall put mortgage data relating to covered mortgage loans into the public domain, in accordance with this title and the regulations issued under this title. Such regulations shall require that the data be reasonably accurate and complete.

(c) MANNER AND FORM OF DATA.—Not later than 1 year after the date of enactment of this Act, the Director shall, by regulation—

(1) establish the manner and form by which all mortgage data required to be put into the

public domain by this section shall be put into the public domain; and

(2) require that such mortgage data be made available in a uniform manner, in a form designed for uniformity of data definitions and forms, ease and speed of access, ease and speed of downloading, and ease and speed of use.

(d) UPDATE.—All entities required to put mortgage data into the public domain under this title shall continuously update the mortgage data, not less frequently than monthly, as long as the entities exist, whether in conservatorship, receivership, or otherwise. All updates shall be reasonably accurate and complete.

(e) RESPONSIBILITY OF REGULATED ENTITIES.—The mortgage data required to be put into the public domain in accordance with this title shall include all mortgage data related to all covered mortgage loans, to the extent practicable.

(f) DUPLICATION OF EFFORT.—If 2 or more entities are required by this title to report the same mortgage data relating to the same mortgage loan, they may, by agreement, determine that only 1 of such entities will report the data. If 1 of such entities reports the required mortgage data, it shall not be a violation of this section for the other entities not to report the data.

(g) DATE OF ACCESS TO DATA.—The Director shall establish, and cause to be published in the Federal Register, the initial date on which—

(1) the public shall begin to have access to any data put into the public domain in accordance with this title; and

(2) all mortgage data is required to be put into the public domain, in accordance with this title.

(h) COSTS TO FHFA.—The FHFA shall pay the cost of establishing the database of mortgage data that is put into the public domain under this section, and of providing public access to that database. If the FHFA ever ceases to exist without being replaced, and unless otherwise provided by Act of Congress, the cost of maintaining the database shall be borne by the remaining agencies named in section 202(1)(B), by agreement.

SEC. 205. ENCOURAGING A MARKET FOR HIGH QUALITY RESIDENTIAL MORTGAGE FUTURES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by adding at the end the following:

''SEC. 1327. ENCOURAGING A MARKET FOR HIGH QUALITY RESIDENTIAL MORTGAGE FUTURES.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) DELIVERABLE RESIDENTIAL MORTGAGE.—

''(A) IN GENERAL.—The terms 'deliverable residential mortgage' and 'DRM' have the meaning given those terms by rule of the Director, in consultation with participants in the TBA market, taking into consideration underwriting and product features that historical loan performance data indicate result in a lower risk of default, such as—

''(i) documentation and verification of the financial resources relied upon to qualify the mortgagor;

''(ii) standards with respect to—

''(I) the residual income of the mortgagor after all monthly obligations;

''(II) the ratio of the housing payments of the mortgagor to the monthly income of the mortgagor; and

''(III) the ratio of total monthly installment payments of the mortgagor to the income of the mortgagor;

''(iii) mitigating the potential for payment shock on adjustable rate mortgages through product features and underwriting standards;

''(iv) mortgage guarantee insurance or other types of insurance or credit enhancement obtained at the time of origination, to the extent such insurance or credit enhancement reduces the risk of default; and

''(v) prohibiting or restricting the use of balloon payments, negative amortization, prepayment penalties, interest-only payments, and other features that have been demonstrated to exhibit a higher risk of borrower default.

''(B) LIMITATION ON DEFINITION.—The Director, in defining the term 'deliverable residential mortgage', as required by subparagraph (B), shall define that term to be no broader than the definition of the term 'qualified mortgage', as provided under section 129C(c)(2) of the Truth in Lending Act and regulations adopted thereunder.

''(2) PARTICIPANT IN THE TBA MARKET.—The term 'participant in the TBA market' means a private investor in or dealer of mortgage-backed securities, particularly mortgage-backed securities issued by the enterprises, that routinely enters into forward contracts for the sale of mortgage-backed securities that do not specify the particular mortgage-backed securities that will be delivered to the buyer.

''(3) PROGRAM.—The term 'program' means the program established under subsection (b).

''(4) DRM FUTURES MARKET.—The term 'DRM futures market' means a market for forward contracts for the sale of mortgage-backed securities collateralized exclusively by deliverable residential mortgages.

''(5) TBA MARKET.—The term 'TBA market' means the market for forward contracts for the sale of mortgage-backed securities that do not specify the particular mortgage-backed securities that will be delivered to the buyer.

''(b) PROGRAM ESTABLISHED.—The Director, in consultation with participants in the TBA market, shall establish a program to encourage the development of a DRM futures market that—

''(1) compliments the TBA market;

''(2) creates incentives for trading by participants in the TBA market; and

''(3) has the potential to replace the TBA market.

''(c) TECHNOLOGY AND INFRASTRUCTURE.—The Director shall consult with participants in the TBA market to develop the technology and infrastructure necessary to carry out the program established under this section.

''(d) ANNUAL REPORT.—The Director shall submit to Congress an annual report on the program established under this section.''.

(b) SECURITIES LAWS EXEMPTIONS.—

(1) SECURITIES ACT OF 1933.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

''(14) Any mortgage-backed security collateralized exclusively by deliverable residential mortgages, as such term is defined under section 1327 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(12)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)) is amended—

(A) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively; and

(B) by inserting after clause (v) the following:

''(vi) any mortgage-backed security collateralized exclusively by deliverable residential mortgages, as such term is defined under section 1327 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;''.

SEC. 206. MONETIZATION OF BUSINESS VALUE.

Pursuant to the authority of the Director as conservator of the enterprises under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617), the Director shall—

(1) identify any property of the enterprises that would be of value to nongovernmental entities, including—

(A) historical databases containing information on prepayment, delinquency, and default rates;

(B) proprietary home price indices;

(C) technology used in the securitization of mortgages; and

(D) patents relating to the securitization of mortgages, automated underwriting systems, and other processes; and

(2) sell any property identified under paragraph (1) to nongovernmental entities.

SEC. 207. UNIFORM UNDERWRITING STANDARDS.

(a) STANDARDS ESTABLISHED.—Notwithstanding any other provision of this title or any other provision of Federal, State, or local law, the Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), in consultation with the FHFA and the Secretary of Housing and Urban Development, shall jointly establish specific minimum standards for mortgage underwriting, including—

(1) a requirement that the mortgagee verify and document the income and assets relied upon to qualify the mortgagor on the residential mortgage, including the previous employment and credit history of the mortgagor; and

(2) a down payment requirement that—

(A) is equal to not less than 5 percent of the purchase price of the property securing the residential mortgage;

(B) in the case of a first lien residential mortgage loan with an initial loan to value ratio that is more than 80 percent and not more than 95 percent, includes a requirement for credit enhancements, as defined by the Federal banking agencies, until the loan to value ratio of the residential mortgage loan amortizes to a value that is less than 80 percent of the purchase price;

(C) uses a method for determining the ability of the mortgagor to repay the residential mortgage that is based on factors including—

(i) all terms of the residential mortgage, including principal payments that fully amortize the balance of the residential mortgage over the term of the residential mortgage; and

(ii) the debt to income ratio of the mortgagor; and

(D) any other specific standards that the Federal banking agencies jointly determine are appropriate to ensure prudent underwriting of residential mortgages.

(b) UPDATES TO STANDARDS.—The Federal banking agencies, in consultation with the FHFA and the Secretary of Housing and Urban Development—

(1) shall review the standards established under this section not less frequently than every 5 years; and

(2) based on the review under paragraph (1), may revise the standards established under this section, as the Federal banking agencies, in consultation with the FHFA and the Secretary of Housing and Urban Development, determine to be necessary.

(c) COMPLIANCE.—It shall be a violation of Federal law—

(1) for any mortgage loan originator to fail to comply with the minimum standards for mortgage underwriting established under subsection (a) in originating a residential mortgage loan;

(2) for any company to maintain an extension of credit on a revolving basis to any person to fund a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan funded by such credit was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a); or

(3) for any company to purchase, fund by assignment, or guarantee a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a).

(d) IMPLEMENTATION.—

(1) REGULATIONS REQUIRED.—The Federal banking agencies, in consultation with the FHFA, shall issue regulations to implement subsections (a) and (c), which shall take effect not later than 270 days after the date of enactment of this Act.

(2) REPORT REQUIRED.—If the Federal banking agencies have not issued final regulations under subsections (a) and (c) before the date that is 270 days after the date of enactment of this Act, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(A) explains why final regulations have not been issued under subsections (a) and (c); and

(B) provides a timeline for the issuance of final regulations under subsections (a) and (c).

(e) ENFORCEMENT.—Compliance with the rules issued under this section shall be enforced by—

(1) the primary financial regulatory agency as that term is defined under section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301) of an entity, with respect to an entity subject to the jurisdiction of a primary financial regulatory agency, in accordance with the statutes governing the jurisdiction of the primary financial regulatory agency over the entity, and as if the action of the primary financial regulatory agency were taken under such statutes; and

(2) the Bureau of Consumer Financial Protection, with respect to a company that is not subject to the jurisdiction of a primary financial regulatory agency.

(f) EXEMPTIONS FOR CERTAIN NONPROFIT MORTGAGE LOAN ORIGINATORS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, may jointly issue rules to exempt from the requirements under subsection (a)(2), mortgage loan originators that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) DETERMINING FACTORS.—The Federal banking agencies shall ensure that—

(A) the lending activities of a mortgage loan originator that receives an exemption under this subsection do not threaten the safety and soundness of the banking system of the United States; and

(B) a mortgage loan originator that receives an exemption under this subsection—

(i) is not compensated based on the number or value of residential mortgage loan applications accepted, offered, or negotiated by the mortgage loan originator;

(ii) does not offer residential mortgage loans that have an interest rate greater than zero percent;

(iii) does not gain a monetary profit from any residential mortgage product or service provided;

(iv) has the primary purpose of serving low income housing needs;

(v) has not been specifically prohibited, by statute, from receiving Federal funding; and

(vi) meets any other requirements that the Federal banking agencies jointly determine are appropriate for ensuring that a mortgage loan originator that receives an exemption under this subsection does not threaten the safety and soundness of the banking system of the United States.

(3) REPORTS REQUIRED.—Before the issuance of final rules under subsection (a), and annually thereafter, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(A) identifies the mortgage loan originators that receive an exemption under this subsection; and

(B) for each mortgage loan originator identified under subparagraph (A), explains the rationale for providing an exemption.

(4) UPDATES TO EXEMPTIONS.—The Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury—

(A) shall review the exemptions established under this subsection, not less frequently than every 2 years; and

(B) based on the review under subparagraph (A), may revise the standards established under this subsection, as the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, determine to be necessary.

(g) RULES OF CONSTRUCTION.—Nothing in this section may be construed to permit—

(1) the enterprises to make or guarantee a residential mortgage loan that does not meet the minimum underwriting standards established under this section; or

(2) the Federal banking agencies to issue an exemption under subsection (f) that is not on a case-by-case basis.

(h) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMPANY.—The term ''company''—

(A) has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)); and

(B) includes a sole proprietorship.

(2) MORTGAGE LOAN ORIGINATOR.—The term ''mortgage loan originator'' means any company that takes residential mortgage loan applications and offers or negotiates terms of residential mortgage loans.

(3) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan''—

(A) means any extension of credit primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent security interest in a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling; and

(B) does not include a mortgage loan for which mortgage insurance is provided by the Department of Veterans Affairs or the Rural Housing Administration.

(4) EXTENSION OF CREDIT; DWELLING.—The terms ''extension of credit'' and ''dwelling'' have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

(i) REPEAL OF CREDIT RISK RETENTION AND QRM RULES.—Section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o–11) is repealed, and any rule or regulation promulgated under that section shall have no force or effect, effective on the date of enactment of this Act.

SEC. 208. RESIDENTIAL MORTGAGE SERVICING STANDARDS.

(a) UNIFORM PSA.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—The Director, in consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, shall, not later than 1 year after the date of enactment of this Act, develop a uniform pooling and servicing agreement (in this section referred to as a ''uniform PSA''). The Director shall work with industry groups, including servicers, originators, and mortgage investors to develop the uniform PSA.

(B) CRITERIA.—The uniform PSA shall—

(i) address all issues relating to the pool trustee, and shall be based on pooling and servicing agreements in use by the enterprises on the date of enactment of this Act; and

(ii) create uniform loss mitigation standards, including standards for a single point of contact for troubled borrowers, an industry wide net-present-value model for determining when to conduct a loan modification rather than foreclosure, and national standards for the foreclosure process.

(2) EFFECT OF UNIFORM PSA.—Beginning 1 year after the date of enactment of this Act, all mortgage backed securities issued by national or State chartered banks in the United States will be affected in accordance with the uniform PSA.

(b) MERS 2.—The Director shall establish, by rule, a Mortgage Electronic Registration System (in this section referred to as ''MERS2'') based on the Mortgage Electronic Registration System in use on the date of enactment of this Act. MERS2 shall incorporate a single national database for all mortgage title transfers, to be maintained and operated by FHFA. The rules of the Director shall ensure that property title is transferred in accordance with all applicable provisions of law. All mortgage transfers shall take place according to national standards and shall be recorded in the MERS2 system.

(c) UNIFORM REGULATORY PRACTICES.—The Comptroller of the Currency, Chairperson of the Federal Deposit Insurance Corporation, Director, Chairman of the Board of Governors of the Federal Reserve System, and Director of the Bureau of Consumer Financial Protection shall, jointly, under the direction of the Director, develop uniform regulatory practices for the mortgage market.

SEC. 209. PROHIBITION ON NEW BUSINESS.

The enterprises are prohibited from initiating or engage in new lines of business on and after the date of enactment of this Act.

SEC. 210. REPEAL OF CHARTER ACTS.

Effective on the date on which the enterprises have no outstanding obligations pursuant to the winddown required by section 304(h) of the National Housing Act (as added by this title) and in section 305(d) of the Federal Home Loan Mortgage Corporation Act (as added by this title), respectively—

(1) the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is repealed, and the charter of the Federal National Mortgage Association is rescinded; and

(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is repealed, and the charter of the Federal Home Loan Mortgage Corporation is rescinded.

SA 1498. Mr. BLUMENTHAL (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr.

FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLICATION TO OTHER ELECTED OFFICIALS AND CRIMINAL OFFENSES.

(a) APPLICATION TO OTHER ELECTED OFFICIALS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(o)(2)(A) of title 5, United States Code, is amended—

(A) in clause (i), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in clause (ii), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(l)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in subparagraph (B), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(b) CRIMINAL OFFENSES.—Section 8332(o)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking clause (iii) and inserting the following:

''(iii) The offense—

''(I) is committed after the date of enactment of this subsection and—

''(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(II) is committed after the date of enactment of the STOCK Act and—

''(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii).''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

''(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

''(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

''(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the Unites States Court of Appeals for the Federal Circuit by Member of Congress).

''(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

''(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

''(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

''(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

''(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

''(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).

''(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

''(xi) An offense under section 607 of title 18 (relating to place of solicitation).

''(xii) An offense under section 641 of title 18 (relating to public money, property or records).

''(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

''(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

''(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

''(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

''(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

''(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

''(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

''(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

''(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

''(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

''(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

''(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

''(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

''(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

''(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

''(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

''(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

''(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under clause (xxix), to the extent provided in such clause.

''(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).''.

SA 1499. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 13(d)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(d)(1)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (J) as subparagraphs (A) through (I), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 13 of the Bank Holding Company Act of 1956 (12 U.S.C. 1851) is amended—

(1) in subsection (c)(4), by striking ''subsection (d)(1)(G)'' and inserting ''subsection (d)(1)(F)''; and

(2) in subsection (f)—

(A) by striking ''paragraph (d)(1)(G)'' each place that term appears and inserting ''subsection (d)(1)(F)''; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (d)(1)(G)'' and inserting ''subsection (d)(1)(F)''; and

(ii) in clause (ii), by striking ''subsection (d)(1)(G)(v)'' and inserting ''subsection (d)(1)(F)(v)''.

SA 1500. Mr. INHOFE (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ___. PROHIBITION ON UNAUTHORIZED EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, conference report, or amendment that provides an earmark.

(b) SUPERMAJORITY.—

(1) WAIVER.—The provisions of subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fourths of the Members, duly chosen and sworn.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any

provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fourths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) EARMARK DEFINED.—In this resolution, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district unless the provision or language—

(1) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction;

(2) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or

(3) is awarded through a statutory or administrative formula-driven or competitive award process.

SA 1501. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1472 proposed by Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DEMINT, Mr. UDALL of Colorado, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. THUNE, and Mr. JOHANNS) to the amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 23, strike ''two-thirds'' and insert ''a majority''.

SA 1502. Mr. BENNET (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ___—CLOSE THE REVOLVING DOOR ACT OF 2012

SEC. 1. SHORT TITLE.

This title may be cited as the ''Close the Revolving Door Act of 2012''.

SEC. 2. LIFETIME BAN ON MEMBERS OF CONGRESS FROM LOBBYING.

(a) IN GENERAL.—Section 207(e)(1) of title 18, United States Code, is amended to read as follows:

''(1) MEMBERS OF CONGRESS.—Any person who is a Senator, a Member of the House of Representatives or an elected officer of the Senate or the House of Representatives and who after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator, Member, or elected official seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.''.

(b) CONFORMING AMENDMENT.—Section 207(e)(2) of title 18, United States Code, is amended—

(1) in the caption, by striking ''Officers and staff'' and inserting ''Staff''; and

(2) by striking ''an elected officer of the Senate, or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to Members of Congress serving in Congress on or after the date of enactment of this Act.

SEC. 3. CONGRESSIONAL STAFF.

(a) IN GENERAL.—section 207(e) of title 18, United States Code, is amended—

(1) in paragraph (2), by inserting at the end the following: ''A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the personal office or member of Congress that had employed the person.'';

(2) in paragraph (3), by inserting at the end the following: ''A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the personal office or member of Congress that had employed the person.'';

(3) by striking paragraph (4) and inserting the following:

''(4) Any person who is an employee of a committee of the House of Representatives or the Senate, or an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives or the Senate, to whom paragraph (7)(A) applies and who, within 1 year after the termination of that person's employment on such committee or joint committee (as the case may be), knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or joint committee (as the case may be) or who was a Member of the committee or joint committee (as the case may be) in the year immediately prior to the termination of such person's employment by the committee or joint committee (as the case may be), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title. A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the majority or minority staff of that committee, the chairman or ranking member of the committee during that person's employment, or any personal office or Member of Congress that had been a member of that committee during the person's employment with the committee.''; and

(4) in paragraph (6)(A), by striking ''1 year'' and inserting ''6 years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals employed by Congress on or after the date of enactment of this Act.

SEC. 4. IMPROVED REPORTING OF LOBBYISTS ACTIVITIES.

Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by inserting at the end the following:

''(c) JOINT WEB SITE.—The Secretary of the Senate and the Clerk of the House of Representatives shall maintain a joint lobbyist disclosure Internet database for information required to be publicly disclosed under this Act which shall be an easily searchable Web site called lobbyists.gov with a stated goal of simplicity of usage.''.

SEC. 5. LOBBYIST REVOLVING DOOR TO CONGRESS.

(a) IN GENERAL.—Any person who is a registered lobbyist or an agent of a foreign principal may not within 6 years after that person leaves such position be hired by a Member or committee of either House of Congress with whom the registered lobbyist or an agent of a foreign principal has had substantial lobbying contact.

(b) WAIVER.—This section may be waived in the Senate or the House of Representatives by the Committee on Ethics or the Committee on Standards of Official Conduct based on a compelling national need.

(c) SUBSTANTIAL LOBBYING CONTACT.—For purposes of this section, in determining whether a registered lobbyist or agent of a foreign principal has had substantial lobbying contact within the applicable period of time, the Member or committee of either House of Congress shall take into consideration whether the individual's lobbying contacts have pertained to pending legislative business, or related to solicitation of Federal funding, particularly if such contacts included the coordination of meetings with the Member or staff, involved presentations to staff, or participation in fundraising exceeding the mere giving of a personal contribution. Simple social contacts with the Member or committee of either House of Congress and staff, shall not by themselves constitute substantial lobbying contacts.

SEC. 6. PAYMENT FOR CHARTER FLIGHTS BY CAMPAIGN FUNDS AND DISCLOSURE OF CERTAIN AIR TRAVEL WITH A LOBBYIST BY A SENATOR.

(a) CLARIFICATION OF RULES ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Paragraph (1) of section 313(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a(c)) is amended—

(A) by striking ''a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft'' in the matter preceding subparagraph (A) and inserting ''in the case of a candidate for election to Federal office (other than a candidate who is subject to paragraph (2)), no political committee may make any expenditure for travel by such a candidate, or for travel on behalf of such a candidate, by means of a flight on an aircraft (regardless of whether such travel is in connection with an election for Federal office)'', and

(B) by striking ''candidate, the authorized committee, or other'' in subparagraph (B).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to flights taken on or after the date of the enactment of this Act.

(b) DISCLOSURE.—Paragraph 2(e)(1) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in subclause (C), by striking ''and'' after the semicolon;

(2) by inserting after subclause (D) the following:

''(E) the source will submit a list of the names of any registered lobbyist or an agent of a foreign principal on the trip not later than 30 days after the trip; and''.

SEC. 7. BAN ON LOBBYISTS MAKING CASH CAMPAIGN CONTRIBUTIONS.

Section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441g) is amended by—

(1) by striking ''No person'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), no person''; and

(2) inserting at the end the following:

''(b) LOBBYIST.—

''(1) TOTAL BAN.—If the person described in subsection (a) is a lobbyist, the amount referred to in subsection (a) shall be zero.

''(2) LOBBYIST.—In this subsection, the term 'lobbyist' shall have the same meaning given such term in section 3(10) of the Lobbying Disclosure Act of 1995.''.

SEC. 8. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by inserting after section 6 the following:

''SEC. 6A. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.

''(a) IN GENERAL.—A substantial lobbying entity shall file on an annual basis with the Clerk of the House of Representatives and the Secretary of the United States Senate a list of any employee, individual under contract, or individual who provides paid consulting services who is—

''(1) a former United States Senator or a former Member of the United States House of Representatives; or

''(2) a former congressional staff person who—

''(A) made at least $100,000 in any 1 year as a congressional staff person;

''(B) worked for a total of 4 years or more as a congressional staff person; or

''(C) had a job title at any time while employed as a congressional staff person that contained any of the following terms: 'Chief of Staff', 'Legislative Director', 'Staff Director', 'Counsel', 'Professional Staff Member', 'Communications Director', or 'Press Secretary'.

''(b) CONTENTS OF FILING.—The filing required by this section shall contain a brief job description of each such employee, individual under contract, or individual who provides paid consulting services, and an explanation of their work experience under subsection (a) that requires this filing.

''(c) IMPROVED REPORTING OF SUBSTANTIAL LOBBYING ENTITIES.—The Joint Web site being maintained by the Secretary of the Senate and the Clerk of the House of Representatives, known as lobbyists.gov, shall include an easily searchable database entitled 'Substantial Lobbying Entities' that includes qualifying employees, individuals under contract, or individuals who provide paid consulting services, under subsection (a).

''(d) LAW ENFORCEMENT OVERSIGHT.—The Clerk of the House of Representatives and the Secretary of the Senate may provide a copy of the filings of substantial lobbying entities to the District of Columbia United States Attorney, to allow the District of Columbia United States Attorney to determine whether any such entities are underreporting the Federal lobbying activities of its employees, individuals under contract, or individuals who provide paid consulting services.

''(e) SUBSTANTIAL LOBBYING ENTITY.—In this section, the term 'substantial lobbying entity' means an incorporated entity that employs more than 3 federally registered lobbyists during a filing period.''.

SEC. 9. ENHANCED PENALTIES.

Section 7(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606(a)) is amended by striking ''$200,000'' and inserting ''$500,000''.

SA 1503. Mr. TESTER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end, add the following:

SEC. ___. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

SA 1504. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The central district of California.
(B) The eastern district of California.
(C) The district of Delaware.
(D) The southern district of Florida.
(E) The southern district of Georgia.
(F) The district of Maryland.
(G) The eastern district of Michigan.
(H) The district of New Jersey.
(I) The northern district of New York.
(J) The southern district of New York.
(K) The eastern district of North Carolina.
(L) The eastern district of Pennsylvania.
(M) The middle district of Pennsylvania.
(N) The district of Puerto Rico.
(O) The district of South Carolina.
(P) The western district of Tennessee.
(Q) The eastern district of Virginia.
(R) The district of Nevada.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge for the central district of California—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE AUTHORIZED BY PUBLIC LAW 102–361 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.—

(1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

(d) TEMPORARY JUDGESHIP PAYGO OFFSET.—

(1) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking $1,000 and inserting $1,042.

(2) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the United States Treasury, to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(3) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this Act.

SA 1505. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, lines 23 and 24, strike ''executive branch and legislative branch officials'' and insert ''an executive branch employee, a Member of Congress, or an employee of Congress''.

SA 1506. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SHAREHOLDER REGISTRATION THRESHOLD.

(a) AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 2000 persons or more; and

''(B) in the case of an issuer that is not a bank or bank holding company, 500 persons or more,''; and

(B) by striking ''commerce shall'' and inserting ''commerce shall, not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by''; and

(2) in paragraph (4), by striking ''three hundred'' and inserting ''300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(b) AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking ''three hundred'' and inserting ''300 persons, or, in the case of bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(c) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue final regulations to implement this section and the amendments made by this section.

SA 1507. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 11. ACCESS TO INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.

(a) AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (r), by striking ''or'' at the end;

(2) by redesignating paragraph (s) as paragraph (t); and

(3) by inserting after paragraph (r) the following:

''(s) any violation of section 1348 of this title (relating to securities fraud); or''.

(b) AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.—Section 2517 of title 18, United States Code, is amended—

(1) in subsection (1), by inserting '', or to an officer of the Securities and Exchange Commission,'' after ''to another investigative or law enforcement officer''; and

(2) in subsection (2), by inserting '', or officer of the Securities and Exchange Commission,'' after ''investigative or law enforcement officer''.

SEC. 12. INSIDER TRADING STATUTE OF LIMITATIONS.

Section 21A(d)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(d)(5)) is amended to read as follows:

''(5) STATUTE OF LIMITATIONS.—No action may be brought under this section after the later of—

''(A) 5 years after the date of the subject purchase or sale; or

''(B) 2 years after the date on which the Commission discovers the violative conduct.''.

SEC. 13. INSIDER TRADING PENALTIES.

(a) INSIDER TRADING PENALTIES UNDER SECTION 21A(a)(1) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) adding at the end the following:

''(C) may, in any action instituted pursuant to section 8A of the Securities Act of 1933, or section 21C of this title, impose a civil penalty to be paid by the person who committed such violation, or who, subject to subsection (b)(1) of this section, directly or indirectly controlled the person who committed such violation.''.

(b) INSIDER TRADING PENALTIES WHERE NO PROFITS GAINED OR LOSSES AVOIDED.—

(1) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(A) in section 21(d)(3)(A) (15 U.S.C. 78u(d)(3)(A)), by inserting ''that resulted in profits gained or losses avoided'' after ''penalty pursuant to section 21A''; and

(B) in section 21B(a)(2)(A) (15 U.S.C. 78u–2(a)(2)(A)), by inserting '', other than by committing a violation subject to a penalty pursuant to section 21A that resulted in profits gained or losses avoided'' after ''rule or regulation issued under this title''.

(2) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(A) in section 8A(g)(1)(A)(i) (15 U.S.C. 77h–1(g)(1)(A)(i)), by inserting '', other than by committing a violation subject to a penalty pursuant to section 21A of the Securities Exchange Act of 1934 that resulted in profits gained or losses avoided'' after ''rule or regulation issued under this title''; and

(B) in section 20(d)(1) of the (15 U.S.C. 77t(d)(1)), by inserting ''that resulted in profits gained or losses avoided'' after ''penalty pursuant to section 21A of the Securities Exchange Act of 1934''.

SEC. 14. EX PARTE FREEZE AUTHORITY FOR OFFSHORE INSIDER TRADING PROFITS.

Section 21C(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–3(c)(3)) is amended—

(1) in subparagraph (A), by striking ''(A) IN GENERAL'' and inserting ''(A) TEMPORARY FREEZE OF EXTRAORDINARY PAYMENTS BY AN ISSUER'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

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

''(B) TEMPORARY FREEZE IN INSIDER TRADING INVESTIGATIONS.—

''(i) ISSUANCE OF TEMPORARY ORDER.—If the Commission finds that there is reason to believe that a violation described in section 21A has occurred, and that the person engaging in the purchase or sale constituting the potential violation is located outside of the United States, the Commission may impose a temporary order requiring any registered broker or dealer to freeze the brokerage accounts of such person at such broker or dealer for a period not to exceed 30 days after the date of entry of the order.

''(ii) STANDARD.—A temporary order may be entered under clause (i) without notice, unless the Commission determines that notice and hearing prior to entry of the order would be in the public interest.

''(iii) EFFECTIVE PERIOD.—A temporary order issued under clause (i) shall—

''(I) become effective immediately;

''(II) be served upon each registered broker or dealer maintaining accounts subject to the order; and

''(III) unless set aside, limited, or suspended by the Commission or by a court of competent jurisdiction, remain effective and enforceable for the period specified in the order, but for not longer than 30 days after the date of entry of the order.

''(iv) VIOLATION OF TEMPORARY ORDER.—A violation of a temporary order issued under

clause (i) shall be deemed a violation of this title.''.

SA 1508. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. UPDATED CIVIL MONEY PENALTIES FOR SECURITIES LAW VIOLATIONS.

(a) SECURITIES ACT OF 1933.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''$75,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$75,000'' and inserting ''$100,000''; and

(ii) by striking ''$375,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in—

''(aa) substantial losses or created a significant risk of substantial losses to other persons; or

''(bb) substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) MONEY PENALTIES IN CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(A) in clause (i)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in clause (ii)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in clause (iii), by striking ''greater of (I) $100,000 for a natural person or $500,000 for any other person, or (II) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(I) $1,000,000 for a natural person or $10,000,000 for any other person;

''(II) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(III) the amount of losses incurred by victims as a result of the violation''.

(2) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in paragraph (2)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending paragraph (3) to read as follows:

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), the amount of penalty for each such act or omission shall not exceed the greater of—

''(A) $1,000,000 for a natural person or $10,000,000 for any other person;

''(B) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(C) the amount of losses incurred by victims as a result of the act or omission, if—

''(i) the act or omission described in subsection (a) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

(d) INVESTMENT ADVISERS ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 203(i)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 209(e)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

SEC. 10. PENALTIES FOR RECIDIVISTS.

(a) SECURITIES ACT OF 1933.—

(1) CEASE-AND-DESIST PROCEEDINGS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(2) INJUNCTIONS AND PROSECUTION OF OFFENSES.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended by adding at the end the following:

''(iv) FOURTH TIER.—Notwithstanding clauses (i), (ii), and (iii), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such clauses if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(2) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended by adding at the end the following:

''(4) FOURTH TIER.—Notwithstanding paragraphs (1), (2), and (3), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such paragraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) INELIGIBILITY OF CERTAIN UNDERWRITERS AND AFFILIATES.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(2) ENFORCEMENT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in section 203(i)(2) (15 U.S.C. 80b–3(i)(2)), by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''; and

(2) in section 209(e)(2) (15 U.S.C. 80b–9(e)(2)) by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

SEC. 11. VIOLATIONS OF INJUNCTIONS AND BARS.

(a) SECURITIES ACT OF 1933.—Section 20(d) of the Securities Act of 1933 (15 U.S.C. 77t(d)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 8A.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 21(d)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)) is amended—

(1) in subparagraph (A), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending subparagraph (D) to read as follows:

''(D) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(i) IN GENERAL.—Each separate violation of an injunction or order described in clause (ii) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(ii) INJUNCTIONS AND ORDERS.—Clause (i) shall apply with respect to an action to enforce—

''(I) a Federal court injunction obtained pursuant to this title;

''(II) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(III) a cease-and-desist order entered by the Commission pursuant to section 21C.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 42(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 9(f).''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 209(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to

comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 203(k).''.

SA 1509. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BILL MAY NOT TAKE EFFECT BEFORE A BUDGET RESOLUTION IS IN EFFECT.

Notwithstanding any other provision of this Act, this Act shall not take effect before the date a concurrent resolution on the budget has been agreed to and is in effect for the fiscal year during which this Act was enacted.

SA 1510. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ___. TRANSACTION REPORTING REQUIREMENTS.

The transaction reporting requirements established by section 101(j) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified; and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 1, 2012, at 2:30 p.m., to hold a European Affairs subcommittee hearing entitled, ''Ukraine at a Crossroads: What's at Stake for the U.S. and Europe?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. 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 1, 2012, at 10 a.m. in room 432 Russell Senate Office building, to conduct a roundtable entitled ''Developing and Strengthening High-Growth Entrepreneurship.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on February 1, 2012, at 2:30 p.m., to conduct a hearing entitled, ''Federal Retirement Processing: Ensuring Proper and Timely Payments.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SAM D. HAMILTON NOX UBEE NATIONAL WILDLIFE REFUGE

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 588, 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 assistant legislative clerk read as follows:

A bill (H.R. 588) 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.

Mrs. GILLIBRAND. 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 relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 588) was ordered to a third reading, was read the third time, and passed.

TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 304, S. 1296.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1296) to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island.

There being no objection, the Senate proceeded to consider the bill.

Mrs. GILLIBRAND. I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1296) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1296

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

SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) DEFINITION OF MAP.—In this section, the term ''Map'' means the map that—

(1) is subtitled ''Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, Hazards Beach Unit RI–07'';

(2) is included in the set of maps entitled ''John H. Chafee Coastal Barrier Resources System'' (referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) as the set of maps entitled ''Coastal Barrier Resources System''); and

(3) relates to certain John H. Chafee Coastal Barrier Resources System units in the State of Rhode Island.

(b) REPLACEMENT.—The Map is replaced by the map entitled ''John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07'' and dated September 30, 2009.

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

HONORING THE LIFE OF KEVIN HAGAN WHITE

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 365, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 365) honoring the life of Kevin Hagan White, the Mayor of Boston, Massachusetts from 1968 to 1984.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 365) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 365

Whereas Kevin White was born in Boston on September 25, 1929;

Whereas his father, Joseph C. White, a legislator of the Commonwealth of Massachusetts; his maternal grandfather, Henry E. Hagan; and his father-in-law, William Galvin; each served as presidents of the Boston City Council;

Whereas Kevin White earned a bachelor's degree from Williams College in 1952, a law degree from Boston College in 1955, and also studied at the Harvard Graduate School of Public Administration, now the John F. Kennedy School of Government;

Whereas in 1956, Kevin White married Kathryn Galvin;

Whereas in 1960, at the age of 31, Kevin White was elected Secretary of the Commonwealth of Massachusetts and was reelected 3 times, serving until 1967;

Whereas in January 1968, Kevin White became the 51st Mayor of the City of Boston, Massachusetts;

Whereas within months after taking office as Mayor of Boston, Kevin White was instrumental in helping guide the City of Boston after the assassination of Dr. Martin Luther King, Jr.;

Whereas on April 5, 1968, Mayor White asked that the James Brown concert at the Boston Garden be televised rather than be cancelled, as many suggested;

Whereas during the concert, Mayor White addressed the citizens to plead for calm and said, ''Twenty four hours ago Dr. King died for all of us, black and white, that we may live together in harmony without violence, and in peace. I'm here to ask for your help and to ask you to stay with me as your mayor, and to make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.'';

Whereas during his time as Mayor of Boston, Kevin White undertook a program of urban revitalization of the downtown areas of Boston that forever transformed Faneuil Hall and Quincy Market;

Whereas during his time as Mayor, Kevin White brought the residents of each neighborhood of Boston, from Mattapan to Charlestown, from South Boston to Brighton, from East Boston to West Roxbury, together through programs like Summerthing, Little City Halls, and jobs for at-risk youth;

Whereas in 1974, Judge W. Arthur Garrity Jr. of the United States District Court for the District of Massachusetts ordered Boston to begin busing children to integrate its schools;

Whereas during a difficult period of racial tension for the City of Boston, Mayor White urged the people of Boston to remember their common identity;

Whereas from 1984 to 2002, Kevin White was the director of the Institute for Political Communication at Boston University;

Whereas Mayor White valiantly fought against Alzheimer's disease after his diagnosis in 2003 and despite this debilitating challenge, he never stopped being an example of strength for the City of Boston and his family;

Whereas Kevin White is survived by his wife, Kathryn; a brother, Terrence, who managed his early campaigns; his sons, Mark and Chris; his daughters, Caitlin, Beth, and Patricia; his 7 grandchildren; and his sister, Maureen Mercier;

Whereas the most famous campaign slogan coined Kevin White, ''A loner in love with the city''; and

Whereas the irony of the slogan is that Kevin White was never lonely and that the people of Boston who he loved so much, loved him back: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes that Kevin White forever enriched the Boston political landscape and forged a new path for the City of Boston;

(B) pays tribute to the work by Kevin White to improve the lives of the residents of the City of Boston; and

(C) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to the family of Kevin White; and

(2) when the Senate adjourns today, it stand adjourned as a mark of respect to the memory of former Boston Mayor Kevin Hagan White.

HONORING THE LIFE OF WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO REGIME

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 366, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 366) honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 366

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime;

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, ''Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.'';

Whereas Amnesty International stated, ''The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.'';

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the ''Black Spring'' crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011; and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people;

(2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011;

(3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;

(4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;

(5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;

(6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;

(7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and

(8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales and members of the Ladies in White (Damas de Blanco).

ORDERS FOR THURSDAY, FEBRUARY 2, 2012

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 a.m. on Thursday, February 2, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the

day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S. 2038, the Stop Trading on Congressional Knowledge Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. GILLIBRAND. The managers of the bill will continue to negotiate an agreement to complete action on the bill tomorrow. Senators will be notified when any agreement is reached.

Mr. President, I commend Leader REID and Chairman LIEBERMAN for their strong work, along with Senator COLLINS for her work in reaching bipartisan resolutions on this issue. We will continue to work through the night hoping to reach a resolution early in the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. GILLIBRAND. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:56 p.m. adjourned until Thursday, February 2, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL A. BOTTICELLI, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE A. THOMAS MCLELLAN.

DEPARTMENT OF THE TREASURY

CHRISTY L. ROMERO, OF VIRGINIA, TO BE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM, VICE NEIL M. BAROFSKY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S. C., SECTION 12203(A):

To be captain

PATRICK K. ABOAGYE
DAVID R. ALLEN
WILLIAM F. CSISAR

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WILLIAM E. GORTNEY

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

OSCAR FONSECA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

THOMAS G. DUFFETT
THOMAS S. GARRIDO

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531(A) AND 716:

To be major

MICHAEL W. PAULUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BENJAMIN G. HUGHES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHELLE S. FLORES

To be major

MARK B. DUDLEY
DENA L. ENGEL
MOLLY F. GEORGE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

AMORY S. BALUCATING
KENNETH S. BODE
JUSTIN J. CLARK
CRISTALLE A. COX
JARRAOD E. DUMPE
MATTHEW C. GILL
JEFFREY MEADE
TYLER S. REYNOLDS
CHRISTOPHER W. SNYDER
CHUONG N. THAI
HANS R. WATSON
RAMOTHEA L. WEBSTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

DARRIN L. BARRITT
BLAINE H. BATEMEN
JOSEPH P. BECKER
WILLIAM W. BORDON
PATRICK T. BRODERICK
MICHAEL E. BROWN
MICHAEL E. EVERTON
JAMES T. GOODWIN
BLAKE B. JESSEN
LANCE M. JOHNSTON
DANIEL R. HAYNES
MARK A. KOENIG
JEFFREY J. KRIENKE
SCOTT J. LUBIN
BRENT E. MOORE
DAVID P. NARDOZZI
DAVID A. OMSTEAD
KENT E. PETERSON
PAUL D. PETERSON
RICHARD L. RICHARD
AMIN Y. SAID
RODNEY L. STAGGS
JACK F. II STUART
SEAN P. TIERNAN
MARK A. TWITCHELL
SCOTT A. WOOLWINE

To be major

PAMELA A. ALLEY
MATTHEW R. BASLER
WESLEY T. CHOATE
BENJAMIN B. CHRISTEN
TROY D. CHINEVERE
WILLIAM S. FINLEY
WILLIAM D. GENTILE
LEWIS A. JACKSON
DANIEL F. LEICHSSENRING
CHRISTIAN F. LICHTER
ALAN L. MILLER
JOHN E. MOTLEY
JUSTIN A. RIDDLE
TODD J. ROSENQUIST
DANIEL G. SCHILLING
RALPH R. SHOUKRY
STEVEN J. SLATER
JOSHUA J. SMITH
ROBERT L. SOUTHERLAND
DANIEL W. STUPINSKI
KLIS T. ZANNIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SCOTT W. MARLIN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RICHARD T. MULL

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KELLY E. CARLEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID C. HATCH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PETER V. HUYNH

To be major

MAJWA AHMAD
RICHARD A. DANIELS
GARRETT T. HINES
MICHAEL J. RAKOW

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL A. ABELL
ZACHARY F. DOSER
BRIAN F. WERTZLER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES H. BUXTON
GREGORY T. DAY
KARL KONZELMAN
THOMAS M. VICKERS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS AUBLE
ARMAND G. BEGUN
JOHN M. BERGEN
MICHELLE E. CRAWFORD
MICHAEL J. DEEGAN
WILLIAM B. DYER III
ANDREW C. EFAW
RANDALL FLUKE
STUART C. GAUFFREAU
MICHAEL P. MORAN
RICHARD M. MURPHY
NATHANIEL J. REITZ
CHRISTOPHER W. RYAN
PAMELA STEPHENS
RONDA SUTTON
BRIAN E. TOLAND
ALBERT R. VELDHUYZEN
ALVIN P. WADSWORTH, JR.
DAVID B. WALLACE
CHRISTOPHER J. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

PAUL B. ALLEN, SR.
JOHN J. ALVITRE
SCOTT E. ANDERSON
CINDY T. ATKINS
TERRY D. BLACKWELL
WILLIE D. BOOKER
RAMON S. BRADSHAW
RONALD A. BROCK
DAVID E. BROOKS
PETER J. CARROLL
LORI A. CLARK
CHAD A. COLE
JOHN P. DAVINSON
SHAREN D. DENSON
COLIN M. DUNDERDALE
JOSE D. DURBIN
MARK W. EPPS
SCOTT T. FESTA
SUSAN G. FISHER
ROSALYN V. FITZPATRICK
RAMON E. FRY II
EDWARD A. GAGE
FELIPE GALVAN
JEFFREY D. GARBERICH
JOHN B. GILLUM, JR.
EDWIN X. GUTIERREZ
MATTHEW B. HANNA
TODD A. HEINS
GREGORY A. HERSHEY
SCOTT R. HITTER
JOHN D. HUSE
CHARLES R. JENNINGS

DAVID A. JOHNSTON
JOHN E. KING
RANDOLPH W. KNOX
CHONG U. KO
BENJAMIN K. KOCHER
CHRISTINE L. LANDRY
RONALD A. LEACH
JONATHAN D. LESHER
JUSTIN F. LETOURNEAU
KNIGHT S. I. MANSARAY
ROBERT R. MCKIBBEN
ALDO M. MENDOZA
KRYSTAL MORRIS
ARNRAE U. MOULTRIE
CECILIA NAJERA
ANDREW R. OBANDO
MELISSA D. OGLE
STEVEN D. OWENS
DEREK J. PARKER
JOHN J. PENA
MARQUES T. RAPOSO
RETAUNDA M. RILEY
CORTES M. RIVERA
KENNETH P. RIVERA
PHILIP J. ROYER
CHRISTOPHER M. SACHELI
RORY J. SALIGER
ROBERT A. SCAVELLI
SHERRILL F. SCHAAF
DENNISON S. SEGUI
ANGELA E. SLITZER
TAMMY M. SMOAK
MICHAEL C. STACKHOUSE II
THOMAS S. STRAIN
ANGELA K. TAGUE
SEAN P. THERIEN
BRADLEY C. TIBBETTS
BRADLEY S. TRAGORD
MOHAMAD A. UMAR
JOSEPH C. WHELCHEL
ARNALDO F. ZELAYACASTRO
D011029

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KATIE BARRY
JAMIE C. BROWN
SARAH A. COOPER
SHARON DAYE
CAROLYN B. DESHAIES
LEONORA J. DICKSON
SHAWN M. DUNN
JOSEPH EGGERS
CYNTHIA A. FACCIOLLA
AMY FIELD
STEPHANIE HALL
CORINN D. HARDY
DEAN N. LAVALLEE
SEAN MAJOY
JOLENE M. NORTH
LAUREN L. PECHER
KARI I. PROPER
JENNIFER L. SCRUGGS
JONATHAN SHEARER
SUZANNE C. SKERRETT
THOMAS R. TUCKER III
TSELANE P. WARE
KIMBERLY S. YORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CAROL H. ADAMS
JAMILIA M. ADAMSHENDERSON
EKERETTE U. AKPAN
NORMA R. ALANIZ
CLAUDIA A. ALLIS
JOSHUA S. ANDERSON
JORGE L. APONTE
PETER J. ATTILIO
NIKKI R. BAILEY
WILLETTE C. BALSAMO
BENJAMIN D. BANCHEK
SUSAN A. BARTRAM
KARA T. BEATTIE
ROSALIE C. BENNETT
ROSEMARY E. BEYSIEGEL
GEORGE V. BIGALBAL
FRANCES E. BRADLEY
FRIEDA R. BRADSHAW
AMY B. BRAY
CHRISTOPHER D. BRETT
JOHN S. BRINKMAN
JOHN E. BUEN
BRIAN P. CAHILL
DEANN M. CALLANAN
ANNE C. CHIQUITUCTO
ANGELIKA W. CHIRI
DWIGHT M. CHRISTENSEN
JOYCELYN S. CONSTANTINO
ANTHONY W. COOPER
MELISSA F. CURRY
JANICE N. DANIEL
REGINA G. DANIELS
JACOB L. DEEDS
RENE DELAROSA
RICHELLE R. DEMOTICA
KELLY L. DOHERTY
ERNEST M. DOREMA
LINDSAY A. DRYSDALE
CHRISTINE A. DUNGY
JENNIFER L. EASLEY
SIMONE M. EDWARDS
DOUGLAS J. ERDLEY
ROBERT L. FLORES
CHANDRA A. FORD
ARLISA J. FORDBIBER
ALISON R. FRANSIOLI
TAMMY L. FUGERE
LISA L. GASKIN
ANN E. GENN
JENNIFER M. GOMES
JERRY W. GOSTNELL
MARI E. GROEBNER
PARKER M. HAHN
JAMES A. HALEY
GEORGE E. HANSEN
KONNI L. HANSEN
LEONARD C. HATCHER
SONIA R. HEARN
PAUL C. HECK
PACQUITA M. HILL
WILLIAM G. INMAN
VALERIE J. INSOGNA
PREATA L. JACKSON
DESIREE M. JONES
KADIJATU KAKAY
SUSAN M. KEEGAN
JAMES A. KILBOURN
PATRICIA L. KINDRED
BLAIN A. KING
ROBERT M. KOPCZYK
LAURIE A. KWOLEK
WENDY S. LAI
EMILY R. LEITER
FERNANDO LOPEZ, JR.
SHARON A. LYLES
SABRINA M. MANWILLER
RONALD T. MARPLE
MICHAEL S. MARQUEZ
MATTHEW K. MARSH
PATRICIA A. MARTINEZ
SAUNDRA D. MARTINEZ
KELLY A. MCKAY
NICOLE K. MCKENNA
CHRISTOPHER G. MCKENZIE
CHRISTOPHER M. MCPHINK
COREY A. MERRITT
JACQUELINE D. MONROE
GUSTAVO E. MORENO
ALISON C. MURRAY
JOHN P. MURRAY
NHAN L. NGOANDERSON
SHANE T. OBANION
PEDRO N. OBLEA
SCOTT M. OBRIEN
SARAH N. OHM
TINA N. ORTIZ
DAVID S. OUANO
DAHLIA L. PACHECO
JOLEEN G. PANGELINAN
ANTHONY N. PANSOY
MARCELLE J. PASION
JOHN R. PERKO
MARIA T. PESCATORE
ALFREDA D. PETERSON
BRENDA C. PLOOF
JAVIER A. RAMIREZSMITH
CARLOS M. RAMOS
KENNETH T. RAY
MELISSA D. REECE
CHARLES E. REEDER
MELISA S. REEVES
MARY B. RENKIEWICZ
REGINA D. RIEGER
SEAN P. RILEY
ALFREDA B. RITTER
THOMAS ROBINSON
DANIELLE K. RODONDI
GRISELLE RODRIGUEZ
TRACEEE J. ROSE
DIONICIA M. RUSSELL
JAMES E. RYALS
PEGGY S. SALINAS
MICHAEL R. SCHELL
BENNY C. SCHULTEIS
ANGEL F. SEDASEDA
DEANNA R. SETTELMEYER
PRISCILLA N. SHAW
DEANNA M. SHEETS
DWAYNE C. SHEPHERD
RITA M. SIMS
CARMEN D. SMITH
MICHAEL D. STEPP
RICHARD R. STEVENS
ROBERT C. STRICKLAND
CHRISTOPHER H. STUCKY
JASON A. SZAKEL
HEIDI M. TABAREZ
VALERIE TAYLOR
JOSE E. TIRADO
ASHONDA T. K. TRICE
JONPAUL T. TROSSI
KRISTINE M. TUTTLE
RANDY T. VIRAY
IRA L. WAITE
KENORA L. WALKER
EDWARD T. WALSH II
GABRIEL D. WANDER
CHARLES W. WATSON III
MICHELLE D. WELLS
MARVA WILCOX
ALECIA S. WILLIAMS
GEORGE N. WILLIAMS
CHARLENE A. WILSON
DAISY A. WILSON
MONICA F. WYATT
DUANE J. ZARICOR
TOMASZ ZIELINSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

COREBRIANS A. ABRAHAM
SEAN ALLEN
VERONICA N. ALMEIDA
LAURA J. ANDRICK
DONALD P. APPLEMAN
CASEY ARRIAGA
THUYA AUNG
KAREN J. BAIMBRIDGE
JASON B. BAUMGARTNER
TERRI N. BAYNE
CYNTHIA BILLIE
JOSEPH P. BLAKENEY
ANTONIO D. BLUE
CRYSTAL L. BRIGANTTI
LEXIE B. BUENAVENTURA
TIMOTHY S. BURCH
JOSEPH L. BURKS
MARIE P. CABEL
CHRISTOPHER H. CALDWELL
DAVID A. CARUSO
ROBERT CASE
MARISOL S. CASTANETO
JONATHAN R. CATALANO
LISA M. CHABOT
DAVID E. CHAPPELL
CHRISTOPHER E. CHEAGLE
LEANNE M. CLEVELAND
PARNELL COLEMAN
WALTER J. COUCH
ANDREA L. CREARY
MECREDI M. CRUDER
SILAS A. DAVIDSON
JONATHAN P. DEETER II
JOSHUA DEFREITAS
SHAWN J. DEFRIES
CICELY M. DENT
SEMONE M. DILWORTH
ERICA L. DORTCH
MICHAEL DRULIS
TYLER D. DUMARS
TRACY L. DURHAM
KENNON J. ETHERIDGE
JOHNATHAN J. EVANS
RICHARD FOUCAULT
BRICE D. FRANKLIN
APRIL FRITCH
RODEMIL R. FUENTES
LOLITO GANAL
ALBERT GARCIA
PEDRO GARCIA, JR.
RANDY J. GARCIA
MATTHEW S. GARRIDO
JAMES C. GEDDIE
KATRINA A. GILL
ANGELA M. GILLIE
DAVID A. GLEN
WILLIAM J. GOTTLICK
SAMMY J. GRAHAM
MICHAEL R. GREIFENSTEIN
LAMISA S. GUY
JIN B. HA
RODNEY R. HANKINS, JR.
THOMAS M. HARDY
APRIL L. HARRIS
JAMES T. HARRIS, JR.
NANCY O. HEATH
DOUGLAS P. HERRMANN
REBECCA A. HICKS
THOMAS E. HICKS
DANIELLE HINES
ROGER O. HOSIER
JASON W. HUGHES
MICHAEL J. INMAN
JUNJIE J. INOCENCIO
ANDREA M. JACKSON
JAMES A. JENKINS, JR.
MARIA F. JOHNSON
LATONYA R. JONES
EDGAR S. KANAPATHY
ANTHONY D. KANG
SAINT C. KANIAUPIO
EDWARD F. KEEN III
JOHN E. KENDZIE
ROBYN A. KENNEDY
KENDAL M. KETTLE
MICHELLE L. KLINE
ARTHUR A. KNIGHT
MARK C. KNIGHT
LYLE J. KOLNIK
ANNE M. KONSHAK
KARL F. KORPAL
JARED J. LAMPE
LOUIE L. LE
IN A. LEE
PAUL B. LESTER
STEPHEN A. LEWANDOWSKI
BRADY M. LICARI
JERED D. LITTLE
JOHN M. LOPEZ
JORGE O. LOPEZ
CLAYTON T. MANNING
FRANCISCO MARCHESEGONZALEZ
JOHN P. MARSHALL
WILLIAM F. MCCALMONT
MORGAN D. MCDANIEL
HAROLD MCDONALD
JARROD A. MCGEE
LAURA L. MCGHEE

DWAYNE G. MCJUNKINS
VANESSA R. MELANSON
MARIANO T. MESNGON, JR.
JON MESSENGER
CRAIG W. MESTER
SHERON C. MIDDLETON
JACOB T. MILLER
CHADWICK A. MILLIGAN
ANETRA S. MIRANDA
ANTHONY G. MIRANDA
TRACY M. MORNING
ELAINE Q. MORRISON
EDUARDO T. MOTEN
SERENA T. MUKAI
KENNETH S. MURRAY
TERESA D. MURRAY
MARGARET MYERS
ERIC A. NAVA
CHRISTOPHER J. NORDIN
JESSICA R. PARKER
MATTHEW T. PERRY
BRIAN J. PETERSON
SARAH L. PIERSON
CHRIS L. PITTS
ULU E. PORTER
SCOTT M. PREUSKER
APARNA RAIZADA
GAIL E. RAYMOND
HEINS V. RECHEUNGEL
LISA M. REED
TODD A. REEDER
ADAM RESNICK
SHANNA M. REYES
MIGUEL A. ROQUE
THOMAS J. SCHELL
WAYNE A. SCHINTGEN
STEPHEN K. SCHLEGEL
HENRY W. SCHNEDLER
JESSICA R. SCHULTZFISCHER
STEPHEN D. SCHWAB
JAMES E. SILVERSTRIM
DARCI R. SMITH
VICTORIA K. SOMNUK
RYAN M. SPILLANE
ROBERT E. STILLWELL
KENNETH W. STURTZ IV
DEMETRIA V. SUTTON
BRETT E. SWIERCZEWSKI
SUSAN M. TALLMAN
DARREN R. TETERS
JOSHUA C. THOMPSON
ROCKY F. TORRES
JAVIER TREVINO
YUEN H. TSANG
JIMMY D. WADE
STEVEN H. WAKEFIELD
MICHAEL A. WASHINGTON
PHILIP L. WEAVER
VANESSA WHITE
WILLIE C. WILLIAMS
CONRAD R. WILMOSKI
CHRISTOPHER R. WILSON
THEODORE A. WILSON
MICHAEL D. WOOD
RICHARD E. WOOD
SCOTT E. WOODARD
SEO YANG
CHARLES D. ZAMORA
RENEE E. ZMIJSKI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL H. ATTERBURY
JAMES G. BARTOLOTTO
CHRISTOPHER M. BEVILACQUA
CHERYL M. BLACKSTONE
CHRISTOPHER J. BUSCH
NELSON S. CARDELLA
MARK L. CAVALIERO
FRANCIS W. CHARLONIS
DOUGLAS K. CLARK
MARK R. COAST
KEVIN J. CONWAY
JOE E. DAVIS, JR.
CHRISTIAN F. DEFRIES III
TREVOR D. DEVINE
JEFFREY B. DIXON
DAVID J. DOOLAN
CHRISTOPHER J. DOUGLAS
OLIVER H. DUNHAM, JR.
EDWARD C. DURANT
ROBERT W. EGENOLF
CHARLES E. ELLIS
PETER J. FINAN
DONALD J. FRONING, JR.
MELY F. GABA, JR.
DOUGLAS W. GARDNER
MICHAEL T. GARRETT
JOHN M. GRELLA
CHRISTOPHER R. GUILFORD
GREGORY M. HALLINAN
RICHARD J. HARRIES III
JOHN R. HARRIS, JR.
MARK A. HASHIMOTO
SABRINA J. HECHT
STUART B. HELGESON
WILLIAM H. HOLMES
EDUARDO JANY
KRISTI A. JOHNSON
LAWRENCE J. KAIFESH
JEFFERSON L. KASTER
JAMES A. KING
JONATHAN E. KIRKPATRICK
MICHAEL H. LEDBETTER
SCOTT M. MARCONDA
MICHAEL S. MARTIN
TIMOTHY S. MCCONNELL
MARK S. MINER, JR.
DAVID M. MONROE
KEVIN D. MOON
DAVID L. MORGAN II
CHRISTINA A. MURPHY
KENNETH B. NYHOLM
STEPHEN L. PETERS
ROBERT W. PRITCHARD
GREGORY C. REEDER
CHARLES R. RISIO
REESE S. ROGERS
MARIO O. ROMAN
CHARLES S. ROYER
THOMAS L. SARKO
BRADLEY A. SEAY
WILLIAM E. SMITH, JR.
JON E. SPAAR
PLAUCHE J. STROMAIN III
SEAN M. SULLIVAN
VINCENT J. SUMANG
GREGORY W. TAYLOR
KEVIN J. WATKINSON
DOUGLAS S. WEINMANN
THOMAS C. WEST
GERARD A. WYNN, JR.
TERRI R. ZIMMERMANN
RUSSELL T. ZINK
DONALD A. ZIOLKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARTIN L. ABREU
CEASAR M. ACHICO
DAVID M. ADAMIEC
ERIC J. ADAMS
MICHELLE E. AKERS
LOUIS M. ALBIERO, JR.
PATRICK E. ALLEN
TIMOTHY E. ANDERSON
AARON A. ANGELL
JUSTIN J. ANSEL, JR.
JAMES F. ARMAGOST
ADRIAN D. ARMOLD
PHILLIP N. ASH
ENRIQUE A. AZENON
ROZANNE BANICKI
CASEY M. BARNES
ERIK J. BARTELT
FRANCIS A. BARTH III
JOHN M. BASEEL
THEODORE W. BATZEL, JR.
JOSEPH T. BEALS
CHRISTOPHER D. BEASLEY
THOMAS M. BEDELL
BRIAN M. BELL
ERIN S. BENJAMIN
GARRETT L. BENSON
CHARLES H. BERCIER III
THEODORE C. BETHEA II
JOHN E. BILAS
EDUARDO C. BITANGA II
ROBERT J. BODISCH, JR.
CHARLES E. BODWELL
CHRISTOPHER L. BOPP
ELIKA S. BOWMER
KEVIN J. BOYCE
JONATHAN L. BRADLEY
DEREK M. BRANNON
FRANK J. BROGNA III
ERIC C. BROWN
MEREDITH E. BROWN
SHANNON M. BROWN
AARON J. BRUNK
ALVIN L. BRYANT, JR.
GREGORY S. BURGESS
DOUGLAS W. BURKMAN
ROBERT S. BURRELL
JEFFREY D. CABANA
DANIEL R. CAMPBELL
RAFAEL A. CANDELARIO II
MARK E. CARLTON
MICHAEL R. CHALLGREN
CHAD A. CHORZELEWSKI
WILLIAM H. CHRONISTER
JESUS M. CLAUDIO
JOSHUA D. CLAYTON
C R. CLIFT
LLONIE A. COBB
DANIEL E. COLVIN, JR.
ADAM S. CONWAY
ROBERT L. CORL
STEPHEN L. COSBY
HEATHER J. COTOIA
BRADLEY S. COWLEY
RYAN E. CRAIS
BRENT A. CREWS
CHRISTOPHER C. CURRAN
JON A. CUSTIS
CHRISTOPHER E. DEANTONI
MICHAEL J. DEDDENS
MANUEL J. DELAROSA
GERALD DELIRA, JR.
JOSEPH T. DELLOS
CHARLES W. DELPIZZO III
GREGORY P. DEMARCO
ERIC C. DILL
FRANK DIORIO, JR.
ANDREW P. DIVINEY
ERIC L. DIXON
WILLIAM DOCTOR, JR.
DAVID A. DOUCETTE
STEVEN R. DOUGLAS
TROY M. DOWNING
MATTHEW J. DREIER
STEPHEN D. DRISKILL
CHRISTOPHER M. DUKE
JOSEPH R. DUMONT
PHILIP E. EILERTSON
JOHN M. ENNIS
MARK D. ERAMO
BRUCE J. ERHARDT, JR.
MICHAEL N. ESTES
MATTHEW S. FAHRINGER
JOSEPH A. FARLEY
MICHAEL M. FARRELL
KRISTOPHER L. FAUGHT
THOMAS P. FAVOR
WILLIAM A. FEEKS
SCOTT E. FERENCE
STEPHEN V. FISCUS
MICHAEL L. FITTS
CHARLES N. FITZPATRICK III
MICHAEL C. FLEMMING
CHARLES B. FLOURNOY
BRYAN J. FORNEY
MARK E. FRANKO
AARON T. FRAZIER
IAN C. GALBRAITH
JOSEPH E. GALVIN
JER J. GARCIA
SCOTT A. GEHRIS
LESTER R. GERBER
KATE I. GERMANO
PAUL M. GHIOZZI
PETER M. GIBBONS
TARRELL D. GIERSCH
THOMAS H. GILLEY IV
JAMES R. GLADDEN III
JEFFREY D. GOODELL
CRAIG A. GRANT
BRANDON C. GREGOIRE
COLLEEN R. GRIMM
WILLIAM H. GRUBE
ROBERT J. GUICE
REGINA M. GUSTAVSSON
JOHN T. GUTIERREZ
MATTHEW B. HAKOLA
MARK E. HALVERSON
JEFFREY L. HAMMOND
ROBERT M. HANCOCK
DAVID W. HANDY
RICHARD D. HANSEN
ETHAN H. HARDING
ELIZABETH A. HARVEY
GEORGE D. HASSELTINE
HOWARD H. HATCH
BRENDAN G. HEATHERMAN
WILLIAM C. HENDRICKS IV
SEAN D. HENRICKSON
MICHAEL E. HERNANDEZ
ARTURO HERNANDEZLOPEZ
LARRY J. HERRING
RALPH HERSHFELT III
BERNARD HESS
DREW R. HESS
MICHAEL D. HICKS
DALE A. HIGHBERGER
AARON P. HILL
CRAIG P. HIMEL
CHAD E. HOARE
ROBERT E. HOFFLER, JR.
LUKE T. HOLIAN
WILSON M. HOPKINS III
BRYAN T. HORVATH
DANE L. HOWELL
RYAN M. HOYLE
MICHAEL R. HUDSON
PER D. HURST
BENJAMIN K. HUTCHINS
BRET M. HYLA
CARLOS T. JACKSON
ROB L. JAMES
ROBERT E. JAMES
JESSE A. JANAY
JASON M. JANCZAK
SAMUEL L. JOHNSON
DERRICK L. JONES
RONALD W. KEARSE
DOUGLAS K. KELLER
TIMOTHY L. KELLY
STEPHANIE D. KING
THOMAS F. KISCH
JOSHUA KISSOON
MICHAEL C. KLINE
CURT R. KNOWLES
JOHN D. KNUTSON
LIA B. KOLOSKI
VINCE W. KOOPMANN
CONSTANTINE KOUTSOUKOS
CHARLES B. KROLL
JOSEPH B. LAGOSKI
PHILIP C. LAING
JUSTIN D. LAMORIE
DEREK E. LANE
SCOTT A. LAUZON
ANDREAS D. LAVATO
JOSEPH S. LEE
WILSON S. LEECH III
JOEL T. LEGGETT
JOHN G. LEHANE
JONATHAN B. LINDSEY
MARK R. LISTON
JOHN W. LITTON
JAMES W. LIVELY
SHANE M. LONG

BRENT A. LOOBY
CARL M. LOWE
JAMES T. LOWERY
CHARLES B. LYNN III
WILLIAM M. MAPLES
MICHAEL C. MARGOLIS
CORY J. MARTIN
JAMES T. MARTIN
JUSTIN E. MARVEL
MICHAEL C. MCCARTHY
GARY A. MCCULLAR
BRIAN P. MCDERMOTT
MICHAEL S. MCFADDEN
RODRICK H. MCHATY
JEFFREY L. MEEKER
SAMUEL L. MEYER
CHRISTOPHER V. MEYERS
BRETT M. MILLER
KOLTER R. MILLER
DAVID H. MILLS
BRIAN M. MOLL
DAVID B. MOORE
BRUCE L. MORALES
DAVID M. MOREAU
STEPHEN H. MOUNT
SETH MUNSON
TANYA M. MURNOCK
STEVEN R. MURPHY
SEAN M. MURRAY
MICHAEL R. NAKONIECZNY
JOHN B. NAYLOR
ANTHONOL L. NEELY
NICHOLAS O. NEIMER
DAVID E. NEVERS
EDWARD T. NEVGLOSKI
ALEXANDRA K. NIELSEN
SIEBRAND H. NIEWENHOUS IV
WADE H. NORDBERG
WILLIAM E. OBRIEN
DANIEL M. OCONNOR
KEITH S. OKI
JEFFREY W. OLESKO
DONALD W. OLIVER, JR.
BERNARD J. OLOUGHLIN
MARK A. PAOLICELLI
RANDALL A. PAPE
LARRY D. PARKER, JR.
THOMAS W. PARKER
HENRY J. PARRISH
ROSS A. PARRISH
EDWARD J. PAVELKA
ERIC J. PENROD
NATHAN T. PERKKIO
MATHEW J. PFEFFER
TUANANH T. PHAM
BRADLEY W. PHILLIPS
DAVID W. PINION
BENJAMIN T. PIPES
RICHARD H. PITCHFORD
CLAY A. PLUMMER
DENNIS R. POWERS
JAMES PRUDHOMME III
SEAN T. QUINLAN
CHRISTINE K. RABAJA
GEORGE P. RAMSEY
GUY W. RAVEY
HUNTER R. RAWLINGS IV
WILLIAM G. RAYNE
ANDREW P. REED
MATTHEW L. REGNER
ROBERT B. REHDER, JR.
ERIC A. REID
MARK R. REID
PETER O. REITMEYER
SHELTON RICHARDS
RICHARD J. RIGHTER
BENJAMIN S. RINGVELSKI
RANDALL C. RISHER
RAUL RIZZO
RICHARD C. ROBERTS
SEAN M. ROCHE
MARK W. RODGERS
CLAIBORNE H. ROGERS
AARON M. ROSE
RICHARD A. ROSENSTEIN, JR.
THOMAS M. ROSS
SAM L. ROY
MICHEAL D. RUSS
CHARLES W. RYAN
JOHN T. RYAN
RUSSELL C. RYBKA
CHRISTI L. SADDLER
DENNIS W. SAMPSON, JR.
MAURICE A. SANDERS
JOHN E. SARNO
JOHN S. SATTELY
JOEL F. SCHMIDT
ZACHARY T. SCHMIDT
WILLIAM M. SCHRADER
SEAN D. SCHROCK
CHARLES F. SCHWARM
DANIEL R. SCOTT
ROBERT C. SELLERS
MICHAEL P. SHAND
BRIAN O. SHELLMAN
WILLIAM T. SIMMONS
LOUIS P. SIMON
MICHAEL D. SKAGGS
DANIEL J. SKUCE
SAMUEL L. SLAYDON
DAVID P. SMAY IV
ELIESER R. SMITH
MICHAEL R. SMITH
ROGER A. SMITH
SEAN P. SMITH
MARK C. SMYDRA
KIRK M. SPANGENBERG
JARED A. SPURLOCK
JAMES F. STAFFORD
JAMES T. STEIDLE
KENRIC D. STEVENSON
MARK A. STIFFLER
JEFFREY D. STONE
RONALD D. STORER
GRAYSON T. STORY
DEAN T. STOUFFER
KEVIN M. STOUT
BRYAN G. SWENSON
MICHAEL N. SWIFT
TROY S. SYBESMA
ERIK C. TAUREN
BARRON S. TAYLOR
BRIAN J. TAYLOR
BRADLEY J. TEEMLEY
THOMAS M. TENNANT
HAMARTRYA V. THARPE
GREGORY A. THIELE
WINSTON S. TIERNEY
VIRGIL E. TINKLE
EDMUND B. TOMLINSON
MATTHEW W. TRACY
SCOTT T. TRENT
JOSEPH M. TURGEON
JOSEPH B. TURKAL
HANORAH E. TYERWITEK
JOSEPH S. UCHYTIL
JAMES D. UTSLER
CHAD A. VAUGHN
ANDREW E. VELLENGA
BENJAMIN M. VENNING
PAT P. VONGSAVANH
PHILIP E. WAGGONER
WALTER J. WALLACE
WAYNE J. WALTRIP
GREGORY J. WARDMAN, JR.
ANTONIO H. WATERS
KEITH S. WEINSAFT
WILLIAM S. WEIS
VINCENT J. WELCH
SCOTT A. WESTERFIELD
JASON L. WHALEN
DANIEL M. WHITLEY
BRYAN D. WILSON
JEFFREY W. WITHEE
BRIAN E. WOBENSMITH
TOMMY R. WRIGHT
DANIEL R. ZAPPA
ROBERT C. ZYLA

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

KENNETH B. HOCKYCKO
ADEJOSE R. MCKOY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JOHN A. LANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID A. CZACHOROWSKI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

KELLY P. COFFEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PETER J. OLDMIXON

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JASON A. ALTHOUSE
COREY D. BARKSDALE
NICOLAS T. BOGAARD
JONATHAN J. BRENNAN
RONALD W. BROOKS
PHILIP J. CAREY
STEVEN M. CARTER
JAMES L. CLARK III
TREVOR J. CONGER
RYAN P. CONOLE
BRIAN J. CUMMINGS
BRIAN W. DANIEL
MICHAEL DAURO
JUSTIN P. DAVIS
STEVEN A. DAWLEY
TERREANCE L. ELLIS
JONATHAN R. GARNER
CULLEN M. GREENFIELD
JARED E. HENDERSON
DANIEL K. HOLLINGSHEAD
MICHAEL G. KEATING
CHRISTOPHER KELLEY
GEORGE G. KULCZYCKI
ADAM C. LAREAU
MARCUS J. MACHART
WILLIAM G. MANGAN
ELIZABETH A. NELSON
PAUL G. PAVELIN
ANDREW W. PITTMAN
JOHNNY M. QUILENDERINO
THOMAS G. RALSTON
NOAH S. RICH
JEFFREY R. ROBERTS, JR.
TODD C. RONEK
BRYAN D. SCULLIN
BENJAMIN M. SMITH
WILLIAM D. SMITH
RANDY M. STACK
NATHAN STUHLMACHER
ERIK M. SWEET
PAUL M. UNVERZAGT
ANDREW VINCENT
JOSHUA L. WRIGHT

WITHDRAWALS

Executive Message transmitted by the President to the Senate on February 1, 2012 withdrawing from further Senate consideration the following nominations:

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMONT, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

EXTENSIONS OF REMARKS

THANKING REPRESENTATIVE HINCHEY FOR HIS SERVICE TO NEW YORK STATE AND AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, I rise today to recognize the service of my colleague and fellow New Yorker, Congressman MAURICE HINCHEY, who will not be seeking reelection. As members of the New York Congressional Delegation, I have seen firsthand the contributions MAURICE has made to the people of the 22nd Congressional District, New York State and our entire nation.

A veteran of the U.S. Navy, Congressman HINCHEY rose from humble beginnings to serve in both the New York State Assembly and the House of Representatives. As an important member of the Appropriations Committee, Congressman HINCHEY has created good paying jobs, invested in New York and America's infrastructure, protected middle-class families, championed for local farmers and has been a great protector of our environment.

I wholeheartedly thank Congressman HINCHEY for his service, leadership and friendship. He has shown inspiring strength and resolve in battling cancer while upholding the highest level of commitment to his constituents and country. I wish Congressman HINCHEY both health and happiness during the next chapter in his life.

RECOGNIZING WILL TRAVIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with my colleagues, Congressman PETE STARK, Congresswoman LYNN WOOLSEY, Congresswoman ANNA ESHOO, Congresswoman ZOE LOFGREN, Congresswoman BARBARA LEE, Congressman MIKE THOMPSON, Congressman MIKE HONDA, Congressman JERRY MCNERNEY, Congresswoman JACKIE SPEIER, and Congressman JOHN GARAMENDI to recognize Will Travis, Executive Director of the San Francisco Bay Conservation and Development Commission (BCDC) of 17 years, as he retires after 42 years of public service.

Will "Tray" Travis, holds a Bachelor of Architecture and a Master of Regional Planning degree from Pennsylvania State University. From 1970 to 1972 he served as BCDC's first Bay Development Design Analyst, after which he spent 12 years with the California Coastal Commission, holding a number of positions, including heading the agency's offshore oil drilling permit staff, directing its public access program, and overseeing its budget and administrative functions. He returned to BCDC in 1985 as Deputy Director and was later appointed Executive Director in 1995.

Travis has written many articles on coastal issues, has provided advice on coastal matters to other states and nations, and has been a university lecturer throughout North America. He was appointed Chairman of the Shell Oil Spill Litigation Settlement Trustee Committee, which administered a multimillion dollar settlement fund to settle claims resulting from a 1988 oil spill. In that capacity, he spearheaded the public acquisition of 10,000 acres of privately owned salt ponds along the northern shoreline of the San Francisco Bay in one of the largest coastal wetland restoration projects in California's history.

Over the years Travis has been a tremendous leader in protecting San Francisco Bay while balancing the difficult roles of conservation and development. He has established himself as a leading advocate for a regional strategy to address climate change and sea level rise in the Bay Area. My colleagues and I, as well as over 7 million residents in the Bay Area, owe him a great debt of gratitude for protecting our quality of life.

Travis was the 2009 recipient of the Jean Auer Environmental Award and is a member of the National Research Council Roundtable on Climate Change Education. He also serves on the Board of Trustees of the Bay Area Council Economic Institute, the Board of Directors of the San Francisco Planning and Urban Research Association, the EcoAdapt Climate Change Adaptation Innovation Center, the Executive Management Committee of a Joint Policy Committee of four regional agencies, the Community Advisory Board of KB Home Corporation and Friends of One Bay Area. Furthermore, Travis is a member of Lambda Alpha, the honorary society for the advancement of land economics, he has chaired a special committee established by the City of Berkeley to work with the University of California to develop a new plan for downtown Berkeley, and has served on the project team of "Saving the Bay," a public television documentary film.

Mr. Speaker, we invite this chamber to join us in honoring Will Travis for his tireless and dedicated service to the people of California and the San Francisco Bay Area. We also join his family, colleagues, and friends in congratulating him on a successful and fulfilling career at BCDC and wishing him well on his new initiative as a senior policy advisor for the Bay Area's Joint Policy Committee.

SECOND TIME AS SWEET AS FIRST FOR NORTHERN GUILFORD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. COBLE. Mr. Speaker, for the second consecutive year, a high school located in the Sixth District of North Carolina has captured a Class 3–AA state championship. The Northern Guilford Nighthawks won the North Carolina High School Athletic Association state championship, defeating Boiling Springs Crest, 31–7, on December 3, 2011.

Northern Guilford scored first but only had a six point lead going into the second half. Nineteen unanswered points, in the third quarter was too substantial for Boiling Springs Crest to overcome. "I know I get credit," Northern Guilford Coach Johnny Roscoe told the Greensboro News & Record, "But it's the assistant coaches and the players. They're the ones who really do it, and I can't say enough about them."

The Northern Guilford Nighthawks finished their season with a 14–1 record and went undefeated, 7–0, in league play. The NCHSAA offensive and defensive players of the game were Nighthawks Daniel Downing and Scooter Mooney. T.J. Logan received the game's Most Valuable Player award with a five touchdown performance. None of these accolades would have been obtained without the hard work and determination from teammates Tre Purcell, Cameron Harris, Brett Welch, Austin Hoke, John McBeth, Ryan Dirks, Nick Jones, Austin Coltrane, Mark Mitchell, Avery Cooper, Shaquille Fields, Burney Sindab, Justin Timmons, Chris Ripberger, Malik Parker, Robert Willcox, Rory Bergen, Bernard Sindab, T.J. Ruff, Trip Dunn, Trevon Cooper, Frankie Lollis, Ryan Johnston, Trevor McKee, Austin Simmons, Max Klietsch, Tripp West, Blaine Jones, Eric Hong, Josh Steele, Kamen Smith, Chris Forlano, Trevor Beck, Rashad Martin, Sam Parker, Andrew Keen, Bryan Iddings, Taylor Rumley, Molick Scott, Josh Moore, Alex Hasler, and Carlos Williams.

The Nighthawks could not have achieved the state championship without the leadership of Head Coach Johnny Roscoe and his outstanding staff, including J.R. Troutman, Brian Thomas, Lee Meekins, Ben Hepler, Justin Davis, Todd Sharp, Tim Bagamary, Richard Burton, and Chris Shaffer. In addition, those aiding the title hunt were Stacy Come (Cheerleading), Ed Kimbrough (Band Director), Ashlyn Thomas and Jenna Livingston (Video), Britt Thomas (ball boy), Kirstin Shepperson (Team Physician), Justin Ollis (Trainer), Kalyn Wadsworth and K.T. Song (UNCG Athletic Training Interns), Mercedes Wiglesworth, Sydney Monroe and Taylor Phillips (Student Trainers), Perry Johnson (Manager) and a special thanks to Mrs. Jane Roscoe.

Congratulations are also deserved for those who supported the football program at Northern Guilford throughout its successful season including Principal Will Laine, Assistant Principals Doug Foutty, Kris Vecchione, and Travis Ward, as well as Athletic Director Brian Thomas.

Once more, on behalf of the citizens of the Sixth District of North Carolina, we congratulate the Northern Guilford High School football team, along with the faculty, staff and students for their championship season. While everyone remembers the first time they achieved a

major accomplishment, the Nighthawks proved that the second time is as sweet as the first.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. VISCLOSKY. Mr. Speaker, on January 31, 2012, I was absent from the House and missed rollcall vote 12.

Had I been present for rollcall 12, on agreeing to H. Res. 522, providing for consideration of H.R. 1173, a measure to repeal the CLASS program, I would have voted "no."

CONGRATULATING MARION GRAY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. STIVERS. Mr. Speaker, I rise today to congratulate Marion Gray on being named Knight of the Legion of Honor by France. In the course of his service in World War II Marion Gray became the first Franklin County man to be wounded on the beaches of Normandy on D-Day.

Throughout our nation's history, courageous men and women have selflessly fought time and again to secure our liberty. Marion Gray is one of those courageous men.

A true patriot, Sergeant Gray enlisted one day after the attack on Pearl Harbor. Gray then was sent to Camp Roberts to learn Combat Intelligence. He later transferred into the Medical Corps which allowed him to serve his country with the education in pharmacology and pre-medicine that he gained at The Ohio State University.

As a combat medic, Sergeant Gray travelled as part of the 29th Division of the 116th Regiment to the beaches of Normandy, where he was part of the first wave to land on D-Day.

Sergeant Gray's regiment was one of the hardest hit and during the course of that day Gray was injured twice. Thankfully, he survived but had to spend 30 days recovering in a hospital in South Hampton, England before being returned to his original company. He later went on to help liberate St. Lo, France, and served admirably until the end of the war in Europe.

It is because of the sacrifices made by Marion Gray and those he served with, that we continue to enjoy the freedoms that we do today. I am deeply thankful for Sergeant Marion Gray's heroism and sacrifice, and I congratulate him on earning the Knight of the Legion of Honor.

HONORING MORTIMER SULLIVAN

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Ms. HOCHUL. Mr. Speaker, I submit the following proclamation.

Whereas: Mortimer Sullivan is a resident of Erie County and is married to Maryanne Calella. They are the proud parents of two children, Mark and Michael; and

Whereas: In 1954, Mortimer graduated from the University of Buffalo where he earned a degree in Psychology and completed Western New York's first college-accredited certificate-granting law enforcement training program. He also was the first commander of the University's Air Force ROTC Corps of Cadets; and

Whereas: After graduating from College he reported to active duty in the Air Force, and later served in the Air Force Office of Special Investigations Mobilization Reserve Program from which he retired in 1987; and

Whereas: Colonel Mortimer Sullivan earned the Legion of Merit, Meritorious Service Medal, Army and Air Force Commendation medals, and the New York State Conspicuous Service Cross during his service; and

Whereas: Mr. Sullivan was admitted to the New York State Bar in 1964; and

Whereas: Rising to the rank of Lieutenant, Mortimer is a founding charter member of the Erie County Sheriffs Scientific Reserve with 40 years of service; and

Whereas: For 25 years, Mortimer Sullivan chaired the Episcopal Diocese of Western New York Committee on Constitutions and Cannons and received the Bishop's Award for Ministry of the Laity; and be it further

Resolved; That we pause in our deliberations to honor Mortimer Sullivan for his dedication and service to the Erie County Sheriff's Department and our community.

HONORING THE LIFE OF FORMER PENNSYLVANIA STATE REP. TERRY VAN HORNE

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. CRITZ. Mr. Speaker, I rise to celebrate the life of a selfless community leader, accomplished lawmaker and skilled statesman. Former Pennsylvania state representative Terry Van Horne died on Monday, January 30, 2012, at the age of 65. Terry was a gentleman who used his talents as a legislator to enhance the lives of the people of the Allegheny-Kiski Valley. He was known as an independent-minded public servant who never allowed partisan politics to stand in the way of doing what was best for his constituents. Terry's unwillingness to compromise his core convictions for the sake of political expediency gained him the love of his constituents and the respect of his colleagues on both sides of the aisle.

Terry began his principled and distinguished career in public service on the Arnold City Council in the late 1970's. From there, he went on to represent Pennsylvania's 54th House District for nearly 20 years. By all accounts, he was a dynamic, yet congenial legislator who could defuse even the bitterest of political scuffles with his quick wit and radiant smile. After leaving office in 2000, he worked as a consultant and practiced law before returning to public service in 2007 to serve as municipal manager for Penn Hills, Pennsylvania, a position he held until February of 2009. Just this past December, Terry was hired by the Arnold Council to be its new city clerk.

While tragedy cut his life short, Terry will be remembered not for how he died, but for how he lived—as a steadfast champion of the people.

Mr. Speaker, who can explain why great men like Terry are taken from us prematurely? The reality that Terry will no longer be able to pursue his life's passion of public service is truly a tragedy for everyone who calls the Alle-Kiski Valley home. I hope that his wife, Jacqueline, and all of his family and friends find comfort in knowing that Terry's legacy will continue to inspire generations of public servants to come.

IN CELEBRATION OF MARY CLARE HIGGINS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. NEAL. Mr. Speaker, I rise today to acknowledge the accomplishments of former Mayor of Northampton, Massachusetts, Mary Clare Higgins. Born in Pittsburgh, Pennsylvania, and raised in Brooklyn, New York, Mary Clare Higgins was the eldest girl among her six siblings. Mayor Higgins later settled in Northampton in the late 1970s where she followed in the footsteps of her father and became involved in local politics.

Ms. Higgins' first involvement in local government came in 1990 when she was appointed by the Commonwealth of Massachusetts to the Massachusetts Housing Authority. Distinguishing herself through her various roles in municipal government, Ms. Higgins was first elected to the Northampton City Council in 1994 and later as president of the council in 1998. Since her election as mayor in 2000, Ms. Higgins has dually served as President of the Massachusetts Mayors' Association and was a member of the Municipal Finance Task Force of Metro Mayors Coalition.

During her tenure as mayor, Ms. Higgins has served as an advocate for the preservation and expansion of Northampton in the twenty-first century. With her initiative for growth within the community, Mayor Higgins saw promise in the development of Hospital Hill and the ongoing preservation of open space throughout the city. Her accomplishments as mayor have been recognized by a number of local, statewide, and nationwide organizations for her distinguished service.

Mary Clare Higgins has been an important part of the history and the further advancement of Northampton in the years to come. She in her role as a civil servant has placed her responsibility as a municipal leader first. Her contributions to the well-being of those whom she had the privilege to represent for over a decade is a testimony of the quality of leadership Mayor Higgins has displayed. I am honored to have known Mary Clare Higgins and I offer her my warmest regards and wishes for her future endeavors.

HONORING THE 13 RECIPIENTS OF THE CAMDEN COUNTY, NJ, FREEDOM MEDALS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the 13 recipients of the Camden County Freedom Medal. In 2001, this high honor was created to pay tribute to those who reflect the ideals and beliefs held by Dr. Martin Luther King, Jr. The honorees of this esteemed award are exemplary citizens who have made momentous contributions to their community in a variety of ways. These individuals have not only dedicated themselves to bettering their community, but have also worked selflessly to bring together people of different backgrounds, cultures, and creeds.

This award is unique in that it does not honor people only in one area of service, but rather highlights individuals who have made significant contributions to society, each in their own way. Recipients of this year's award have done everything from establishing a college preparatory program for minority students, to founding an environmental program, to creating a 5K race in honor of a fellow Marine killed in action, to providing free health and education classes, among many other accomplishments.

Mr. Speaker, it is with great pride that I congratulate all of the recipients of this year's Freedom Medal: Atnre Alleyne, Nasim Badat, Roger W. Barker, Lori Braunstein, Sister Helen Cole, Hardon H. Durrani, James E. Hannold, Linda Holscher, Melinda Kane, Mary Lamielle, Thelma Lenore Long, Robert Morrell, and Larry and Trudy Painter. I join the county in paying tribute to these 13 individuals and I thank them for helping carry out Dr. King's legacy with tireless dedication.

HONORING THE 40TH ANNIVERSARY OF THE MAINE ORGANIC FARMERS AND GARDENERS ASSOCIATION

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate the Maine Organic Farmers and Gardeners Association MOFGA on their 40 year anniversary.

Committed to the Maine tradition of local, family owned agricultural businesses which produce some of the healthiest agricultural goods available, Abby McMillen began organizing membership for what would become MOFGA in 1971. The organization initially served as a forum where organic growers could learn from each other and perfect their trade. By 1972, MOFGA was certifying organic farms using standards laid out by Rodale Organic Garden. Today, the association has grown to include 6,000 members and nearly 350 certified farms.

MOFGA is also one of the most active groups in the state. The association runs numerous educational, apprenticeship, and charitable programs that connect Maine's organic growers with each other and communities around the world. Their quarterly published news paper, The Maine Organic Farmer & Gardener, is one of the nation's leading information sources on organic agriculture and sustainable living practices. What's more, the annual Common Ground County Fair hosted by MOFGA has become one of the state's most anticipated events each year. Thousands of people are drawn to the town of Unity from all over the country to enjoy live entertainment and meet with local farmers, vendors and artisans.

MOFGA has demonstrated itself to be an invaluable resource for Maine growers and consumers who are interested in learning about healthy food and environmentally friendly farming methods. These agricultural practices are beneficial to public health, the environment and Maine's economy. Additionally, the association annually reviews farms and food processors to ensure that food labeled as organic truly lives up to that standard.

I wish MOFGA continued success in working with farmers, gardeners and families all across Maine to promote healthier and more nutritious eating options.

Mr. Speaker, please join me in congratulating the Maine Organic Farmers and Gardeners Association on the 40th anniversary of its founding.

RECOGNIZING THE SERVICE OF RICHMOND TOWNSHIP SUPERVISOR GORDON FUERSTENAU

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct privilege today to recognize an extraordinary individual from Michigan's 10th Congressional District. On February 17, 2012, family, friends and neighbors of Mr. Gordon Fuerstenau will gather at the Richmond Township Hall to celebrate his dedicated and honorable record of public service. In total, Gordon has served the Township of Richmond located in northern Macomb County for an impressive 27 years, having first been elected as the Clerk in 1984 and then appointed to the position of Supervisor in 2003 which he held until 2011.

As a former township supervisor myself, I can personally attest to the hard work, long hours and steadfast commitment it takes to efficiently operate and manage the day-to-day business of a township. The job can be difficult at times, but the rewards far outweigh any roadblocks faced along the way. There is nothing quite like the satisfaction of seeing the work you have accomplished to improve the community in which you live. Ultimately, you know you are making a positive difference and enhancing the quality of life for the generations to follow.

Gordon's resume includes a long list of accomplishments demonstrating his leadership skills and impeccable integrity. He has served on the City of Richmond's Wellhead Protection Team which helped protect drinking water utilized by area residents. He also was a key player in fostering the amicable relationship with the City of Richmond through his work with the Richmond Volunteer Fire Department, and triumphing key environmental issues to help maintain the rural setting that is especially unique to Richmond Township.

Mr. Speaker, I am grateful for this opportunity to properly acknowledge Gordon Fuerstenau's strong record of outstanding and invaluable public service to Richmond Township. I commend him on this very special occasion and offer my best wishes on many more successes in the future.

RECOGNIZING MR. JACK SCAROLA ON HIS DEDICATION TO HELPING END HOMELESSNESS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. HASTINGS of Florida. Mr. Speaker, it heartened me to learn that Jack Scarola was recognized by the Lord's Place for his work in the fight against homelessness in the West Palm Beach area of Florida. Jack is a partner in a prestigious West Palm Beach law firm who has supported homeless persons in the community since he moved to the area over 30 years ago. He was a founding member of the Lord's Place, an organization I am proud to represent in my Congressional district that is dedicated to breaking the cycle of homelessness through engagement, housing, education, and employment programs. He still is active with the Lord's Place, just having finished serving as chairman of their Board of Directors and having served on the Board for more than 20 consecutive years. I appreciate the work that he has done, and I would like to extend my deepest gratitude for his commitment to serving the community.

The Lord's Place recently honored Jack with the Ending Homelessness Award. During the award ceremony, a 1983 radio broadcast featuring the organization's efforts was played. Although the clip was a distant memory, Jack instantly remembered giving the interview. It was early in the movement to help the homeless, and he and some other volunteers were collecting donations on the steps of a local church. Jack was surprised at the community's support for their cause. Since that time, he has worked to turn this support into a community-wide effort to help other people.

For over 30 years, he has helped to make the Lord's Place fight against homelessness in Palm Beach County. In 2010, the Lord's Place supported over 500 homeless men, women, and children. Jack played a critical role in building this organization.

Mr. Speaker, I would like to congratulate Mr. Jack Scarola for receiving the Ending Homelessness Award from the Lord's Place. He is truly a selfless individual that has dedicated his life to helping those in their greatest time of need.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE INTERNATIONAL DAY OF HUMAN RIGHTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, it is with great enthusiasm that I rise in recognition of the historic International Day of Human Rights and the 60th Anniversary of the Universal Declaration of Human Rights that passed on December 10, 2011. It was a day that recognized the momentous efforts made in 1948 by the United Nations General Assembly which declared that the citizens of the world have basic and essential human rights. This effort was in reaction to the immediate aftermath of the crimes against humanity in World War II. This noble accomplishment made by the international community established the fundamental freedoms of humankind and worked not only to cultivate, but also continuously protect international peace.

The adoption of the Universal Declaration of Human Rights signified an international commitment to preserving and building the foundation of human rights, which serves as an enduring resolve for advocates around the world. 2011 was a historic year that recognized the momentous actions of global protestors trying to rid themselves of tyranny and move towards democracy. Met with forceful and dangerous opposition, these protestors stayed the course and fought for what they believed in.

In June of 2011, I met with Iran180, a multicultural and multi-faith organization established with the goal of addressing the human rights violations and aggressive pursuit of nuclear weapon development. I, alongside several members of the New York delegation presented an award to Mr. Ahmad Batebi, a student who was involved in the July 1999 protests against the Iranian government at Tehran University. He was arrested, tried in closed-door proceedings, was sentenced to death and spent eight years being tortured in prison until his escape in 2008. Since then, Batebi serves as the chairman of Cyber Dissidents where he continues to advocate for human rights and democracy.

Mr. Batebi is an inspiration to all people, especially to those living under oppressive circumstances. We have to stand up and fight for what we believe in order to achieve freedom and liberty without living in repressive conditions.

The uphill struggles to promote and protect human rights have been expanding in my beloved district, from the efforts of the NAACP, Amnesty International, the American Citil Liberties. Union, the Human Rights Campaign, Alianza Dominicana, and several other outstanding organizations that continue to be a cornerstone in my Harlem community for people who would otherwise not have the essential civil liberties of participating in the political process.

Mr. Speaker, I ask that you and my colleagues join me in expressing the utmost gratitude towards the work of the Universal Declaration of Human Rights and the numerous organizations that fight diligently for to preserve our fundamental principles of humanity. We must work tirelessly to ensure that all Americans and around the world exercise the same basic human rights.

HONORING NOVELEAN ''MOTHER'' HARRIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today and invite my colleagues to join me in honoring Novelean "Mother" Harris of Richmond, California, who passed on January 11, 2012 at the age of 95. Mother Harris was a deeply religious and caring woman who fed and clothed the unfortunate and those in need, and a pioneering business owner in her community.

Mother was the second child born to the late Charlie and Lillie Turner on Thursday, June 15, 1916 in Bernice, Louisiana. She came to know Christ at an early age when her family moved to El Dorado, Arkansas, and joined the New Bethel Baptist Church. Later, Novelean married the love of her life, the late George H. Harris, and had two sons, James and George, and a daughter, Carolyn.

George moved his family to Richmond, California, in 1943 to seek better opportunities. Soon afterwards, George and Mother joined North Richmond Missionary Baptist Church, under the late Reverend F.W. Watkins, where they were active participants in their church and their community. George opened one of the first successful insurance businesses in Richmond. He was also one of the first African Americans to serve on the Contra Costa County Grand Jury. With the goal in mind to also own a business, Novelean enrolled at the Charm Beauty School in Oakland, obtained her state cosmetology license, and opened the first African American owned beauty salon in North Richmond. She later established Novelean's Beauty Salon on the Southside of the city where she mentored and trained other women to become licensed cosmetologists. At the time of her death, Mother Harris held one of the oldest business licenses in the City of Richmond.

Mother Harris served in many capacities at North Richmond Missionary Baptist Church, but she will be most remembered for running the church's Soup Kitchen. Mother Harris never turned away a hungry person. She and her volunteer staff provided nutritious meals to countless people and ensured that the needy received a bag of groceries and clothes. She ministered to the homeless who came to eat. Each day at noon, Mother Harris would stop whatever she was doing to lead a prayer. Her passion for feeding the hungry extended beyond her service in the church. Mother Harris often prepared large pots of soup in her own kitchen and delivered meals to the homes of seniors and the disabled.

Mother Harris was a strong pillar in her city. She encouraged others in the community to vote and supported the campaigns of many who sought elected office by giving advice, raising contributions, and feeding candidates in local, state, and national elections.

The City of Richmond declared May 5, 2007, "Mother Harris Day" in honor of her contributions to the community. A bench was dedicated to her outside of North Richmond Missionary Baptist Church. Mother Harris was a life member of the Richmond Branch NAACP and was a founding member of the Cosmetology Organization of the Greater Bay Area.

Simply stated by Mother Harris, "God gave me a vision early in my life to reach out and help those in need." She leaves a legacy for us all to follow.

I ask my colleagues to join with me in offering sincere condolences to her children, family, and friends.

WORTH THE WAIT FOR PAGE PIRATES FANS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. COBLE. Mr. Speaker, the saying that good things come to those who wait can be applied to the fans of the Walter H. Page High School football team. Page fans have been waiting since 1985 for their football team to capture a state championship. The Pirates completed a 15–0 perfect season with the title win, on December 3, 2011. I would like to take this time to recognize Page High School's football team, located in the Sixth District of North Carolina, for winning the Class 4–AA state championship. The Page Pirates defeated Garner High, 35–21, in front of more than 10,000 fans at BB&T Field in Winston Salem.

The Pirates took the lead in the second quarter and never looked back. "Our kids believed they were supposed to be here, and I believe they not only deserve to be here, but to win it, and we did," Page Coach Kevin Gillespie told the (Greensboro) News & Record. The program's undefeated 15–0 record solidifies both his and the player's beliefs.

Garner High began to gain momentum and cut the lead to seven points in the third quarter, but Pirates quarterback, James Summers answered with a 54-yard touchdown on the very next play. This display of athleticism and determination earned him the game's Most Valuable Player award. All members of the Page football team contributed to the perfect season, including Jalen Gavin, Carter Stanley, Jonathan Lynch, Kysung Young, Brian Spain, Jarvis Small, Orlando Hatfield, Blake Hickman, Carter Greene, Jordan Putnam, Thomas Little, Christian Cranford, Marcus Demery, Ed Britt, Ryan Jackson, William Henry, Savon Wall, Shedrick Pate, Drew Rogers, Devonta Hooker, Kahlil Wilson, Evan Roer, A.J. Capel, Shaun Workinger, Grant Brewer, Eric Kelly, Justin Smith, Tim Wharton, Lorenzo Featherston, DeAnthony Brooks, Chance Maness, Ventura Anthony, Jacob Green, Anthony Hope, Chris Hamrick, Arrius McCain, David Jennings, Jaxon Cummings, Jonathan Smith, Kemp Young, Andrew Lamore, Dishon Stewart, Isaiah Towns, Rasheen Wall, Lewis Jones, Alex Alverez, Matt Mayfield, Tevin Morrison, Chris Mosley, , and Tommy Laughon.

Credit must be given to Head Coach Kevin Gillespie and his staff including Norman Weeks, Gordon Hagen, Todd Halkyer, Cody Page, Wilson Helms, Chris Ferguson, Kevin Harris, Earl Sams, Jesse Britt, Malcolm

Parker, Mark Raynor and Russell Mills, for the success and growth these young men accomplished this season.

Additionally deserving credit is Principal Marilyn Foley, Athletic Director Rusty Lee, Nikki Kennedy (Trainer), and Jeremy Godwin (Statistician).

They may have waited 27 years, but winning with a perfect record was worth the wait. Again, on behalf of the Sixth District of North Carolina, we congratulate the Page High School football program, along with the faulty, staff, students and supportive community for their championship season.

RECOGNIZING THE ROTARY CLUB OF COLUMBUS

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. STIVERS. Mr. Speaker, I rise today to recognize the Rotary Club of Columbus for its centennial year of providing exceptional, ''Service Above Self,'' and for truly living up to its motto throughout these past 100 years.

The Rotary Club of Columbus was chartered on March 5, 1912, as the 38th club in Rotary International. Ever since that time, Columbus Rotary has contributed a great amount to the Columbus area. In 1919, the Rotary helped to organize the Ohio Society for Crippled Children, now known as Easter Seals. The Rotary established Camp Enterprise in 1967 to teach the Free Enterprise system to teenagers, and the program went on to become a model for Clubs across the country. In 2003, the Rotary was especially instrumental in establishing the Rafiki Orphanage in Nairobi, Kenya. Columbus Rotary projects continue today and include important programs and initiatives like Adopt-A-School, Homeless Family Foundation, and annual scholarships to local students.

Without the hard work and selfless contributions of Columbus Rotary and its members our great city would not have the vibrancy and sense of community that it does today. I offer my congratulations to Columbus Rotary on its 100 years, and I look forward to many more years to come.

RECOGNIZING THE 100 YEAR ANNIVERSARY OF THE GIRL SCOUTS OF AMERICA

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Ms. HOCHUL. Mr. Speaker, it is my honor to recognize the one hundred year anniversary of the Girl Scouts of America. Founded in 1912 by Juliette Gordon Low, this organization has cultivated courage, confidence, and character in young women and girls across the Nation. It is the largest organization for girls in the world and includes 3.2 million scouts today. Through volunteering, community service, adventures, and, of course, cookie sales, these young women have become the emerging leaders of our world today.

Girl Scouts participate in a wide variety of services and projects, from science and technology based activities to programs focused on financial literacy and understanding. Campaigns launched by the Girl Scouts in the past have included action against bullying and awareness of eating disorders. The highest achieving scouts even get the opportunity to apply for a Capitol Hill internship.

The organization is undeniably an American institution committed to developing women leaders, and thus the hundred year mark comes with much celebration. In honor of this century of service, 2012 has been designated ''The Year of the Girl,'' and the projects we will see are ambitious, eclectic, and simply inspiring. As a Nation, let us recognize the astounding efforts of the organization and continue to support the Girl Scouts of America.

IN MEMORY OF ALEX BLEVINS

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in honor and memory of Alex Blevins, a devoted father and husband, and the Executive Director of the Kentucky Court Appointed Special Advocate or CASA organization.

Alex leaves behind his wife Alice and their two beautiful children, Harper and Charlie. Their father was a man who spent years working as a determined advocate for children in need, particularly those who were abused and neglected. On behalf of my wife Pat and myself, I want to extend our deepest sympathies to the Blevins family.

Alex dedicated much of his professional career to Kentucky CASA's mission of providing leadership and support for local CASA organizations that recruit and train volunteers to serve abused and neglected children as court appointed special advocates. Through statewide advocacy of the CASA mission and the provision of training, support and resources, Kentucky CASA partners with National CASA, local programs and others to serve as a powerful voice in a child's life.

Alex had an unbridled compassion for abused and neglected children. He worked diligently on their behalf as part of Kentucky CASA for nearly eight years. He assisted local chapters and worked to increase the number of counties in the Commonwealth with CASA volunteers to ensure more children benefit from this important service.

Alex graduated from Centre College in 2003. He served on the Kentucky Court of Justice's Improvement Project Advisory Board and National CASA's Inclusion and Diversity Committee, as well as Public Policy Co-Chairman for Kentucky's Blue Ribbon Panel on Adoption and Safety.

Mr. Speaker, I ask my colleagues to join me in honoring and remembering my friend, Alex Blevins. Kentucky is a better place because of Alex and his outstanding contributions to the Commonwealth. His leadership and compassionate advocacy on behalf of children will be sorely missed.

HONORING MR. OFIELD DUKES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Ms. LEE of California. Mr. Speaker, I rise today with Chairman EMANUEL CLEAVER II and my colleagues in the Congressional Black Caucus, CBC, to honor the extraordinary life of Mr. Ofield Dukes. A trailblazing public relations titan known far beyond the communications world, Ofield Dukes will be remembered as a civil rights champion, an inspiring educator, a skilled mentor, and a trusted advisor to the world's most prominent leaders. With his passing on December 7, 2011, we look to Mr. Ofield Dukes' political legacy and the outstanding quality of his life's work.

Born in Rutledge, Alabama, Mr. Dukes graduated with a degree in journalism from Wayne State University after having been a journalist while serving in the United States Army during the Korean War. He soon made a name for himself as an award-winning writer for the Michigan Chronicle and, in 1964, Mr. Dukes was hired as Deputy Director of Information for President Lyndon Johnson's Committee on Equal Employment Opportunity. Within two years, he had become communications adviser to Vice President Hubert Humphrey. In 1969, Dukes founded Ofield Dukes and Associates (ODA), one of the most enduring and successful public relations firms in the country, specializing in minority, African-American, African, and political affairs. ODA elevated the profiles of artists, business people, students, Civil Rights heroes, Members of Congress and Presidents, alike.

During an era still marred by the scourge of racism and segregation, Mr. Dukes utilized brilliant public relations strategies to galvanize support for the Civil Rights movement and to get out the vote in the African-American community after the Voting Rights Act of 1965. Moreover, without his tireless work, the CBC would not be ''the conscience of the Congress'' it is today. He was the organizer of the first CBC dinner, and a CBC Foundation Board member for 14 years. His vast political experience and guidance helped expand the CBC from its original 13 Members of Congress in 1971 to 43 Members today.

Mr. Dukes also orchestrated the 1981 national march on Washington, D.C. to make the birth date of Dr. Martin Luther King, Jr. a national holiday.

Furthermore, Mr. Dukes brought the wealth of his experience to the classroom, spending over twenty years as a professor at Howard University and nearly a decade at American University. It was there that he instilled young minds with the powerful public relations tools necessary to create new generations of social justice. Renowned for his professionalism, teaching prowess and strong sense of loyalty, Ofield Dukes encouraged hundreds of African-American students to enter the field of public relations. He was a gatekeeper for African-American reporters needing access to the White House for every Democratic administration since the 1960s, a founding member of the Black Public Relations Society of Washington, D.C., and the first African American to receive the Public Relations Society of America's Gold Anvil, the industry's highest honor.

For over four decades, Ofield Dukes' career and influence spanned CBC milestones ranging from their boycott of President Nixon's State of the Union address to demand White House recognition in 1971 to his articles celebrating the CBC's 40th anniversary in 2011, under the historic leadership of President Barack Obama. He was a friend to the CBC every step of the way, and the Congressional Black Caucus could not have asked for better guidance and company.

Therefore, the Congressional Black Caucus salutes and honors the life of this outstanding man, while mourning the loss of an incredible partner in the pursuit of justice and equality. The great Ofield Dukes and his masterful contributions to the success of progressive and talented leaders throughout the world have helped to change the course of history. His legacy and light will forever live on, and he will be deeply missed.

THE 37TH ANNUAL COMMUNITY LABOR AWARDS RECEPTION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most devoted and proficient workers in Northwest Indiana. The Northwest Indiana Federation of Labor, American Federation of Labor—Congress of Industrial Organizations, recognized several individuals for their dedication during the 37th Annual Community Labor Awards Reception, which was held at Wicker Memorial Park in Highland, Indiana, on January 31, 2012. These individuals, in addition to the other Northwest Indiana Federation of Labor members who have served Northwest Indiana so diligently for such a long period of time, are the epitome of the ideal American worker: loyal, dedicated, and hardworking.

At this year's event, several individuals and organizations received special recognition. Ray Kasmark, Business Manager, International Brotherhood of Electrical Workers Local 697, was this year's recipient of the President's Award. Mr. Kasmark was honored for his many years of service and his exceptional contributions to the well-being of workers throughout Northwest Indiana.

The Democratic Members of the Indiana House and Senate received the Service to Labor Award for their tireless efforts to assist organized labor with improving the quality of life for workers in Northwest Indiana.

Randy Palmateer, Business Manager, Northwestern Indiana Building and Construction Trades Council, was presented with this year's Union Label Award for his unselfish devotion to the Labor Movement through social, civic, educational, and political endeavors.

United Steelworkers Local 6787 accepted the Community Services Award for its members' exemplary service to the community and the enhancement of the quality of life for people in Northwest Indiana, as demonstrated by their countless hours of volunteerism and charity work.

For his outstanding leadership skills and dedication to assist working Americans through trying times, Rich Trumka, President, American Federation of Labor—Congress of Industrial Organizations, received the Leadership Award.

Roger Jachna, Jr., of International Brotherhood of Electrical Workers Local 697, and William Beck, of Pipefitters Local 597, received the George Meany Award, an honor bestowed upon them by the Boy Scouts of America.

Mike Summers, former Business Manager of Ironworkers Local 395 and former President of the Northwestern Indiana Building and Construction Trades Council, was honored with the Lifetime Achievement Award. The exceptional service he has so generously provided to the community deserves our admiration and respect. His dedication and commitment are representative of the values we cherish in Northwest Indiana.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These individuals are all outstanding examples of these qualities. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and exemplary citizens, as well as all of the hardworking union men and women in America. They have shown commitment and courage toward their pursuits, and I am proud to represent them in Washington, DC.

RECOGNIZING CECIL NOBLES

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. KINGSTON. Mr. Speaker, I rise today to recognize the life and accomplishments of Cecil Nobles, the much celebrated Sheriff of Long County, GA, and a pillar of his community.

Cecil Nobles was born on February 21, 1935 in Long County, GA, to Raymond Elliott and Minnie Baxter Nobles. Raised in Long County, he was educated in Long County schools and graduated from Ludowici High School in 1953. After high school, Mr. Nobles earned a Bachelor's degree in Business and a Master's degree in Education from Georgia Southern University.

Soon after graduation, Cecil Nobles began teaching in the Long County school system from 1959 until 1969. During that time, he also served as an Assistant Principal and as the elected Coroner of Long County from 1962 through 1968. Mr. Nobles made a remarkable impact within the realm of education when he taught one of the first integrated classes in Southeastern Georgia.

Forever dedicated to Long County and public service, Cecil Nobles rose to become the longest serving Sheriff in the State of Georgia and the second longest serving Sheriff in the United States. During his eleven terms as Sheriff and two terms as Coroner, Mr. Nobles was always known for his tireless dedication to public service, his commitment to law enforcement, and his love of his family and friends throughout Long County and beyond.

Sheriff Nobles was part of a vanishing tradition in Georgia of long serving, old school sheriffs. In many ways he ran Long County. If you wanted something done with one phone call, you dialed his number and his influence did not end at the county line. Using his extensive Rolodex, which may have not been a rolodex, but it certainly was not an email list, of elected officials, and agency heads, he always knew just who to call. He fought for everything as if it was the last chance between Long County's survival and its bankruptcy. He secured funding for countless projects and his legacy in South Georgia will be long lasting. Most importantly he never forgot a friend and frequently used two words that have become rare in politics: 'thank you.' In turn today we thank him for his service. I was proud to call him a friend.

WAR MEMORIAL PROTECTION ACT

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. ISSA. Mr. Speaker, today I rise in support of H.R. 290, the "War Memorial Protection Act," of which I am a proud cosponsor.

H.R. 290 will allow religious symbols to be included as part of a military memorial established or acquired by the U.S. government. This follows past legislation which led to the federal government's acquisition of Mount Soledad Veterans Memorial from the city of San Diego in 2006.

First erected in 1913, the cross on top of Mount Soledad has been a fixture of San Diego for nearly a century. In 1954 the Mount Soledad Veterans Memorial was rebuilt and dedicated as a lasting memorial to the dead of the two world wars and the Korean conflict. It is a symbol of the community's respect and honor for those who have made the ultimate sacrifice in defense of their nation and liberty.

I am a proud defender of the Mount Soledad Veterans Memorial. Our Founding Fathers made sure the government did not impose one religion on all people. They also believed religion plays an important role in public life and individuals should be able to freely practice what they believe.

That is why it is so important to pass the War Memorial Protection Act. This bill does not favor one religion over another and it does not make any exclusions. This bill seeks to ensure that religious symbols can also be part of war memorials honoring our fallen heroes.

Mr. Speaker, again I urge passage of H.R. 290.

RECOGNIZING THE FOURTH GRADE CLASS AT WHITE OAKS ELEMENTARY SCHOOL IN BURKE, VIRGINIA

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. CANTOR. Mr. Speaker, I rise today to recognize the fourth grade class at White Oaks Elementary School in Burke, Virginia for their foresight, charity, and patriotism. Recently, these students collected seventy-six dollars and donated it to the United States Treasury to go towards paying down our nation's skyrocketing debt.

At a time when our national debt is over $15 trillion, these fourth graders have realized we must manage down our debt and get our fiscal house in order. Their selfless contribution towards tackling this problem is a promising sign that the future leaders of our country realize that Washington's out of control spending is growing at an unsustainable rate. Just as any family or business must do, Washington must live within its means so that future generations have the same opportunity to earn success that has always made America so great. I only hope that Americans—young and old—can follow the example set by this remarkable group of young students.

Mr. Speaker, I ask that you join me today in applauding the fourth graders at White Oaks Elementary School for their selfless contribution towards managing down our national debt.

REMEMBERING BING WELCH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. PENCE. Mr. Speaker, I rise with a heavy heart to honor the passing of Mr. Bing Welch, city councilman and community leader from Richmond, Indiana.

Bing Welch was born in Tennessee and later attended the University of Tennessee. After serving in the 40th Armor Division in Korea for more than two years, Bing settled in Richmond. There he was employed by ALCOA as a tool designer, but later transferred to North Carolina and Kentucky before settling in Richmond once again in 1969.

His 37-year tenure at ALCOA was marked by several notable accomplishments and opportunities, such as product development of plastic soft drink bottles and pull-tabs on cans. By the time he retired, he was a member of the 25-Year Club and had traveled across the country representing ALCOA in product liability lawsuits.

In the mid 1970s, Bing decided to become more active in the community which he loved so well, and he was appointed to fill a vacant At-Large position on the Richmond Common Council. He would go on to serve on the council, including time spent as president, for an astonishing and admirable 22 years. Bing's legacy of leadership also includes service on the boards for the Richmond Sanitary District, the Parks and Recreation Department and Richmond Power and Light, where he spent time as chairman. Additionally, Bing was a member of the Corridor North Commission that planned the development of U.S. 27 North.

The Richmond community remembers Bing as a man of character who loved God, his family, his community, and his country. He was known for his incredible leadership, honesty, commitment, and integrity. Bing's focus was always on the interests of the people he served, and during his long career in public service and in business, he made Richmond a better place. He and his wife founded the Concerned Citizen coalition, and he also helped start the Jerry Lawrence Memorial Golf Outing.

I offer my deepest condolences to his wife of 57 years, Patricia; as well as his daughter Kristi; son Brian; grandchildren Morgan, Blaine, Jessica, and Nathan; and his many nieces, nephews, and other extended family. May God comfort Patricia and Bing's entire family with the assurance of His grace and with the assurance of the gratitude of the people of Richmond whom he served and loved.

''WHAT'S THE REAL DEFENSE BUDGET?'' BY MALLORY FACTOR

HON. TIM SCOTT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. SCOTT of South Carolina. Mr. Speaker, I submit an article on behalf of Mallory Factor expressing his opinion regarding the need for transparency with respect to the different roles of our military.

''WHAT'S THE REAL DEFENSE BUDGET?''

[By Mallory Factor]

The new Congress won the election by promising to cut spending, and unsurprisingly the defense budget is on the table for the first time in more than a decade.

Secretary of Defense Robert Gates recently announced $78 billion in defense spending cuts over the next five years, including reductions in troop levels for the Army and Marine Corps. These types of cuts suggest that the military is working to become leaner and more efficient. Still, many Americans and congressmen are calling for deeper cuts.

Not counting the cost of the wars in Afghanistan and Iraq, the Defense budget is expected to be $553 billion in 2012, up from $549 billion in 2011. That outlay currently represents 19% of the entire federal budget and over 50% of U.S. discretionary spending; cutting it would go a long way toward reining in government spending. But before further slicing the military budget, Congress must reconsider the military's mission and what activities it should undertake.

The purpose of a large standing army is to provide for our national defense. In essence, the defense budget is an insurance policy that protects the U.S. against threats from other nations and groups. But in recent years a growing percentage of that budget has been spent on activities that don't involve traditional national defense. These include nation-building, policing foreign nations, humanitarian missions and ferrying executive- and legislative-branch leaders and their attendants around the globe. While these activities may be tangentially related to our standing in the world, they do not enhance our war-fighting capabilities; rather they relate more to the success of our foreign policy than to our national defense.

This increase in nondefense missions has been accompanied by a dramatic shift from war-fighting to nation-building. The official White House website now describes the function of the Department of Defense as to ''protect national interests through war-fighting, providing humanitarian aid and performing peacekeeping and disaster relief services.'' Is war-fighting just one among the many functions we want our military to perform?

Rightly or wrongly, we give our military these various assignments because we don't want to pay someone else to do them, and other government entities currently can't. Yet just because our military can do these jobs doesn't mean that it should. Indeed, these assignments shift focus away from the military's core missions: keeping America safe and winning wars.

Right now it is difficult for Congress to determine how much money is spent on protecting the U.S. The ''military'' budget gives an exaggerated impression of the cost of our national defense. When Congress adds burdens to the military, direct costs like fuel, food and relief supplies may be calculated and expressed in the budget.

But these items are just a small part of these missions, and the larger costs get buried. These hidden costs include recruiting and training extra troops, purchasing and servicing additional equipment, additional layers of bureaucracy, and maintaining and enlarging bases, none of which are separated out in the budget as relating to nondefense missions.

The military's nondefense activities may or may not be warranted, but their total costs must be transparent. If Congress does not consider these costs separately, traditional defense missions and essential equipment upgrades will be crowded out.

America is a compassionate nation and would surely engage in humanitarian activities even if their true costs were known. But why charge these costs to the defense budget and then hide them? Only by demanding that the military budget be limited to legitimate defense activities can Americans know how many dollars we are actually devoting to our national security.

Some military leaders have privately estimated that if these nondefense-related activities were eliminated or given a separate budget, defense spending could be substantially reduced and at the same time the military's war-fighting capabilities increased. Given this uncertainty, before any additional cuts are made to military spending, Congress must demand transparency with respect to the different roles of our military.

PERSONAL EXPLANATION

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. WELCH. Mr. Speaker, during rollcall vote No. 12 on H. Res. 522, I mistakenly recorded my vote as ''yes'' when I should have voted ''no.''

A TRIBUTE TO THE SERVICE OF JACK KING

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. COSTA. Mr. Speaker, I rise today with my California delegation colleagues Mr. LUNGREN, Mr. CARDOZA, Mr. FARR, Mr. DENHAM, Ms. RICHARDSON, Mr. BACA, Mr. HERGER, Mrs. CAPPS, Mr. FILNER, Ms. LOFGREN, Ms. MATSUI, Mr. NUNES, Mr. MCNERNEY, Mr. THOMPSON, Mr. SCHIFF, Ms. LEE, Ms. LORETTA SANCHEZ, Ms. ESHOO, Ms. CHU, Ms. SPEIER, Ms. LINDA SÁNCHEZ, Mr. BECERRA, Ms. HAHN, Mr. SHERMAN, Mr. HONDA, Mr. MCCLINTOCK, Mr. CALVERT and Senator FEINSTEIN, to pay tribute to Mr. Jack King on the occasion of his retirement from the California Farm Bureau Federation. For more than 35 years, Jack King has worked on behalf of our nation's farmers and ranchers to ensure that they have a voice in our nation's capital. His passion for agriculture has made him a strong and effective advocate

for the American Farm Bureau Federation and the California Farm Bureau Federation.

Growing up on a dairy farm in Wisconsin taught Jack the value of hard work, and the important role agriculture plays in America—specifically when it comes to feeding and clothing our families and supporting our economy. Upon graduating from the University of Wisconsin, Jack began his career in agriculture with the university's cooperative extension office. Jack then went on to work for the Wisconsin Council of Agricultural Cooperatives and the Wisconsin Council of Agriculture. In 1973, Jack ventured west and joined the California Farm Bureau Federation as assistant manager of the information division.

Jack expanded his work with the Farm Bureau, and in 1985, he became news services director for the American Farm Bureau Federation. Based in Illinois, Jack managed internal and external communications and often worked in conjunction with the Washington, DC office to ensure that legislators were connected with farmers and ranchers. In 1994, Jack returned to California to serve as manager of the California Farm Bureau Federation's National Affairs Division. He served as a direct link between farmers, ranchers, and Members of Congress.

Jack's tremendous contributions and dedication can be measured in a number of ways. Notably, Jack made approximately 200 trips to Washington, DC. His deep commitment was based in his belief that legislators needed to hear directly from farmers and ranchers in order to understand their contributions and the difficulties they face. Specifically, Jack has been dedicated to working on comprehensive immigration reform, natural resource regulations, and renewable energy.

Of course none of these accomplishments would be possible without the love and support of Jack's wife, Mary Ann; their sons, Carl, David and Bryan; and two grandchildren.

Mr. Speaker, we ask our colleagues to join us in recognizing Jack King's enthusiasm and work ethic. His devotion and loyalty to our nation's farmers and ranchers make him a source of pride for our community, state and nation. We thank Jack for his work on behalf of farmers and ranchers in California and all across the country, and wish him well in retirement.

REMEMBERING THE NAGORNO-KARABAKH CONFLICT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. WOLF. Mr. Speaker, in 1994 I was part of a delegation, organized by Christian Solidarity International, that visited Nagorno-Karabakh, Armenia, and Azerbaijan.

In Nagorno-Karabakh, I saw horrible conditions: doctors operating without anesthesia using only a stiff dose of cognac; land mines planted by the retreating Azeri army which resulted in injury and amputation of limbs of women and children as well as soldiers and people living in hazardous partially bombed-out apartment buildings in the cities and in lean-tos among the debris of demolished villages.

Upon my return, I urged Congress not to forget the long-suffering people of Nagorno-Karabakh. And I rise today to do the same.

In 1921, Joseph Stalin, then the comissar for nationality affairs in the Transcaucasia Bureau of the Communist Party, declared Nagorno-Karabakh to be an autonomous region controlled by Azerbaijan as part of his divide and rule strategy. Historically, the majority of the population in Nagorno-Karabakh has been Armenian and the people have always had close ethnic, religious and familial ties with Armenia.

In the years leading to the breakup of the Soviet Union, the Karabakh Armenians petitioned in 1987 for inclusion of Nagorno-Karabakh in the state of Armenia. In 1991, they petitioned for independent state status. To date, the situation remains unresolved.

Shortly after the break-up of the Soviet Union, Armenians in Azerbaijan and Nagorno-Karabakh endured great hardship, including pogroms in Sumgait (February 1998), in Kirovabad (November 1988) and in Baku (January 1990).

A January 19, 1990, New York Times article described the Baku pogrom as a ''massacre.'' That same article also pointed to the violence in 1988, when, ''armed Azerbaijanis rampaged through the town of Sumgait and slaughtered 32 people, mostly Armenians.''

These horrific acts of targeted violence are as deplorable today as they were more than two decades ago. Tragically, tensions remain high in the region. A January 16 Bloomberg article reported that, ''Azerbaijan is buying up modern weaponry to be able to regain control of the breakaway Nagorno-Karabakh region quickly and with few losses should peace talks with neighboring Armenia fail, President Ilham Aliyev said.''

Such acts of aggression would have a devastating impact. It is critical that the U.S. works toward a lasting, peaceful and democratic solution to the Nagorno-Karabakh conflict.

TRIBUTE TO THE LIFE ON ERNEST SALGADO, SR.

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. BACA. Mr. Speaker, I stand here today to pay tribute to a great leader and role model Ernest Salgado, Sr. Ernest, the eldest member of the Soboba Band of Luiseño Indians passed away on January 23, 2012 at the age of ninety-one.

Ernest was born on the Soboba Indian Reservation, in Riverside County, California. He attended high school at Sherman Indian High School, where he was an outstanding athlete and played on the championship baseball team.

When Indians became citizens in 1924, Ernest was the first of his tribe to fill out the U.S. census form. Ernest served his country honorably as a soldier in the Army, where he had an expert shot, having picked up the skill from deer hunting with his grandfather. During World War II, Ernest participated in the landing at D-Day in 1944 and would later pass on the value of service to ones country to his son, Richard who served in the Vietnam War.

After serving his country, Ernest served his tribal community by working at Sherman Indian School and by serving on the Soboba tribal council during the 1970s. During his time on the Soboba tribal council, Ernest provided great leadership in rebuilding his tribal community and has fostered understanding and respect for Native People in everything that he did. His son Robert Salgado Sr. would later serve on the Soboba tribal council as Chairman of the tribe. As a young man, I have the privilege of knowing Robert and meeting the Soboba Tribe during baseball games on reservations. In my time spent with them, the Soboba tribe always welcomed me and treated me like family.

Ernest is survived by his children, Ernie Salgado Jr., Robert Salgado Sr., Richard Salgado Sr., Lorraine ''Raina'' Maciel, Francie Diaz and Rose Salgado; his brothers and sisters, Nella Salgado Heredia, Frances Bentiste Arres, Alice Bentiste Helms, Henry ''Sonny'' Bentiste and William ''Billy'' Bentiste, as well as a loving family of grandchildren and great-grandchildren.

My thoughts and prayers, along with those of my wife, Barbara, and my children, Rialto City Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer and are with Ernest's family at this time. Mr. Speaker, I ask my colleagues to pay tribute to Ernest Salgado, Sr.

HONORING PFC JUAN MEZA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to honor the commitment and sacrifice of PFC Juan Meza. Mr. Meza served in Company B 399th Infantry Unit during World War II from October 1944 until March 1946 and demonstrated great bravery and dedication as a soldier for the United States Army.

Mr. Meza was born December 15, 1925 in Laredo, Texas. Upon graduating from high school, he enlisted in the Army and was deployed to Europe. During his service, he was wounded twice in combat and remained in-country until 1946 after a cease fire was declared. By March 1946, Mr. Meza was honorably discharged. When Mr. Meza returned to Laredo, Texas, he married Antonia Galvan and together they raised six children. After serving in the Army, he dedicated more than 35 years of service to U.S Customs and Border Protection and retired happily in Laredo.

Mr. Meza is very proud of his time and experiences while serving in the military. Experiences that are only unique to an American hero and veteran are those that he can recall as if it were yesterday. One specific memory beckons Mr. Meza to a cold New Year's Eve day in 1944, when he outwitted a band of German soldiers at a listening post in France and his actions led to saving the lives of several Americans and Allied troops. Every scent he smelled, every sound he heard and every color he saw that day is imprinted in his memory. At 86 years of age, he tells the story with passion and no details are left out when he was triumphant against the enemy for the lives of his brothers and freedom of the nation.

During Mr. Meza's time in the Army he showed great courage and by using his intelligence, knowledge and common sense he not only survived a tremendous war, he also helped young soldiers like himself return home

to their families and loved ones. He is a highly decorated veteran. His awards include the World War II Victory Ribbon, Army Good Conduct Medal, EAME Theater Ribbon and Two Bronze Service Stars, Purple Heart, One Bronze Oak Leaf Cluster, and a Distinguished Unit Badge. He was also nominated for the Distinguished Service Cross, the second highest military honor that can be awarded to a member of the United States Army for extreme gallantry and risk of life in actual combat with an armed enemy force.

Mr. Speaker, I am honored to have had the opportunity to recognize Mr. Meza's accomplishments and faithful service to our country. His hard work and valor have truly impacted many lives and our community. Thank you.

APPLAUDING THE FORTUNE SOCIETY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, I rise today to recognize the Fortune Society on their continued success. I recently had the honor to support the Fortune Society's partnership with City University of New York's John Jay College of Criminal Justice in their effort to provide technical assistance and training to other reentry services organizations. Thanks to their hard work, countless more inmates will transition back into my community with the prospect of a better life.

Under the excellent leadership and vision of Chairperson Ms. Betty P. Rauch, the Fortune Society is doing far more than providing those who have dealt with the harsh realities of incarceration. Their advocacy inspires them and gives them the means to live a positive life in which they can become valuable and contributing members of our society. Furthermore, I would also like to congratulate the Fortune Society on the numerous grants they were recently awarded.

For over 40 years the fortune society has been working with people with criminal records. Today they serve approximately 3,000 men and women annually at three primary New York City-area locations including West Harlem in my Manhattan Congressional District. Thanks to their dedicated and experienced staff of professionals, the Fortune Society is able to successfully offer: Alternatives to Incarceration (ATI), drop-in services, employment services, education, family services, health services, housing services, substance abuse treatment, transitional services such as the Rikers Island Discharge Enhancement (R.I.D.E.) program, recreation, and lifetime aftercare.

I look forward to seeing all that the Fortune Society accomplishes in the coming year. I will continue to serve them proudly and support them in their great cause.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,356,140,493,616.06. We've added $10,554,735,318,321.78 to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING JOHN S. CZYSCON FOR HIS SERVICE IN THE U.S. ARMY DURING WORLD WAR II

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. HANNA. Mr. Speaker, I rise today to acknowledge and honor a very special veteran for his service to our nation during World War II.

Mr. John S. Czyscon was a member of the United States Army and served in the Pacific Theater. Mr. Czyscon was in harm's way numerous times and involved in serious combat. His heroism and bravery were recognized through his awards: the Bronze Star Medal, Combat Infantryman Badge, and the Asiatic-Pacific Campaign Medal with three bronze battle stars and arrowhead attachments.

Mr. Czyscon served as a Technician Fifth Grade, with the Second Battalion 188th Glider Infantry during his service to the Army. He joined the Army in 1943 and was honorably discharged in 1946 after providing honest and faithful service to this country.

Mr. Czyscon will turn 92 this spring and he lives in New York Mills, New York. It is a privilege and an honor to have veterans like Mr. Czyscon residing in the 24th Congressional District. His service to our country should always be a great source of pride. To serve one's nation is among the most noble and selfless acts available to man, particularly during times of war. Thank you, Mr. Czyscon. I ask my colleagues to join me today in honoring Technician Fifth Grade John S. Czyscon, United States Army, for his service and sacrifice during World War II on behalf of the United States of America.

HONORING THE LIFE OF CHRIS TURNEY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to remember a lifelong educator and political activist. Chris Turney passed away in December at the age of 60. Chris dedicated her life to the education of children. Chris was a music teacher for 34 years, and spent the last 20 years of her career teaching at Lincoln Junior High School in Skokie, Illinois. Ms. Turney, as she was known by her students, shared her passion and love for music with many students over the years. She played a variety of musical instruments including the piano, flute, piccolo and guitar. She frequently used these instruments in her classroom. Most importantly, Ms. Turney inspired hundreds of children to follow their dreams. Ms. Turney encouraged all her students to believe in themselves and their own unique skills and abilities as they moved through life.

Outside of the classroom, Chris was a political activist fighting for a better education system. Chris was a lifelong Democrat and very active in the National Education Association (NEA). She was president of the Skokie-Morton Grove Education Association, was the Region 36 Chair of the Illinois Education Association, and eventually became an NEA State Director. As a State Director, Chris was frequently on Capitol Hill meeting with members of Congress. Some of Chris's favorite moments in her life were shaking hands with President Clinton and then Senator Barack Obama. After retiring from her teaching career, Chris continued to be politically active. She served as the President of the DuPage Chapter of the Illinois Retired Teachers Association, a position she held until her death. She was an advocate for public education and for better schools for our children.

Chris will be missed dearly by her former students, colleagues, friends and family. She is survived by her life partner of 30 years, James C. Keating, her sisters Judy Goldsmith and Linda Turney, and three nephews. She encouraged all three of her nephews to follow their dreams which they have done. Her oldest nephew Rob Goldsmith is currently an education and labor staffer for Congressman BRUCE BRALEY. Jeff Goldsmith is a very successful musician who has written and recorded numerous songs and albums. Mark Goldsmith, the youngest nephew, is currently an engineering student and baseball player at the Colorado School of Mines. Her memory and influence lives on through them.

Chris's memory will live on through the people whom she inspired for years to come. She was an agent of change to many. If you knew Chris well, she changed your life. Her uplifting, energetic, and positive attitude will be missed and she will not be forgotten.

WARREN BUFFETT'S SECRETARY NOT SYMBOL OF ECONOMIC INJUSTICE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. SMITH of Texas. Mr. Speaker, billionaire Warren Buffett's longtime secretary has become a symbol in the current Administration's fight over the tax code and economic fairness. While she was the President's chief stage prop in a show of the alleged unfairness of our tax system, this is hardly the truth.

The national media have painted this as a case of the little person paying a higher tax rate than her billionaire boss. Thankfully, Forbes and a few media outlets have researched the facts. By reviewing the Internal

Revenue Service's own detailed tax tables by income level, Forbes has determined she likely makes between $200,000 and $500,000.

The national media have not done their homework on Mr. Buffett's longtime secretary. They have misled the American people on the important issue of income taxes and capital gains investments that help create jobs. We need to remind the national media of their obligation to provide the American people with the facts.

DENNIS KELLY—COMMUNITY BANKER, COMMUNITY LEADER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important leaders in the economy of southeastern Massachusetts is about to retire.

E. Dennis Kelly, Jr. joined Bristol County Savings Bank in 1977 as Operations Manager and held various titles before being named the President and CEO in 1993. Mr. Kelly has held this position for the past 18 years, but will retire as the 12th President of Bristol County Savings on March 13, 2012. During his tenure, Mr. Kelly was instrumental in creating the Bristol County Savings Charitable Foundation in 1996, first serving as President and currently as Chairman.

Mr. Kelly has been a community leader and has made a difference in the lives of many organizations, families and individuals throughout the regions where Bristol County Savings Bank operates. Under his leadership, the Bristol County Savings Bank and the Bristol County Savings Charitable Foundation awarded $1.1 million in grants last year and more than $8.0 million in total to area organizations since 1996. In addition to the significant financial support provided by the Bristol County Savings Charitable Foundation, he has personally invested his time and expertise to help develop solutions that addressed community needs. In this role, he currently holds leadership positions in various organizations including Chairman of the Depositors Insurance Fund; former President and current member of the Board of Directors of Annawon Council of Boys Scouts of America; Trustee of the Augat Foundation; member of the Board of Directors of the Attleboro YMCA and Capital Campaign Chairman; Immediate Past Chairman and Current member of the Board of Trustees of Bridgewater State University Foundation; member of the Board of Directors of the Taunton Development Corporation; member of the Board of Directors of the Sturdy Memorial Hospital Foundation; member of the Board of Directors of the Old Colony Historical Society; Incorporator of the United Way of Greater Attleboro Taunton; Board Member of FAIR, Friends of Attleboro Interested in Revitalization; Incorporator of the Hockomock YMCA; and Incorporator of Memorial Hospital of Rhode Island.

Over the years, Mr. Kelly has contributed his time and talent to many other organizations as well and has held leadership positions in various banking and professional associations including Chairman of the Massachusetts Bankers Association; Chairman of the Massachusetts Bankers Charitable Foundation; former Regional Chairman of the New England School of Banking; President of the Heart of Taunton; President of the Route 44 Businessman's Association; Treasurer of the Southeastern Massachusetts Manufacturing Partnership and President of the Taunton Kiwanis Club. In addition he has also served as Chairman of the Board & Campaign Chairman of the United Way of Greater Attleboro-Taunton; Trustee of Morton Hospital & Medical Center; member of the Rotary Club of Taunton; member of the President's Advisory Council for Bishop Feehan High School and Chairman of the St. Mary's Education Fund Dinner.

Mr. Kelly earned a BA in History Education from Providence College in 1969 and was a graduate of the National School of Banking at Fairfield University.

Mr. Kelly resides in Attleboro with his wife, Michelle. They have two sons Thomas and Robert and three grandchildren, Madison, Chace and Landon.

''OCCUPY WALL STREET . . . NEXT STOP, ATHENS?'' BY MALLORY FACTOR

HON. TIM SCOTT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. SCOTT of South Carolina. Mr. Speaker, I submit an article on behalf of Mallory Factor expressing his opinion regarding the need for significant reforms and spending cuts in spite of the social unrest they may cause.

''OCCUPY WALL STREET . . . NEXT STOP, ATHENS?''

[By Mallory Factor]

In the past few weeks Americans have watched with interest, bemusement and anger as protests and sit-ins on Wall Street have sparked similar demonstrations around the country. With vague goals of combating corporate greed and calls to rectify all manner of social and economic inequality, this movement seems, to the press at least, to capture a mood of deep discontent among the American people.

But if you think a thousand protesters on Wall Street is a trouble sign for our nation, wait until you see the civil unrest that follows the reforms and cuts to government programs needed to bring our national debt under control. Just look at Greece, where government is being reformed, drastic cuts are being made—and the society is unraveling. In Greece a series of severe austerity measures has been imposed as conditions for recent bailouts by the International Monetary Fund and the other members of the single European currency, the euro. Yet the economy continues to spiral downward.

And with each new round of reforms in Greece, misery and unrest are on the rise. Strikes and angry street protests are a daily occurrence, as unions fight decreases in pay and benefits for their workers, students protest the lack of opportunity and ordinary citizens resist reforms and tax increases. The confrontation with authorities is impeding business and destroying tourism, deepening the crisis further.

Some of that struggle is for naught. The Greek government couldn't reduce austerity measures if it wanted to. Fiscal policy is now out of its hands and likely to remain so for decades, perhaps generations.

And while most Greeks agree the bloated state must be streamlined, they're stiffening their resistance to reform. That's why many in the euro zone believe Greece must default in order to rebuild a more efficient government.

America isn't in that predicament—yet. But there are cautionary lessons to be lifted from the outraged streets of Athens. As the Greek example shows, government largesse is easy to expand but difficult to cut back without inflaming people.

For years our politicians have framed increases to government benefits as compassionate and obligatory. Now all that overspending must be pared back and government programs reformed to curb the federal deficit. But each round of needed cuts and reforms will likely cause misery—in an amount substantially greater than the happiness generated by spending increases.

Behavioral economics, which uses social and psychological factors to predict a population's decision-making behavior, captures this paradox in two fundamental principles.

First, the principle of ''loss aversion'' explains that people hate to lose something more than they value receiving something. So, even if many Americans don't value existing government programs and spending very highly, they will likely be very unhappy about the loss of those same goods and services.

Second, even if you streamline our government and make programs more efficient, the ''endowment effect'' predicts that people will still oppose changes to the benefits they receive. This is because people tend to value the goods and services they have more than they do equivalent replacement goods and services. The endowment effect makes it very difficult to exchange existing benefits for new ones and thus to ''reform'' government programs.

Whether we cut spending and make reforms now or later, course correction will be difficult and even potentially dangerous to our nation's stability. Just look at the resistance of public employees in Wisconsin, Indiana and elsewhere to relatively minor cuts to see how people will contest vigorously any decreases to their benefits and programs.

Behavioral economics teaches us that any time we make changes and reduce government benefits and programs, we can expect people to be very upset about those decisions—and likely resist them. Still, we need significant reforms and deep cuts to put the U.S. on track toward a balanced budget.

Paring back government will undoubtedly cause misery and social dislocation. However, ''death'' by a thousand small cuts will intensify civil unrest and may produce revolutionary fervor unlike anything we've seen in America in our lifetime. Our nation will be better off by reforming our system radically, in a single dramatic turn, rather than piecemeal—or face something very like the furious streets of Athens.

RECOGNIZING THE 2011–2012 RECIPIENTS OF THE ''IN HOPE FREEDOM RINGS FOUNDATION'' SCHOLARSHIPS RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the recipients of the 2011–2012 ''In Hope Freedom Rings Foundation'' Scholarships.

Founded in 2005 by local businesswoman and former teacher Margo Friedman, the In Hope Freedom Rings Foundation (IHFR) provides 2 scholarships, each in the amount of $10,000, to deserving Fairfax County Public Schools seniors. The scholarships are awarded based on academic excellence, financial need, extracurricular activities, and community service. Due to the generosity of its sponsors, IHFR has awarded $130,000 to Fairfax County students in just 6 years.

I extend congratulations to the following recipients of the 2011–2012 In Hope Freedom Rings Foundation Scholarships:

Elizabeth Knippler, Chantilly High School

Hanan Awel, Robert E. Lee High School

Fairfax County often is ranked as one of the best places in the country in which to live, work, and raise a family. Our exceptional public school system is a significant factor in this ranking and the success of public-private partnerships like IHFR between our local business community and our schools serves to enhance and strengthen not only the educational opportunities for our children but also our community as a whole.

Mr. Speaker, I ask that my colleagues join me in congratulating the 2011–2012 Scholarship awardees Elizabeth Knippler and Hanan Awel for their accomplishments and in thanking the In Hope Freedom Rings Foundation and their sponsors who have made these grants possible.

RECOGNIZING GLAUCOMA AWARENESS MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, I rise today as a founding Member of the Congressional Glaucoma Caucus to recognize the importance of promoting awareness for the sight-stealing disease known as glaucoma. Glaucoma is the leading cause of preventable blindness in the United States, which currently afflicts 2.2 million Americans and over 60 million people worldwide. In addition to affecting the elderly who are commonly at risk, glaucoma is especially prevalent in black and Hispanic communities. Blacks are 17 times more likely to go blind from glaucoma, compared to whites of similar age.

Glaucoma, one of many eye diseases that can lead to blindness, is caused by damage to the optic nerve that sends images to the brain. The scariest aspect of this condition is that there are no perceivable symptoms or physical signs—hence referred to as the ''silent thief of sight.'' Unfortunately, there is no cure for glaucoma yet.

Fortunately, glaucoma can be treated early before it worsens by attending regular eye-screenings to detect symptoms. That is why the Congressional Glaucoma Caucus, a bipartisan coalition since its founding in 2000, is dedicated to advocating awareness and treatment across America. Thanks to the subsequent creation of our active partner in the field, the Friends of the Congressional Glaucoma Caucus Foundation, 10,000 free annual treatments are conducted nationwide with a percentage referred to follow-up specialists. The Foundation was originally funded by private sector grants, but its success now garners funding from government agencies like the Centers for Disease Control and Prevention.

I encourage my fellow Americans to take advantage of free screenings provided by the Foundation across this great nation. In Congress, I will continue to fight potential budget cuts that would obstruct advances in medical research directed at finding a cure for glaucoma.

H.R. 1148—STOCK ACT

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge our House leadership to schedule a vote on the Stop Trading on Congressional Knowledge Act, or ''STOCK Act,'' filed by my friend and colleague Congressman WALZ of Minnesota. I am proud to be a cosponsor of this common-sense legislation, which would prohibit Members of Congress from profiting from the nonpublic information to which we are often privy.

It is just plain common sense that we, as Members of Congress, should be held to the same standard as the American people we represent when it comes to insider trading. It is not right when a company executive does it, and it's not right when a Member of Congress does it.

The fact that action has not been taken sooner to clearly prohibit a Member of Congress from acting for personal gain on such information is frankly shocking.

Over the past several months, the American people have been increasingly vocal that enough is enough. It is high time for the Congress to come together to pass this bill and send a strong message that Congress should, and will, play by the same rules as everyone else.

Just as we have passed Wall Street reform in the 111th Congress; we must act now to ensure that the law is crystal clear when it comes to the activities of our own colleagues. Personal financial gain from non-public information cannot be tolerated.

In this very chamber last week, President Obama made special mention of his support for the STOCK Act, calling on Congress to ''send me a bill that bans insider trading by Members of Congress, and I will sign it tomorrow.''

Like many of my colleagues on both sides of the aisle, I have received countless calls and emails from my constituents urging the Congress to answer the President's call and bring debate of the STOCK Act to the House floor for a vote.

Congress must waste no time in coming together to pass this bill in a strong bipartisan fashion, and by doing so, restore the American people's trust in the integrity of the system, the democratic process, and their elected officials.

I urge our leadership in the House to respond to the President's call to action by following the Senate's lead in bringing the STOCK Act to the Floor for debate, and to schedule a vote on this sensible and responsible legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 2, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 3

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for January 2012.
210, Cannon Building

FEBRUARY 7

10 a.m.
Budget
To hold hearings to examine the outlook for United States monetary and fiscal policy.
SD–608

Foreign Relations
To hold hearings to examine the nominations of Larry Leon Palmer, of Georgia, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Phyllis Marie Powers, of Virginia, to be Ambassador to Republic of Nicaragua, Jonathan Don Farrar, of California, to be Ambassador to the Republic of Panama, and Julissa Reynoso, of New York, to be Ambassador to the Oriental Republic of Uruguay, all of the Department of State.
SD–419

2 p.m.
Joint Economic Committee
To hold hearings to examine bolstering the economy, focusing on helping American families by reauthorizing the payroll tax cut and unemployment insurance (UI) benefits.
SH–216

2:30 p.m.
Foreign Relations
To hold hearings to examine the nomination of Nancy J. Powell, of Iowa, to be Ambassador to India, Department of State.
SD–419

Health, Education, Labor, and Pensions
To hold hearings to examine accessible technology, focusing on challenges and opportunities.
SD–G50

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

FEBRUARY 9

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Admiral Samuel J. Locklear III, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, and Lieutenant General Thomas P. Bostick, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers, and Commanding General, United States Army Corps of Engineers, both of the Department of Defense.
SD–G50

Energy and Natural Resources
To hold hearings to examine H.R. 1904, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and the Southeast Arizona Land Exchange and Conservation Act of 2009.
SD–366

2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine the Department of Justice's opinion on internet gaming, focusing on what's at stake for tribes.
SD–628

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

FEBRUARY 14

9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD–G50

FEBRUARY 15

Time to be announced
Agriculture, Nutrition, and Forestry
To hold hearings to examine energy and economic growth for rural America.
Room to be announced

FEBRUARY 16

9:30 a.m.
Armed Services
To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in SVC–217 following the open session.
SD–G50

Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Energy.
SD–366

2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine energy development in Indian country.
SD–628

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Pacific Command and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–106

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of the Interior.
SD–366

2:30 p.m.
Veterans' Affairs
To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).
345, Cannon Building

FEBRUARY 29

Time to be announced
Agriculture, Nutrition, and Forestry
To hold hearings to examine strengthening conservation through the 2012 farm bill.
Room to be announced

10 a.m.
Veterans' Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs.
SR–418

MARCH 1

9:30 a.m.
Armed Services
To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SH–216

MARCH 6

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SH–216

MARCH 7

10 a.m.
Veterans' Affairs
To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).
SD–G50

MARCH 8

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SD–106

MARCH 13

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program;

with the possibility of a closed session in SVC–217 following the open session.
SD–G50

MARCH 14

Time to be announced
Agriculture, Nutrition, and Forestry
To hold hearings to examine healthy food initiatives, local production, and nutrition.
Room to be announced

10 a.m.
Veterans' Affairs
To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.
SR–418

MARCH 15

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–G50

MARCH 20

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–G50

MARCH 21

Time to be announced
Agriculture, Nutrition, and Forestry
To hold hearings to examine risk management and commodities in the 2012 farm bill.
Room to be announced

10 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.
SD–G50

MARCH 22

10 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.
345, Cannon Building

MARCH 28

10 a.m.
Veterans' Affairs
To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.
SR–418

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S233–S281

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 2053–2061, and S. Res. 365–366. **Page S261**

Measures Passed:

Sam D. Hamilton Noxubee National Wildlife Refuge: Committee on Environment and Public Works was discharged from further consideration of H.R. 588, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge, and the bill was then passed. **Page S276**

Chafee Coastal Barrier Resources System: Senate passed S. 1296, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island. **Page S276**

Honoring the Life of Kevin Hagan White: Senate agreed to S. Res. 365, honoring the life of Kevin Hagan White, the Mayor of Boston, Massachusetts from 1968 to 1984. **Pages S276–77**

Honoring the Life of Wilman Villar Mendoza: Senate agreed to S. Res. 366, honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza. **Page S277**

Measures Considered:

Stop Trading on Congressional Knowledge (STOCK) Act—Agreement: Senate continued consideration of S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, taking action on the following amendments proposed thereto:

Pages S238–50, S250–54

Pending:

Reid Amendment No. 1470, in the nature of a substitute. **Page S238**

Reid (for Lieberman) Amendment No. 1482 (to Amendment No. 1470), to make a technical amendment to a reporting requirement. **Page S238**

Brown (OH) Amendment No. 1478 (to Amendment No. 1470), to change the reporting requirement to 10 days. **Page S238**

Brown (OH)/Merkley Modified Amendment No. 1481 (to Amendment No. 1470), to prohibit financial conflicts of interest by Senators and staff. **Pages S238, S241–43**

Toomey Amendment No. 1472 (to Amendment No. 1470), to prohibit earmarks. **Page S238**

Thune Amendment No. 1477 (to Amendment No. 1470), to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D. **Page S238**

McCain Amendment No. 1471 (to Amendment No. 1470), to protect the American taxpayer by prohibiting bonuses for Senior Executives at Fannie Mae and Freddie Mac while they are in conservatorship. **Page S238**

Leahy/Cornyn Amendment No. 1483 (to Amendment No. 1470), to deter public corruption. **Page S238**

Coburn Amendment No. 1473 (to Amendment No. 1470), to prevent the creation of duplicative and overlapping Federal programs. **Page S238**

Coburn/McCain Amendment No. 1474 (to Amendment No. 1470), to require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House. **Page S239**

Coburn Amendment No. 1476, in the nature of a substitute. **Page S239**

Paul Amendment No. 1484 (to Amendment No. 1470), to require Members of Congress to certify that they are not trading using material, non-public information. **Page S239**

Paul Amendment No. 1485 (to Amendment No. 1470), to apply the reporting requirements to Federal employees and judicial officers. **Page S239**

Paul Amendment No. 1487 (to Amendment No. 1470), to prohibit executive branch appointees or staff holding positions that give them oversight, rule-making, loan or grant-making abilities over industries or companies in which they or their spouse have a significant financial interest. **Page S239**

DeMint Amendment No. 1488 (to Amendment No. 1470), to express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the number of terms a Member of Congress may serve. **Page S239**

Paul Amendment No. 1490 (to Amendment No. 1470), to require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities. **Page S239**

Blumenthal/Kirk Amendment No. 1498 (to Amendment No. 1470), to amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses. **Pages S239–40**

Shelby Amendment No. 1491 (to Amendment No. 1470), to extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies. **Pages S240–41**

Inhofe/Hutchison Amendment No. 1500 (to Amendment No. 1470), to prohibit unauthorized earmarks. **Pages S243–45**

Boxer/Isakson Amendment No. 1489 (to Amendment No. 1470), to require full and complete public disclosure of the terms of home mortgages held by Members of Congress. **Pages S245–48**

Tester/Toomey Amendment No. 1492 (to Amendment No. 1470), to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act. **Pages S248–49**

Tester/Cochran Amendment No. 1503 (to Amendment No. 1470), to require Senate candidates to file designations, statements, and reports in electronic form. **Page S249**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Thursday, February 2, 2012. **Pages S277–78**

Nominations Received: Senate received the following nominations:

Michael A. Botticelli, of Massachusetts, to be Deputy Director of National Drug Control Policy.

Christy L. Romero, of Virginia, to be Special Inspector General for the Troubled Asset Relief Program.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S278–81**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Alan D. Bersin, of California, to be Commissioner of Customs, Department of Homeland Security, which was sent to the Senate on January 26, 2011.

John D. Podesta, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2014, which was sent to the Senate on January 26, 2011. **Page S281**

Messages from the House: **Page S259**

Executive Communications: **Pages S259–61**

Additional Cosponsors: **Pages S261–62**

Statements on Introduced Bills/Resolutions: **Pages S262–66**

Additional Statements: **Pages S257–59**

Amendments Submitted: **Pages S266–76**

Authorities for Committees to Meet: **Page S276**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:56 p.m., until 9:30 a.m. on Thursday, February 2, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S278.)

Committee Meetings

(Committees not listed did not meet)

OUTLOOK FOR THE EUROZONE

Committee on the Budget: Committee concluded a hearing to examine the outlook for the eurozone, after receiving testimony from C. Fred Bergsten, Peterson Institute for International Economics, Simon Johnson, Massachusetts Institute of Technology Sloan School of Management, and Adam Lerrick, American Enterprise Institute, all of Washington, D.C.

UKRAINE

Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine Ukraine, focusing on what's at stake for the United States and Europe, after receiving testimony from Steven Pifer, The Brookings Institution, Damon M. Wilson, Atlantic Council, and Edward Chow, Center for Strategic and International Studies, all of Washington, D.C.; and Eugenia Tymoshenko Carr, Kiev, Ukraine.

FEDERAL RETIREMENT PROCESSING

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government

Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine Federal retirement processing, focusing on ensuring proper and timely payments, after receiving testimony from John Berry, Director, and Patrick E. McFarland, Inspector General, both of the Office of Personnel Management; Valerie C. Melvin, Director, Information Management and Technology Resources Issues, Government Accountability Office; Joseph A. Beaudoin, National Active and Retired Federal Employees Association, Alexandria, Virginia; and George Nesterczuk, Nesterczuk and Associates, Vienna, Virginia.

HIGH-GROWTH ENTREPRENEURSHIP

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine developing and strengthening high-growth entrepreneurship, after receiving testimony from Sean Greene, Associate Administrator for Investment, Small Business Administration; Wayne Crews, Competitive Enterprise Institute, Douglas Holtz-Eakin, American Action Forum, Stephen Ezell, Information Technology and Innovation Foundation, Jim Kessler, Third Way, Madeleine Sumption, Migration Policy Institute, and Diane Tomb, National Association of Women Business Owners, all of Washington, D.C.; Barry Evans, Calxeda, Austin, Texas; Ridgely C. Evers, Tapit Partners LLC, Healdsburg, California; Mike Farmer, Leap2, Kansas City, Kansas; Michael A. Finney, Michigan Economic Development Corporation, Lansing; Brink Lindsey, and Jonathan Ortmans, both of the Ewing Marion Kauffman Foundation, Kansas City, Missouri; and Tim Rowe, Cambridge Innovation Center, Cambridge, Massachusetts.

UNITED STATES-CARIBBEAN SECURITY COOPERATION

United States Senate Caucus on International Narcotics Control: Caucus concluded a hearing to examine the United States-Caribbean Security Cooperation, after receiving testimony from Anibal de Castro, Ambassador of the Dominican Republic to the United States, Audrey P. Marks, Ambassador of Jamaica to the United States, and Cornelius Smith, Ambassador of the Bahamas to the United States, all of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 3859–3879; and 2 resolutions, H. Res. 532, 535, were introduced. **Pages H373–74**

Additional Cosponsors: **Pages H375–76**

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 658, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (H. Rept. 112–381);

H. Res. 533, providing for consideration of the conference report to accompany the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (H. Rept. 112–382);

H. Res. 534, providing for consideration of the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline, and providing for consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation (H. Rept. 112–383); and

H.R. 1734, to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes, with an amendment (H. Rept. 112–384, Pt. 1).

Pages H230–H304, H373

Speaker: Read a letter from the Speaker wherein he appointed Representative Cravaack to act as Speaker pro tempore for today. **Page H223**

Recess: The House recessed at 10:36 a.m. and reconvened at 12 noon. **Page H227**

Chaplain: The prayer was offered by the guest chaplain, Reverend Karen Hallett, United States Army, New Windsor, New York. **Page H227**

Board of Visitors to the United States Military Academy—Appointment: The Chair announced

the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy: Representatives Shimkus and Womack. **Page H227**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Extending the pay limitation for Members of Congress and Federal employees: H.R. 3835, to extend the pay limitation for Members of Congress and Federal employees, by a 2/3 yea-and-nay vote of 309 yeas to 117 nays, Roll No. 19; **Pages H304–12, H354–55**

Adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress: H. Res. 496, to adjust the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress; and **Pages H312–14**

Welfare Integrity Now for Children and Families Act: H.R. 3567, amended, to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores, by a 2/3 yea-and-nay vote of 395 yeas to 27 nays, Roll No. 20. **Pages H315–22, H355–56**

Authorizing the printing of the 25th edition of the pocket version of the United States Constitution: The House agreed to discharge and agree to H. Con. Res. 90, authorizing the printing of the 25th edition of the pocket version of the United States Constitution. **Page H314**

Unanimous Consent Request: Representative Lungren asked unanimous consent that the ''Standards for the Electronic Posting of House and Committee Documents and Data'', which were adopted by the Committee on House Administration on December 16, 2011, be printed in the Congressional Record. Agreed to without objection. **Pages H314–15, H370**

Fiscal Responsibility and Retirement Security Act of 2011: The House passed H.R. 1173, to repeal the CLASS program, by a recorded vote of 267 ayes to 159 noes, Roll No. 18. **Pages H322–54**

Rejected the Garamendi motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 175 ayes to 247 noes, Roll No. 17. **Pages H352–54**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H333**

Rejected:

Jackson Lee (TX) amendment (No. 2 printed in the Congressional Record of January 31, 2012) that sought to add a new section requiring a study on the impact of not having long-term care insurance on the Federal, State and local governments (by a recorded vote of 161 ayes to 263 noes, Roll No. 13); **Pages H333–35, H349–50**

Jackson Lee (TX) amendment (No. 1 printed in the Congressional Record of January 31, 2012) that sought to add a new section ensuring market penetration for private long-term care insurance (by a recorded vote of 157 ayes to 264 noes, Roll No. 14); **Pages H335–37, H350**

Deutch amendment (No. 4 printed in the Congressional Record of January 31, 2012) that sought to add a new section preventing an increase in Medicaid spending (by a recorded vote of 164 ayes to 260 noes, Roll No. 15); and **Pages H337, H350–51**

Deutch amendment (No. 5 printed in the Congressional Record of January 31, 2012) that sought to add a new section regarding CLASS program flexibility (by a recorded vote of 160 ayes to 264 noes, Roll No. 16). **Pages H337–39, H351–52**

H. Res. 522, the rule providing for consideration of the bill, was agreed to yesterday, January 31st.

Motion to Instruct Conferees: The House debated the Michaud motion to instruct conferees on H.R. 3630. Further proceedings were postponed. **Pages H356–61**

Discharge Petition: Representative Walz presented to the clerk a motion to discharge the Committees on Financial Services, Agriculture, House Administration, the Judiciary, Ethics, and Rules from the consideration of H.R. 1148, to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes (Discharge Petition No. 3).

Quorum Calls—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H349–50, H350, H351, H351–52, H353–54, H354, H354–55, and H355–56. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:44 p.m.

Committee Meetings

FOB FRONTENAC, AFGHANISTAN

Committee on Armed Services: Full Committee held a hearing on the use of Afghan nationals to provide security to U.S. forces in light of attack on U.S. personnel at FOB Frontenac, Afghanistan in March

2011. Testimony was heard from David S. Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia, Department of Defense; Gary J. Motsek, Deputy Assistant Secretary of Defense for Program Support, Acquisition, Technology and Logistics, Department of Defense; Brigadier General Stephen Townsend, USA, Director, Pakistan/Afghanistan Coordination Cell, Joint Chiefs of Staff; and Brigadier General Kenneth Dahl, USA, Deputy Commanding General for Support, 10th Mountain Division (LI).

CONGRESSIONAL BUDGET OFFICE

Committee on the Budget: Full Committee held a hearing entitled ''The Congressional Budget Office's Budget and Economic Outlook''. Testimony was heard from Douglas W. Elmendorf, Director, Congressional Budget Office.

JOB CREATION

Committee on Education and the Workforce: Full Committee held a hearing entitled ''Expanding Opportunities for Job Creation''. Testimony was heard from Rick Snyder, Governor, Michigan; Dannel Malloy, Governor, Connecticut; and public witnesses.

BLUE RIBBON COMMISSION ON AMERICA'S NUCLEAR FUTURE

Committee on Energy and Commerce: Subcommittee on Environment and the Economy held a hearing entitled ''Recommendations of the Blue Ribbon Commission on America's Nuclear Future''. Testimony was heard from Lee Hamilton, Co-Chair, Blue Ribbon Commission on America's Nuclear Future, Director, The Center on Congress at The Indiana University, former Member, House of Representatives; Lt. Gen. Brent Scowcroft (Ret.), Co-Chair, Blue Ribbon Commission on America's Nuclear Future, President, Scowcroft Group, former National Security Advisor to Presidents Gerald Ford and George H.W. Bush; and public witnesses.

REAUTHORIZATION OF PDUFA

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Reauthorization of PDUFA: What It Means for Jobs, Innovation, and Patients''. Testimony was heard from Margaret A. Hamburg, M.D., Commissioner, Food and Drug Administration; and public witnesses.

MANUFACTURED HOUSING IMPROVEMENT

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''Implementation of the Manufactured Housing Improvement Act of 2000''. Testimony was heard from Henry S. Czauski, Acting Deputy Administrator for Manufactured Housing Programs, Department of Housing and Urban Development; and public witnesses.

LEGISLATIVE MEASURES

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 3461, the ''Financial Institutions Examination Fairness and Reform Act''. Testimony was heard from Kevin M. Bertsch, Associate Director of the Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; Sandra L. Thompson, Director of the Division of Risk Management Supervision, Federal Deposit Insurance Corporation; David M. Marquis, Executive Director, National Credit Union Administration; Jennifer Kelly, Senior Deputy Comptroller for Mid-Size/Community Bank Supervision, Office of the Comptroller of the Currency; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies held a markup of H.R. 3674, the ''Promoting and Enhancing Cybersecurity and Information Sharing Effectiveness Act of 2011''. The bill was reported to the full Committee, as amended.

LEGISLATIVE MEASURES

Committee on the Judiciary: Subcommittee on Courts, Commercial and Administrative Law held a hearing on H.R. 2469, the ''End Discriminatory State Taxes for Automobile Renters Act of 2011''. Testimony was heard from Raymond A. Warren, Deputy Commissioner of Revenue and Legal Counsel, Arlington County, Virginia; and public witnesses.

MANUFACTURING AND INNOVATION

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing entitled ''Prior User Rights: Strengthening U.S. Manufacturing and Innovation''. Testimony was heard from David Kappos, Under Secretary of Commerce for Intellectual Property, Director of the United States Patent and Trademark Office; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee held a markup of the following: H.R. 3407, the ''Alaskan Energy for American Jobs Act''; H.R. 3408, the ''Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act''; and H.R. 3410, the ''Energy Security and Transportation Jobs Act''. The following were ordered reported, as amended: H.R. 3407, H.R. 3408, and H.R. 3410.

RECESS APPOINTMENTS

Committee on Oversight and Government Reform: Full Committee held a hearing entitled "Uncharted Territory: What are the Consequences of President Obama's Unprecedented "Recess" Appointments?" Testimony was heard from Senator Lee, Utah; and public witnesses.

BASELINE REFORM ACT OF 2011; AND PRO-GROWTH BUDGETING ACT OF 2011

Committee on Rules: Full Committee held a hearing on H.R. 3578, the "Baseline Reform Act of 2011"; and H.R. 3582, the "Pro-Growth Budgeting Act of 2011. The Committee granted, by voice vote, a structured rule for H.R. 3578 and provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated January 25, 2012, shall be considered as adopted, and provides that the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order the amendment to H.R. 3578 printed in Part A of the Rules Committee report accompanying the resolution if offered by Representative Jackson Lee or her designee. The amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendment printed in Part A of the Rules Committee report.

The resolution further provides for consideration of H.R. 3582 under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for purposes of amendment the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated January 25, 2012, and provides that the amendment in the nature of a substitute shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments to H.R. 3582 printed in Part B of the Rules Committee report accompanying the resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in Part B of the Rules Committee report. Finally the rule provides one motion to recommit with or without instructions.

Testimony was heard from Chairman Ryan of Wisconsin and Representative Van Hollen.

FAA MODERNIZATION AND REFORM ACT OF 2012

Committee on Rules: Full Committee held a hearing on H.R. 658, the "FAA Modernization and Reform Act of 2012". The Committee granted, by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. Debate on the conference report is divided pursuant to clause 8(d) of rule XXII. Testimony was heard from Representative Petri.

GROUND WATER RESEARCH

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing entitled "Fractured Science—Examining EPA's Approach to Ground Water Research: The Pavillion Analysis". Testimony was heard from James B. Martin, Regional Administrator, Region 8, Environmental Protection Agency; Tom Doll, State Oil and Gas Supervisor, Wyoming Oil and Gas Conservation Commission; and public witnesses.

SMALL BUSINESS JOB CREATION

Committee on Small Business: Full Committee held a hearing entitled "The Path to Job Creation: The State of American Small Businesses". Testimony was heard from public witnesses.

VETERANS' AFFAIRS PHARMACEUTICAL PRIME VENDOR CONTRACT

Committee on Veterans' Affairs: Full Committee held a hearing entitled "Examining VA's Pharmaceutical Prime Vendor Contract", Testimony was heard from W. Scott Gould, Deputy Secretary of Veterans Affairs, Department of Veterans Affairs; Linda Halliday, Deputy Assistant Inspector General for Audits and Evaluations Office of Inspector General, Department of Veterans Affairs; and public witness.

HARBOR MAINTENANCE TRUST FUND AND HARBOR MAINTENANCE TAX

Committee on Ways and Means: Subcommittee on Oversight and Subcommittee on Select Revenue Measures held a joint hearing on the Harbor Maintenance Trust Fund and the Harbor Maintenance Tax. Testimony was heard from Mike Strain, Commissioner, Louisiana Department of Agriculture and Forestry; and public witnesses.

Joint Meetings

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 658, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system.

TEMPORARY PAYROLL TAX CUT CONTINUATION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, but did not complete action thereon, and recessed subject to the call and will meet again on Thursday, February 2nd.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D27)*

H.R. 3800, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program. Signed on January 31, 2012. (Public Law 112–91)

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 2, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Business meeting to consider an original bill entitled, ''The Iran Sanctions, Accountability and Human Rights Act of 2012'', and an original bill entitled, ''Federal Public Transportation Act of 2012'', 10 a.m., SD–538.

Committee on the Budget: To hold hearings to examine the budget and economic outlook, focusing on fiscal years 2012–2022, 10 a.m., SD–608.

Committee on Energy and Natural Resources: To hold hearings to examine the final report of the Blue Ribbon Commission on America's Nuclear Future, 9:30 a.m., SD–366.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine innovations in college affordability, 10:20 a.m., SD–430.

Committee on Indian Affairs: To hold hearings to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and S. 908, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon, 2:15 p.m., SD–628.

Committee on the Judiciary: Business meeting to consider S. 1925, to reauthorize the Violence Against Women Act of 1994, S. 1945, to permit the televising of Supreme Court proceedings, and the nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, and Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on the Budget, Full Committee, hearing entitled ''The State of the U.S. Economy'', 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Health, Labor and Pensions, hearing entitled ''Examining the Challenges Facing PBGC and Defined Benefit Pension Plans'', 10 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled ''The Collapse of MF Global: Part 2'', 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled ''Ahmadinejad's Tour of Tyrants and Iran's Agenda in the Western Hemisphere'', 10 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Health, and Human Rights, hearing entitled ''U.S. Policy Toward Post-Election Democratic Republic of Congo'', 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing entitled ''Contingent Fees and Conflicts of Interest in State AG Enforcement of Federal Law'', 2:30 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Full Committee, hearing entitled ''Fast and Furious: Management Failures at the Department of Justice'', 9 a.m., 2154 Rayburn.

Committee on Small Business, Subcommittee on Agriculture, Energy and Trade, hearing entitled ''The Future

of the Family Farm: The Effect of Proposed DOL Regulations on Small Business Producers'', 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, hearing on legislation regarding the ''American Energy and Infrastructure Jobs Act'', 9 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing entitled ''Lowering the Rate of Unemployment for the National Guard'', 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, hearing on the accuracy and uses of the Social Security Administration's Death Master File, 9 a.m., B–318 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, hearing entitled ''World Threats'', 10 a.m., HVC–210. This hearing will begin as an open hearing and move to a closed hearing in HVC–304.

Joint Meetings

Conference: Meeting of conferees on H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, 10 a.m., HVC–201.

Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through January 31, 2012

	Senate	*House*	*Total*
Days in session	11	12	..
Time in session	31 hrs., 15′	26 hrs., 15′	..
Congressional Record:			
Pages of proceedings	232	222	..
Extensions of Remarks	..	102	..
Public bills enacted into law	..	1	1
Private bills enacted into law	..	..	..
Bills in conference	2	2	..
Measures passed, total	19	16	35
Senate bills	3	..	..
House bills	3	7	..
Senate joint resolutions	..	..	..
House joint resolutions	..	1	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	1	1	..
Simple resolutions	11	7	..
Measures reported, total	39	20	59
Senate bills	37	1	..
House bills	2	16	..
Senate joint resolutions	..	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	..	..	..
House concurrent resolutions	..	..	..
Simple resolutions	..	3	..
Special reports	..	..	..
Conference reports	..	..	..
Measures pending on calendar	224	14	..
Measures introduced, total	37	120	157
Bills	21	91	..
Joint resolutions	2	3	..
Concurrent resolutions	1	3	..
Simple resolutions	13	23	..
Quorum calls	..	1	..
Yea-and-nay votes	3	10	..
Recorded votes	..	1	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 41 reports have been filed in the Senate, 20 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through January 31, 2012

Civilian nominations, totaling 208 nominations carried over from the First Session), disposed of as follows:

Confirmed	1
Unconfirmed	203
Withdrawn	4

Other Civilian nominations, totaling 167 (including 167 nominations carried over from the First Session), disposed of as follows:

Unconfirmed	167

Air Force nominations, totaling 1,116 (including 295 nominations carried over from the First Session), disposed of as follows:

Unconfirmed	1,116

Army nominations, totaling 622 (including 16 nominations carried over from the First Session), disposed of as follows:

Unconfirmed	622

Navy nominations, totaling 13 (including 1 nomination carried over from the First Session), disposed of as follows:

Unconfirmed	13

Marine Corps nominations, totaling 864, disposed of as follows:

Unconfirmed	864

Summary

Total nominations carried over from the First Session	667
Total nominations received this Session	2,323
Total confirmed	1
Total unconfirmed	2,985
Total withdrawn	4
Total returned to the White House	0

Next Meeting of the **SENATE**

9:30 a.m., Thursday, February 2

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 2038, Stop Trading on Congressional Knowledge (STOCK) Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, February 2

House Chamber

Program for Thursday: Consideration of the conference report to accompany H.R. 658—FAA Reauthorization and Reform Act (Subject to a Rule). Consideration of H.R. 3582—Pro-Growth Budgeting Act (Subject to a Rule). Begin Consideration of H.R. 3578—Baseline Reform Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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