United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, FEBRUARY 15, 2011 No. 24

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 15, 2011.

I hereby appoint the Honorable RENEE ELLMERS to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

HONORING OUR NATION'S ENGINEERS DURING NATIONAL ENGINEERS WEEK

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

Mr. LIPINSKI. Madam Speaker, as one of only a handful of engineers in Congress, I am proud again to sponsor a resolution honoring our Nation's engineers during National Engineers Week. This is my seventh year introducing this resolution, and it has a special significance this year.

Next week will mark the 60th anniversary of Engineers Week, and with nearly half of the practicing engineers in our country eligible to retire over the next few years, the central goal of Engineers Week, attracting new students to engineering careers, has never been more important. That is why educating and inspiring America's youth about engineering and science needs to be a national priority.

Engineers design and build all of our everyday products, such as bridges, airplanes, roads, computers, medical devices, cars and power plants, just to name a few. But engineering is more than that. Engineering is problem solving. We have many problems to solve, from our dependence on foreign oil to our crumbling infrastructure. And as a recent National Academies report explained, while only 4 percent of our Nation's workforce is composed of engineers and scientists, this group disproportionately creates jobs for the other 96 percent.

America's 2.5 million engineers have helped make our country great by solving problems and turning dreams into reality, and America's future depends on them. Unfortunately, oftentimes their contributions, though, go unnoticed. National Engineers Week seeks to fix this problem through events aimed at educating youth and fostering public awareness of the vital contributions made by engineers to our quality of life and our economic prosperity.

Engineers Week promotes recognition among parents, teachers, and students of the importance of STEM education and literacy. This year's theme is ''Engineers Make a World of Difference: A Celebration of Engineer Volunteerism.'' It recognizes the more than 1 million hours annually that America's engineers contribute to public service.

The celebratory events include the Future City Competition, Introduce a Girl to Engineering Day, and Discover Engineering Family Day, which all impart an appreciation of the wonders of engineering to our children of all backgrounds.

I can attest to my own childhood experiences with science and engineering and how they captivated me. I remember in high school at St. Ignatius my calculus and physics teachers, especially Father Thul and Father Fergus, helped mold my childhood fascination into an interest in engineering. These teachers, together with informal experiences at places like the Museum of Science and Industry and even at Brookfield Zoo, helped motivate me to pursue an undergraduate degree in mechanical engineering from Northwestern University and a degree in engineering economic systems from Stanford. One of the central goals of National Engineers Week is to provide this kind of inspiration for the next generation of students.

During Engineers Week in Chicago I will be attending the Engineers Week celebratory dinner, where they will give the Washington Award to a professor from Purdue University and will be honoring students who have made contributions in engineering through the Future Cities projects.

I would like to encourage all of my colleagues to cosponsor this resolution and go home and find some Engineers Week celebrations that are going on and participate in them in your districts. This is a great opportunity for us to thank the engineers who have contributed so much to our country and inspire that next generation of engineers that our country so terribly needs to solve the problems that face us today.

THE JAILS ARE FULL OF FOREIGN CRIMINALS

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

Mr. POE of Texas. Madam Speaker, I bring you news from the war on our

Printed on recycled paper.

third front, the southern border with Mexico.

Last Saturday, two American teenagers were brutally shot and killed in Mexico in the Mexican border town of Juarez, Mexico. That is right across the Rio Grande River from El Paso, Texas. On Thursday, drug cartels gunned down eight people at a bar in Juarez. On Sunday, Homero Salcido, the head of security and intelligence for the state of Nuevo Leon in Mexico, was shot in the head and his car was set ablaze. Nuevo Leon is close to the U.S. border and once was considered one of the safest towns in all of Mexico. These murders are evidence that the narcoterrorists are continuing to expand their control with our neighbors to the south in Mexico.

There are portions of Mexico that are under the control of the drug bandits, and honest law enforcement is nonexistent. However, Secretary of Homeland Security Janet Napolitano has said that the situation on the border has been ''mischaracterized'' by lawmakers for political reasons.

Well, the same can be said of Homeland Security Director Napolitano. She mischaracterizes the border region, claiming it is safe. This is either for political reasons or because she refuses to admit the Federal Government is unwilling or incapable of securing the border.

More than 34,000 people have been murdered in our neighboring country of Mexico since the drug cartels began their reign of terror in 2006. In my opinion, neither the United States nor Mexico has operational control of some border regions. Drugs and people are smuggled into the U.S. and guns and money are smuggled to the south into Mexico.

And this is just not a Mexican problem. For example, 27 percent of the inmates in United States prisons are not U.S. citizens: 17.5 percent are from the nation of Mexico, and a whopping 37 percent of Texas border jails contain foreign nationals. If the border is so secure, Ms. Napolitano, how come so many thousands of illegals are pouring into our country committing serious crimes and filling up our prisons? How can any reasonable person say our borders are secure when 27 percent of America's prisons are the home to foreign nationals? They wouldn't be in prison if they didn't cross the border in the first place.

There is more. Jose Oswaldo Reyes Alfaro, an illegal immigrant from El Salvador, went on a killing rampage in Manassas on Wednesday. He shot and killed three people and injured another. Alfaro had been ordered to be deported in 2002, but he just never left the country. These murders could have been prevented if our border security plan, Ms. Napolitano, was working.

An 8-year-old girl in Fairfax, Virginia, was raped by an illegal in her own home. Her rapist was Salvador Portillo-Saravia, a known criminal who was living in the United States illegally.

□ 1010

In 2003, Portillo-Saravia, an MS–13 gang member, was arrested and deported to El Salvador. But since we have open borders, the child rapist was able to sneak back into the United States unnoticed and under the radar. He was even arrested in November of 2010, but rather than be held in jail for deportation, he was released back on the streets because no one was able to check his illegal status. And 1 month later, Salvador Portillo-Saravia raped an innocent 8-year-old girl in her own home.

This disgusting crime could have been prevented if we secured our borders, deported illegals that were in this country, and kept them from returning. Tell the parents of this 8-year-old girl, Madam Secretary, that our border crisis is just ''mischaracterized.'' Our system is flawed and Homeland Security better understand that it is the duty of the Federal Government to protect the people of this Nation and quit making excuses.

It's way past time to put more National Guard troops on the border. I have introduced legislation to put 10,000 National Guard troops on the southern border to be paid for by the Federal Government but supervised by the four State Governors. We protect the borders of other nations. It's about time we protect our own.

Meanwhile, it appears Homeland Security is living in never-never land or blissfully unaware of the real world on the southern border—or mischaracterizes the situation for political reasons.

And that's just the way it is.

THE BUDGET: OUR PRIORITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Madam Speaker, I rise today with great concern about the future of our country. And that's because in the past few days we've seen the valley between the hardworking middle class and the rich continue to grow wider and wider. It's a matter of priorities, Madam Speaker, and right now we can see very clearly where my colleagues on the other side of the aisle have placed their priorities. It's not in the well-being of our workforce, not in the effectiveness of our classrooms, and not in the safety of our neighborhoods. No, Madam Speaker. The priorities of the majority party are not with the people who have worked hard all their lives to earn a decent wage, buy a decent home, put their kids through school, and do what they can to keep their families and communities strong. The priorities of my Republican colleagues lay with America's most successful—the hedge fund managers, Wall Street financiers, and investment bankers. That's why they worked so hard to give those folks another tax break at the end of last year under the guise of extending unemployment benefits for many people who lost jobs through no fault of their own.

But, my friends, you see, the rich didn't need another tax break—not now; not when their taxes are the lowest they've been since 1950, and a tax cut that added $800 billion to our deficit over the next decade. In addition to that, as part of the Recovery Act, Congress enacted the largest tax cut in American history and Democrats provided additional tax rebates for businesses that provide their employees with health insurance.

Amidst these tremendous tax breaks for the past 2 years, the Republicans are moving forward with a dangerous spending bill, one that continues to give rewards to the rich and literally guts the initiatives most meaningful to middle class families. Simply put, the Republicans' spending bill is irresponsible and tone deaf to the needs of a healing Nation. It cuts jobs, threatens American innovation, and diminishes investments in rebuilding America. It makes devastating cuts to education—reducing Pell Grants by $800 per student and kicking more than 200,000 children out of Head Start. It reduces the competitiveness of our workforce by slashing $1.6 billion in job training and cutting $120 million in alternative youth training that sends kids to work in construction and other trades—critical skills that will help us make things again in America and put us on better footing to compete with the rest of the world.

It derails $2.5 million in funding for high-speed trains, canceling 76 projects in 40 States, at the loss of 25,000 jobs focused on rebuilding America; and, at the same time, reduces our domestic security by eliminating 1,330 police officers and 2,400 firefighters, making our communities less safe.

The work of reducing our deficit and controlling spending will be hard, to be sure. The fact of the matter is that we have to cut spending. But we have to do it responsibly. We cannot cut what makes us competitive and what helps us to innovate, to succeed in the global economy, and ultimately to create jobs. The President's budget makes some serious cuts to good programs—some I strongly object to. But as we work to cut spending, we have to be sure that it's not at the expense of continuing to support initiatives that create jobs, educate our children, and keep our communities safe. We have to be serious and smart about how we address America's budget challenges.

This week, we will begin debate here in this Chamber on this budget challenge. I've heard from many of my constituents about the concerns that they have related to the Federal budget for this year. It's those conversations and the families I've met all across Rhode Island during the course of my campaign that I've got on my mind. I know what their priorities are. I've seen the circumstances and I understand the

challenges that their families are facing.

My friends, we owe it to the hardworking people of our country who are struggling to get by and who are playing by the rules but just waiting for someone to stand up for them rather than the rich guy on Wall Street. We owe it to America's hardworking people to have a serious and thoughtful debate in the hopes of producing a smart and essential budget for our country.

Our colleagues on the other side of the aisle have become captive to an extremist agenda that harms people who are already hurting the most. That's why it's critical we ask our Republican friends, Just what are your priorities? Do we have the courage to come together—not as Democrats or Republicans, but as Americans—and invest in our country's greatest asset—our people; the people who built this great Nation and who we must believe in, now more than ever, to move our country forward to a prosperous and promising future.

A NEVADA HERO: FRANCISCO ''FRANK'' CEDULA

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

Mr. HECK. Madam Speaker, I rise today to recognize a heroic Nevadan who passed away February 2, 2011. His name was Francisco ''Frank'' Cedula. He was born in the Philippines in Pasay City on January 7, 1923. Frank studied journalism at the University of Santo Tomas until he joined the Philippine resistance in 1941. At just 17 years old, he fought to disrupt the Japanese military's occupation. Eventually, Frank was captured and tortured by the Japanese, but he managed to escape and rejoin the guerilla fighters.

On December 26, 1941, Frank fought in the Battle of Piis. More than 100 American and Filipino soldiers fought and died in the battle. Their sacrifice gave General MacArthur's troops, his small USAFFE forces, enough time to assemble in Bataan. Commander Cedula was the lone survivor of the 3-day battle. He was bayonetted four times and left for dead. The natives assigned to bury the dead found him alive and nursed him back to health. Once healthy, he again rejoined the guerilla forces and continued the fight. Later in the war, Frank helped liberate American prisoners of war.

When the war ended, Frank served as the Filipino Veterans Legion National Commander for almost three decades. During his term as National Commander, the Filipino Veterans Legion created significant new benefits for their members. In 2005, Commander Cedula authored ''Filipino Veterans of WWII—An Endangered Human Specie'' to help inform congressional Members and veteran supporters about World War II Filipino veterans who were promised, and later denied, recognition and benefits for 60 years.

Frank was a man who set goals, then accomplished them. Frank achieved one goal when the World War II Filipino Veterans Equity Bill became law. After the law passed, Frank coauthored a new book, ''Denial and Restitution by America.'' This sequel to his first book thanked the congressional and Senate leaders who fought to turn the World War II Filipino Veterans Equity Bill into law.

For 20 years, he planned to construct a memorial marker at kilometer 134 in Quezon, Philippines, to honor and memorialize the men who lost their lives in the battle. Commander Cedula returned from a trip to the Philippines where he finalized the funding for that dream.

I am honored to call Commander Cedula a friend and a Nevadan.

CONGRATULATING WORLD CHAMPION GREEN BAY PACKERS ON WINNING SUPER BOWL XLV

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

Mr. KIND. Madam Speaker, I rise today to commend and thank my good friend and colleague from the Pittsburgh area, JASON ALTMIRE, for delivering on his Super Bowl bet with me last evening.

As we now know, a little over a week ago, my Green Bay Packers defeated his Pittsburgh Steelers 31–25 to win Super Bowl XLV. It was the Packers' 13th world title and their fourth Super Bowl victory, enabling them to bring home once again, where it belongs, the Vince Lombardi Trophy to Titletown, USA—Green Bay, Wisconsin.

□ 1020

To the victor belongs the spoils. So, last night, JASON and his staff delivered to my office some of Pittsburgh's finest cuisine—Primanti sandwiches and Iron City brew. Now, it didn't quite rival the world-famous tailgate parties that we have at Lambeau Field, but it wasn't bad.

We may have fun with our sports teams around here from time to time; but it is also useful to remind ourselves that at the end of the day, when the game is played and the score is settled, it is only just a game.

No one expressed that more eloquently than the MVP of Super Bowl XLV, the Green Bay Packers' quarterback, Aaron Rodgers. It was recently reported that, earlier in the season, Aaron Rodgers had sent a big care package out to his former girlfriend's elementary school in California, where she is teaching. In it was a host of school supplies, along with a bunch of Packer T-shirts and sweatshirts and other Packer paraphernalia. Also included in the care package was a note that Aaron Rodgers wrote to his former girlfriend, the teacher of that class, which read: Just to be clear, what you're doing in your life right now is a heck of a lot more important than what I'm doing in my life.

It's really refreshing to see a professional athlete at the peak of his career, at the height of his game, stay so well-grounded and understand what really is important to the future of our country, which is the future of our children and their educational success in the classroom. Whether he called for it or not, Aaron Rodgers has turned into a terrific role model for all of our children across this country. It is a constant reminder of the challenges that we still face and of the values that we still must hold dear in this country.

So I, too, want to congratulate Aaron Rodgers and the Green Bay Packers football team for their success; I want to congratulate the Packers organization and the tens of thousands of Packers fans who are part owners of the Packers franchise, including my own family.

In the immortal words of my 12-year-old son, Matthew, who turned to me shortly after their Super Bowl victory last week: Hey, Dad. You know, that was a lot of fun. Let's do it again.

So, indeed, let's do this again next season. I wish the Packers well, and I thank JASON ALTMIRE and his staff for delivering the goodies to our office last night.

BLOWING SMOKE AMIDST DIRE FINANCIAL STRAITS

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

Mr. DEFAZIO. Madam Speaker, our Nation is in dire financial straits, and, unfortunately, many on both sides of the aisle are blowing smoke about how serious they are in dealing with this problem.

The fact is we are looking at a record $1.6 trillion deficit. Now, it wouldn't have been a record and it wouldn't have been $1.6 trillion but for one vote: the Obama-McConnell tax compromise, the Republicans insisting that all of the Bush tax cuts passed in a time of surplus should be continued in a time of record deficits. That means, with borrowed money, there will be tax cuts for millionaires and billionaires and other special interests, or we will forgo the revenue of having them pay their fair share of taxes, say the rate they paid in the Clinton era when the economy did very well and they did very well.

So with that one single vote, suddenly we jumped up to a $1.6 trillion deficit. Now, the Republican majority says, oh, no, no, no, that cutting taxes doesn't count. Their rules deem that cutting taxes doesn't count. We can cut taxes without reducing spending; we can borrow the money and increase the deficit and the debt, but they say it doesn't count. They have deemed that in their rules. So they're really blowing smoke here. You cannot pretend that you're serious about the deficit if you say we can continue to reduce income. Here is what this year's Federal budget looks like.

This is the total budget. Look, we are borrowing from China and other places around the world almost half of what we're spending. We are borrowing $1.6 trillion, and the Federal tax revenue is $2.2 billion. Those are just extraordinary numbers. Now, they say they'll fix that by cutting. Well, here we go. Here we go again with the budget at $3.8 trillion and the deficit at $1.6 trillion.

They said, Well, wait a minute. You can't increase revenues. No. You could decrease revenues. They say that wouldn't count. Then, Oh, well. The Department of Defense is off limits. Entitlements are all off limits. Mandatory spending, meaning agriculture subsidies and other egregious things, are all off limits. We will balance the budget by going after non-defense discretionary spending.

There seems to be a little bit of a problem here.

Here is the deficit of $1.6 trillion. Now, if we eliminated all non-defense discretionary spending, which would mean basically the daily operations of the Government of the United States outside the Defense Department, it would be all gone; close the door; open the Federal prisons, and let the prisoners out. There would be no more Justice Department, no more FBI, no more Border Patrol, none of those things. Just get rid of all that stuff—the IRS, the Environmental Protection Agency, the Department of Education, health education, the Centers for Disease Control. All gone.

Well, you would still have a $1 trillion deficit. But don't worry, they're going to get us there by cutting.

You can't get there simply by cutting. Yes, you need to cut. You need to reduce and eliminate wasteful programs, but you can't pretend that you can cut revenues or that you can maintain tax loopholes for companies that move their headquarters to post office boxes in the Bahamas, like Carnival Cruise Lines—excuse me, their post office box is in Panama—which operate out of the U.S., get their customers in the U.S., use the ports of the U.S., use the U.S. Coast Guard, and whose executives live in the U.S. but they don't pay taxes here.

There is ExxonMobil, which doesn't pay taxes in the United States, but pays in other places around the world. We borrow money to give a subsidy to ExxonMobil. Yet in the last quarter of last year, they had the largest single corporate profit in the history of the world, and we're going to borrow money to give them tax rebates for taxes they didn't pay in the United States of America but that they paid elsewhere.

That system can't be fixed, the Republicans say. Those will be tax increases. You can't plug those tax loopholes. The agriculture subsidies pay people $20 billion not to grow things. No, can't go there. We're going to balance the budget by hacking away at non-defense discretionary spending. Unfortunately, physics and reality don't work for them here, nor does the math because it's a tiny fraction of the deficit if we totally eliminate those programs instead of just hack away at them.

So let's get real. Let's get together here. The country is confronted with a serious long-term debt problem. As everybody said yesterday, everything is on the table. Well, it's not, but everything should be on the table.

THE ASSAULT ON THE VOICE OF AMERICA—PUBLIC BROADCASTING

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

Mr. BLUMENAUER. Madam Speaker, the next few days on the floor of the House will be critical for the future of public broadcasting.

With the new Republican majority, people here are hoping for saving less than one cent per day on this ideological assault—on what?—public broadcasting, for 170 million Americans, their Voice of America and their window to the world.

In an era when local papers and radio stations are being gobbled up by large conglomerates, public broadcasting's 1,300 stations around the country are increasingly the only source of locally owned, locally controlled content.

Now, there is a lot of attention appropriately given to the major stations in America's large cities. We've all seen and heard programming from stations in Boston and San Francisco, New York, even in Portland, Oregon, as Oregon Public Broadcasting is recognized as one of these national leaders. For much of America outside the major metropolitan areas, public broadcasting actually plays an even more important role.

In the Rockies, the Pacific Northwest, rural areas, and the upper Midwest, often public broadcasting is not just the best local source. It is the only source of information that relates directly to their communities. The big stations in the large communities are going to be harmed by this assault on public broadcasting.

□ 1030

My own public broadcasting in Oregon will lose $2.4 million. It will really harm the quality of their effort. But it is in rural and small town America that the greatest damage will be done. For example, in eastern Oregon, it costs 11 times as much to get a signal to Burns as it does in the more populist Willamette Valley, and there simply isn't the base of population to make up for the difference with local contributions.

It's ironic that these partisans are attacking one of America's best public-private partnerships. It's not uncommon for the public investment to leverage $6 or more of private investment to make this high quality programming possible.

Now, there are some who claim that in an era of 500 cable and satellite stations that we don't need another source of information. Well, those people fail to grasp the power of noncommercial, public broadcasting, how it is unique today. There are countless shows that are directed towards America's kids, but public broadcasting provides the only children's programming that is trying to educate and entertain our children, not sell them something.

The public supports public broadcasting, not just in opinion polls, but with tens of millions of dollars of voluntary contributions that they make every year to provide the quality programming.

I fear that this reckless partisan assault on public broadcasting is actually going to hurt our long-term efforts to tame the budget deficit. Trading a savings of less than one-half cent per day per American won't offset the damage to public confidence by eliminating what so many people believe in and count upon.

More important, it will be a loss of a valuable tool to educate and inform the public from a respected nonpartisan source, exactly how we're going to need to get information to Americans to deal with this massive deficit problem that we face.

For those of us working to meet America's challenges, public broadcasting is an essential ally; but I will say that with the tremendous outpouring of support that we are now seeing, people calling and writing Members of Congress, stopping them on the street, I think there is a good chance that those 1,300 public broadcasting stations will still be here in the future helping inform the debates of today, if all of us do our job, listen to the public, and do what is in the best long-term interests of this country.

ON EXTENDING THE PATRIOT ACT

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

Mr. MCCLINTOCK. Madam Speaker, last year I voted to extend the Patriot Act for 1 year. I regret that vote and was glad to have been able to correct it, although I'm pained that the House voted otherwise yesterday.

During this past year, I have become convinced that the provisions of the so-called Patriot Act are an affront to the Bill of Rights and a serious threat to our fundamental liberty as Americans.

The Fourth Amendment arises from the abuses of the British Crown that allowed roving searches by revenue agents under the guise of what were called ''writs of assistance'' or ''general warrants.'' Instead of following specific allegations against specific individuals, the Crown's revenue agents were given free rein to search indiscriminately.

In 1761, the famous colonial leader James Otis challenged these writs, arguing that ''a man's house is his castle;

and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege.'' Now 250 years later, the Patriot Act restores these roving searches.

In the audience that day in 1761 was a 25-year-old lawyer named John Adams. He would later recall: ''Every man of an immense crowded audience appeared to me to go away as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there, the child, 'Independence' was born.''

The American Founders responded with the Fourth Amendment. It provides that before the government can invade a person's privacy the executive branch must present sworn testimony to an independent judiciary that a crime has occurred and that there is reason to believe that an individual should be searched for evidence of the crime, and then specify the place to be searched and the things to be seized. The John Doe roving wiretaps provided under this bill are a clear breach of this crystal-clear provision.

The entire point of having an open and independent judiciary is so that abuses of power can be quickly identified by the public and corrected. The very structure of this law prevents that from occurring.

I also object to the lone wolf provision of the act that allows a person who's not acting in concert with a foreign power to be treated as if they were. This malignant fiction utterly blurs the critical distinction between a private person protected under our Constitution and an enemy combatant acting as an agent of a foreign power.

My chief of staff, Igor Birman, was born in Moscow. His family emigrated to America when he was 14. He tells of the days leading up to their long-awaited departure. His father had technical expertise, and the authorities were desperate to find some pretense to cancel the family's exit visa.

A week before they departed for America, the family returned home to find that the Soviet authorities had turned their apartment upside down looking for anything that could be used to block their emigration. This was not the result of suspected criminal activity but, rather, the same kind of open-ended search the Fourth Amendment protects us against.

His younger brother was terrified and hysterical. His mother calmed the little boy by saying, Don't worry, don't worry. We're leaving in a few days for America. This will never happen to us there.

Our country is threatened by foreign governments and multinational terrorist groups which are actively trying to do us harm, backed by a fifth column within our own borders. But we have faced far more powerful governments and far better organized networks of spies and saboteurs in the past without having to shred our Bill of Rights.

The freedom that our Constitution protects is the source of our economic prosperity, our moral authority, and our martial strength. It is also the ultimate bulwark against authoritarianism. Abraham Lincoln was right: No transatlantic military giant, let alone some fanatical terrorist group, can ever ''step across the ocean and crush us at a blow.'' And no foreign power can destroy our Constitution. Only we can do that.

As Lincoln said: ''As a Nation of free men, we are destined to live forever, or die by suicide.''

CONSEQUENCES OF THE REPUBLICAN CONTINUING RESOLUTION

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

Ms. FUDGE. Madam Speaker, Republicans have introduced an irresponsible and dangerous spending bill that cuts jobs, threatens American innovation, and diminishes investments in rebuilding America. Republicans only want to offer Americans a pink slip. We all want to find an appropriate way to reduce our deficit, but this certainly is not the way.

Republicans have proposed a resolution that will not decrease the deficit, but that will add $5 trillion to the deficit through tax cuts for the wealthiest Americans, unlimited war funding, and the repeal of the health care legislation. They have not presented a serious plan for actually addressing the deficit.

The irresponsible impact of Republican spending in education: Democrats are going to fight with everything we have to ensure that the next generation of students is prepared to become the educated workforce of tomorrow. But the Republicans believe that it is okay that more than 200,000 children will be kicked out of Head Start.

□ 1040

The Republicans believe that thousands of teachers should lose their jobs. The Republicans believe that Pell Grant recipients should lose $800 worth of financial support to pursue their educations.

In the area of innovation, America's competitiveness depends on our ability to innovate and keep America number one. Republicans believe that there should be 20,000 fewer researchers supported at the National Science Foundation. They believe that there should be a $1.4 billion reduction in science and energy research. They believe that there should be $2.5 billion in cuts to the National Institutes of Health, representing a significant setback in cancer and other diseases and research in general, which will especially hit hard the district I represent.

If we're talking about rebuilding America, Democrats support key investments in roads, schools, bridges that are critical for businesses to grow and that create good-paying American jobs. Republicans would rescind more than $2.5 billion for high-speed rail projects that have already been awarded. That would allow the loss of more than 25,000 new construction jobs and the cancellation of 76 projects in 40 States. Republicans would cut $234 million designed to improve our Nation's air traffic control system.

And as it relates to public safety, one of the most important things that a government does provide, we are here to take care of our people. We are to provide safety. The Republicans propose that more than 1,300 fewer cops should be on the streets because they are going to eliminate the COPS grants. And they would have 2,400 fewer firefighters on the job because they are going to eliminate funding for SAFER grants.

As President Obama said, we must out-innovate, out-educate, and out-build the rest of the world. Let's invest in America. Let us reject the Republican CR.

FUNDING CUTS

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

Ms. PINGREE of Maine. Madam Speaker, we are facing some very important and difficult decisions in the coming weeks as we debate both the continuing resolution and the President's budget. I would like to talk just a little bit about some of the decisions that we have to make today as we discuss this this morning.

As some of my colleagues have already mentioned, the proposed continuing resolution that the Republicans have put on the table has draconian cuts that will not move our country forward. Whether it's cuts to the National Institutes of Health and investigating important research that we have before us, cuts to our infrastructure or education, arts and culture, cuts to our police protection and fire protection in our home communities, this budget does not do what the American people need, and it will not move us forward.

The proposed continuing resolution has made one particular cut that I want to discuss in more detail. For a party that refers to itself as ''the party of jobs'' and says they want to move the economy forward, I am very disturbed to see that they are slashing the funding for the Economic Development Administration, and I am here to say that doing so will pull the rug out from the very people who are creating jobs and helping turn our economy around.

Last year, I brought the administrator of the Economic Development Administration to Maine; and he saw firsthand, as he well knew, how EDA funding could help make it possible to build a new freezer facility in the city of Portland. This is a critical infrastructure improvement for our already struggling Maine fishermen. This

would make it possible so that they would not have to send their catch off to another State or even another country to be processed. If we can build that freezer in Portland, hundreds of jobs could be created, and our working waterfronts could be strengthened.

Also in Maine, the community of Brunswick has been hit by BRAC, a base closure; and they have worked long and hard to develop economic development opportunities that will strengthen that community and reuse the base. They have successfully attracted exciting new projects, including an aircraft manufacturing facility using carbon fiber, high-technology materials and the highest technology in new engineering and building on the site of the former air base.

But those projects and the hundreds of jobs that they will create are counting on the EDA funding to help transform what was once a former Navy base into a civilian economic engine. The economy is just starting to turn around, and eliminating the critical investments we need to keep it going is the last thing we should be doing right now.

I want to say a couple of things too about the President's budget. The President has put forward a budget on the table that does many of the things that we need to have done: investing in infrastructure, science and technology, education, the very kinds of things that will make our country competitive and move us forward. There are many good things in this budget, whether it's eliminating the tax breaks for big oil companies, or no further extensions of tax cuts for the wealthy, or making sure we do increase the Economic Development Administration and invest in economic development.

Investing in health care, continuing to implement the health care reform bill where we are putting money into the critical training of 4,000 more primary care providers—I know that's a huge need in my State and so many other States—as well as working to move forward on the permanent fix to the SGR so that our physicians are adequately reimbursed.

Investments in housing, making sure that the homeless veterans are no longer on the streets anymore and that people have more choices to move forward in housing. Eliminating tax breaks for big oil companies. Making our commercial buildings more efficient, even cutting defense in strategic ways. Up to $78 billion in wasteful spending is cut out of the President's budget. Cutting of the alternative engine for the F–35, which is just wasteful, unnecessary while at the same time he is making sure that our military personnel get a pay raise and that they are recognized and supported.

I do need to discuss one issue in the President's budget that will be a problem for my constituents in Maine. The President's budget proposes to cut LIHEAP funding. LIHEAP funding helps nearly 70,000 Maine households make ends meet by offsetting home heating costs. Funding is especially important for Maine. We have some of the country's oldest housing stock, and we are heavily dependent on oil for heating. In fact, we are the most dependent State in the Nation on oil heat.

The cost of heating oil is going up, from a low of about $2.25 at the beginning of the economic downturn to about $3.35 now. Maine communities are still struggling in the down economy. Slashing funding for this program would not be appropriate, and it must be changed in the President's budget.

DO NOT CUT LIHEAP

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

Mr. ELLISON. Madam Speaker, I come before the House today to talk about a critically important program that I think all Americans need to know about which is hanging in the balance as we approach this continuing resolution. The program I am here to talk about is the Low Income Home Energy Assistance Program, also known as LIHEAP.

LIHEAP is a program commonly believed to be an income-support program. But actually, Madam Speaker, it is not an income-support program. LIHEAP, which provides energy to low-income families, heating oil, things like that, is actually a health program and a program that is designed to make sure that citizens do not have to choose between heat and eat. You do not have to choose between dinner and a warm room. Many of us who are from places like Minnesota, my own home State, but also Michigan, Maine, New Jersey, New Hampshire, add to that many others—Montana, many others, and even some States that we think of as warm-weather States, but in the winter can get cold too—really, people depend upon these programs to really survive.

In my own State, if LIHEAP is cut, many people will simply go without. And of course I have statistics here, Madam Speaker; but rather than talk about statistics, I want to talk about a man who lived in my district who was actually not a LIHEAP recipient but was eligible for the program and didn't use it. He didn't have enough money for his heat, so what he did was he kind of jerry-rigged some space heaters, and he kind of made due. And this caused a fire, Madam Speaker, which resulted in his death.

And when I looked up what really happens, how often people die from space heaters, the numbers are not always consistent, but upwards of 32 percent of all home fires are because of space heaters; and about 75 percent of all home-fire deaths are due to space heaters, deaths.

□ 1050

People die when this happens because they don't have the energy assistance that they need. And our Congress, right now, under Republican majority, is talking about cutting this program even more.

Now, you think about a winter like this one, Madam Speaker, where there have been record snowfalls in many places around our country, and it's been cold since October in Minnesota. And the fact is that programs that provide LIHEAP funding are already running out of money. And if they were drawn back to 2008 spending levels, we would have run out of LIHEAP funding in January. In Minnesota it really does not warm up until around April. And so this is terrible.

Madam Speaker, let me tell you, if you look at young people, kids, statistics show that if a family does not have to put a bunch of money into heating the home the child's diet improves, and the kid has enough to eat before he goes to school, which means that that little girl or that little boy can sit in the classroom without their stomach growling and can actually pay attention to the lesson that's going on because their family has some home energy assistance.

Our seniors are poor. It's about the prescription, or it's about the heated room.

Madam Speaker, it's not right to tell Americans that the wealthiest and most well-to-do among us get their tax break extended, and the poorest among us, well, they can just go get another blanket. That's wrong. We're failing a moral test of our Nation when we do things like this.

Madam Speaker, I want to raise this issue that we consider what we are doing to our society. It's not welfare; it's not income support. It is a health program. It is a health program designed to make sure that Americans don't freeze to death in their own homes. It is a health program designed to make sure that Americans don't have to make awful decisions about medication, about food, and things like this. It is a health program. And it's a program that has done countless amounts of good for many, many people that helps seniors, that helps children.

I'm very proud, Madam Speaker, as I close, to quote a man from my State of Minnesota. His name was Hubert H. Humphrey, and he said, The moral test of a Nation is how it treats people in the dawn of life, our children; people in the twilight of life, our seniors; and people in the shadows of life, the poor and underprivileged.

If we cut low-income energy assistance, we've failed that moral test.

ELIMINATION OF TITLE X FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it has been 6 weeks

now since Republicans assumed control of the House of Representatives, and we have yet to see a single job-creation bill brought to the House floor.

Indeed, just last week we spent roughly 10 hours debating a primary function of Congress, that of congressional oversight, something we already do. Yet still no legislation brought forward to spur job creation.

But while the Republican Congress has yet to bring forward a jobs agenda, they have found plenty of time to bring forward an extreme anti-woman agenda. Just recently we saw the introduction of H.R. 3, legislation that originally sought to redefine the definition of rape. Yes, that's right, legislation that would change rape from acting without a woman's consent to instead require women to prove force was used in order to prove rape.

It remains to be seen whether Republicans working on this legislation have shelved their plans to redefine rape and whether they will revise the language in H.R. 3. Still, 163 Republicans signed on as cosponsors of the bill with the forcible rape language included.

But the extreme anti-woman agenda doesn't stop with attempting to redefine rape. This week the House will vote on an amendment introduced by Representative MIKE PENCE that would eliminate family planning and lifesaving preventive care to millions of individuals each year. Mr. PENCE's amendment does this by eliminating title X funding.

Since 1970, the title X family planning program has been a key component of our Nation's health care infrastructure and an essential element in the winning strategy to reduce unintended pregnancies. Efforts to cut the title X program would take away funding from essential women's health care providers like Planned Parenthood.

Today, title X serves over 5 million low-income individuals every year. In every State, women and men rely on title X for basic primary and preventive health care, including annual exams, lifesaving cancer screenings, contraception, and testing and treatment for sexually transmitted diseases.

In fact, in 2009 alone, title X providers performed 2.2 million Pap tests, 2.3 million breast exams, and over 6 million tests for sexually transmitted diseases including nearly 1 million HIV tests.

And preventive care isn't limited to cancer screenings and education on how to avoid STDs. Title X actually reduces the number of abortions. In fact, title X services help prevent nearly 1 million unintended pregnancies each year, almost half of which would otherwise end in abortion.

Planned Parenthood and the title X program provide vital family planning services which help improve the life of the mother and the child. Indeed, family planning keeps women and children healthy. Studies have shown that when women have better access to family planning, it leads to healthier outcomes for both mother and child.

When women plan their pregnancies, they are more likely to seek prenatal care, improving their own health and the health of their children. In fact, access to family planning is directly linked to declines in maternal and infant mortality rates.

Eliminating the national family plan program will result in millions of women across the country losing access to basic primary and preventative health care and to the providers that offer these services. Without title X, more women will experience unintended pregnancies and face potentially life-threatening cancer and other diseases that could have been prevented.

The simple fact is that this proposal is anti-woman and anti-family.

Now, I know that we're all interested in finding ways to cut Federal spending, and Representative PENCE's amendment to eliminate funding for title X is framed in the context of fiscal responsibility.

But even more important than cutting spending is asking the question, are we reducing the deficit? Unfortunately, the answer to whether the Pence amendment would also cut the deficit is ''no.'' That's because title X actually saves taxpayer dollars. Since many of the patients served by title X are on Medicaid, preventative care like cancer screenings and contraceptive counseling actually means fewer costs to the taxpayer in the long run. Indeed, for every public dollar invested in family planning, $3.74 is saved in Medicaid-related costs. That's savings to both Federal and State governments.

Every year, Planned Parenthood works tirelessly to help to improve the health of communities across this country. Efforts to undermine the title X program and this essential health care provider are not only reckless, they are also anti-woman, anti-child, and anti-taxpayer.

Can we please stop the relentless attack on women, stop pursuing the divisive anti-woman legislation and focus on job creation and spurring economic growth once and for all?

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 58 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

You, Lord God, are our beginning and our end. For us to be aware of this leads to gratitude and petition.

So we praise and thank You for all the blessings of the past which bring us to this present moment.

We seek Your continued guidance and wisdom to accomplish great deeds in Your Holy Name and give You glory both now and forever.

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 Illinois (Mr. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

RETURN TO FISCAL SANITY

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

Mr. FITZPATRICK. Mr. Speaker, this week marks an important turning point in restoring fiscal sanity to our country as we begin consideration of a measure that will reduce Federal spending by over $100 billion. Many Members of Congress committed to this reduction, which would return Federal spending to 2008 pre-stimulus levels. This is more than just a promise, Mr. Speaker; this is fundamental to the health of our economy and the future security of our Nation.

The consideration of spending cuts must be careful and deliberate. The budget of every department must be scrutinized while keeping in mind the promises made to our constituents, mine in the Eighth District of Pennsylvania and the millions of Americans who showed concern with our growing deficit.

It is notable that, for the first time, this resolution will be considered under an open rule to allow this process to be collaborative. I am sure at times it will be trying, but I am looking forward to working with my colleagues towards the collective goal of reducing our deficit.

The Federal deficit did not get out of hand overnight, and it certainly will

not be fixed overnight, but serious and substantial cuts must be made. The $100 billion mark is not arbitrary but, rather, marks an important milestone on the road to a sustainable Federal budget. It requires tough choices, but choices that must ultimately be made for the economic health and security of this generation and the next.

RESUMES FOR AMERICA

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

Mr. JACKSON of Illinois. Mr. Speaker, the book of Matthew says, ''For where your treasure is, there will your heart be also.'' That is a prescription for judging the priorities of politicians. We've seen the President's heart in his budget proposal. We've seen it in the continuing resolution that my Republican colleagues have offered.

At a time when they're needed the most, vital safety-net programs are on the chopping block: funding to help low-income Americans with their heating bills, grants to States and cities for community development, Pell grants, and much, much more.

In the midst of the worst economy most of us have ever seen, we are cutting the legs of the unemployed, the underemployed, and the economically insecure right out from under them.

It is clear to me that the President's tax deal with Republicans did not consider the depths of the Nation's historic unemployment problem.

So I'm reissuing my call for unemployed Americans to send their resumes and stories to resumesforAmerica@mail.house.gov. We must organize ourselves. The unemployed party is larger than the tea party.

No jobs are promised, but I will put your story in the CONGRESSIONAL RECORD so that our government that is supposed to be of, for, and by the people can begin to live up to the true meaning of its creed.

ResumesforAmerica@mail.house.gov.

CONTINUING RESOLUTION

(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. You know, every Texas family must live within a budget. I don't understand why the Federal Government can't do the same. To get our fiscal house in order, we need to cut spending, balance the budget, pay down the debt, and shrink the deficit.

As a fiscal hawk, I know that in November the American taxpayers voted for Congress to roll back the failed stimulus spending, stop bailing out Wall Street, end Government Motors, stop saving Fannie and Freddie, and defund and repeal ObamaCare.

Plain and simple, the American people want Washington to tax less, spend less, and borrow less.

The CR represents some tough choices, but I know the American public is willing to make some sacrifices now so we can make a brighter and better future for our children and grandchildren tomorrow.

KEYSTONE XL PIPELINE SAFETY

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

Mr. COHEN. Mr. Speaker, the State Department is in the process of determining whether it should grant a Presidential permit for the construction of TransCanada's Keystone XL Pipeline, which could deliver up to 900,000 barrels of tar sands oil a day from Alberta, Canada—over 2,000 miles—to refineries on the U.S. gulf coast.

The proposed Keystone XL Pipeline will put communities along its path at unnecessary risk by using conventional technology to carry a blend of raw tar sand oil called diluted bitumen. Diluted bitumen is more corrosive and more likely to cause pipeline leaks than conventional oil. Already the Keystone I Pipeline, which came online just 6 months ago, has experienced seven leaks, and that is for a pipeline that TransCanada claims is the ''safest ever built.''

Considering the significant dangers of piping bitumen, I find it troubling that the pipeline's route goes directly through the Ogallala Aquifer in the Midwest, which provides clean drinking and irrigation water to most of America's heartland. Despite the dangers of tar sands oil, U.S. regulators do not delineate between this new product and standard petroleum.

We need new regulations. We need to put on hold the planned tar sands pipeline Keystone XL.

CONTINUING RESOLUTION

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

Ms. HANABUSA. Mr. Speaker, we are here to speak about the CR, this continuing resolution, which is going to set forth the budget for the rest of this fiscal year. Yes, it is true we all have a responsibility for the budget, but the bottom line for each and every one of us is how does this budget affect us, how does it affect the people that we represent? Let's look at what the CR does.

I think we all know that in the creation of jobs we must invest in America. We must invest in each and every one of you. When you look at a CR that basically eliminates and puts a chilling effect on all of the major investments that we need, we know that's not the right way to go. But more importantly than that, this is a CR that's going to cut, cut the future, cut those students, 200,000 of them, who rely on Head Start. We all know that we've got to invest in them now. It's also going to cut those middle class kids who are going to college on Pell grants $800 a piece.

So when we hear about the budget generally, let's not forget, it's the people. It's the kids that matter.

CONTINUING RESOLUTION

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

Mr. JOHNSON of Georgia. Mr. Speaker, the Republican CR is another broken promise that will eliminate thousands of good paying jobs in construction, law enforcement, research, education, and public safety. This is just more of the same, and this turns us into a pink slip Nation. I believe that's what the goal of the Republicans is, and this bill will cost us jobs today, tomorrow, and in the future by failing to invest in our infrastructure and by failing to invest in education.

Mr. Speaker, the mistakes the majority intends to make today will not be very easy to reverse, and I urge the majority to keep its promise to America, which is it's all about jobs.

□ 1210

PROVIDING FOR CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011, AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 92 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. No amendment to the bill shall be in order except: (1) those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII dated at least one day before the day of consideration of the amendment (but no later than February 15, 2011); and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who submitted it for printing or a designee and shall be considered as read if printed. When the committee rises and reports the bill back to the

House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1, clause 2(f) of rule XXI shall not apply to amendments addressing objects within more than one suballocation made by the Committee on Appropriations under section 302(b) of the Congressional Budget Act of 1974.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of February 17, 2011, providing for consideration or disposition of H.R. 1.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my new friend, the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, House Resolution 92 provides for a modified open rule for consideration of H.R. 1. This bill reaffirms our commitment to fiscal responsibility by implementing two main pillars of our pledge to America: to cut discretionary spending and to ensure an open and bipartisan debate.

If you had told me 6 months ago that I would have been standing here on the floor of the House handling my very first rule on the floor of the House and that we would have been succeeding on two pillars of the pledge to America, I would have told you that might have been wishful thinking. But we have come together as a House, not as Republicans, not as Democrats, but as a House to bring this process forward today.

Now, you know, Mr. Speaker, as an experienced Member of the Rules Committee in a former life, how unusual it is to have an open process on a continuing resolution. I daresay, even the dean of the House, the gentleman from Michigan, has not seen a continuing resolution come to the floor under the open process that we're bringing it to the floor under today. And that's important, because as I listened to 1-minutes this morning, and I heard some folks on the left and heard some folks on the right who weren't quite happy with the way H.R. 1 turned out, that was an important consideration over the past 4 years, even over the past 10 years, over the past 20 years, because if you weren't happy with the way a continuing resolution turned out when leadership brought it to the floor, too bad for you. You didn't have a voice. You didn't have a vote. You didn't have a process. It was take it or leave it. Whether it was Republican leadership or whether it was Democratic leadership, take it or leave it. In the 112th Congress, our new leadership said we can do better, we have to do better, and the American people deserve better. And today, we are fulfilling that promise.

This open process will allow any Member, Republican or Democrat, to come to the floor today, tomorrow, bring their amendments to the floor so that they can say, We don't think you got it right. My 600,000 constituents back home want to make a change. We think we can do better. We think you did too much. We think you didn't do enough. The first time a continuing resolution has come to the floor in this open process. I ran on that commitment of openness, Mr. Speaker, and I believe in that commitment of openness.

I can't tell you how many times I said that if Speaker NANCY PELOSI rammed a bill through in the middle of the night, that was wrong. And if Speaker Newt Gingrich rammed a bill through in the middle of the night, that was wrong. That right and wrong are not partisan issues. Right and wrong are American issues. I can't tell you how much I enjoyed our Rules Committee hearing last night, Mr. Speaker, where we had the ranking member and the chairman of the Appropriations Committee come forward, lay out competing views about where they think we should take spending in this country, and then agree to come to the floor over the next several days to offer amendments, to work through that process, to make sure that at the end of the day, no longer do we have a take-it-or-leave-it leadership bill from either side of the aisle; that at the end of the day, we have a bill that was truly the work product of this new 112th Congress of this people's House. And it's just with tremendous pride, Mr. Speaker, that I take part in this debate today.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I want to thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I come to the floor today still waiting for the majority to give us a chance to vote on legislation that will create jobs. We are now 6 weeks into the 112th Congress, and we have yet to see a jobs bill from the Republican majority. It's high time the majority party allows us to debate and vote on legislation to get Americans back to work. Instead today, we are debating dangerous and reckless legislation that will cut American jobs and seriously threaten our ability to build upon our fragile economic recovery.

At a time when many Americans are still struggling to find employment, the Republican majority proposes a spending bill that ends construction projects, takes police off the street, and halts innovation that spurs job creation. This stands in stark contrast to the President's 2012 budget proposal that lowers our Nation's deficit and creates jobs for Americans by investing in national priorities like education, infrastructure, and emerging energy technology.

Unlike some within the Republican Party, the American people are not looking to completely cripple the Federal Government and leave the Nation to the corporate elite. Americans have repeatedly expressed a desire to make smart investments in our national priorities that leave our country more competitive now and into the future, and I stand today with the American people.

The Republicans' slash-and-burn budget does nothing to achieve this goal. It even cuts the most fundamental public services, ending policing programs and defunding educational reform efforts here in the United States. As nations like China and India pour money into the research and development of solar panels, wind power, and high-speed trains, creating thousands of jobs for their citizens, the Republican majority is removing the most fundamental investments in comparable American jobs. This reckless approach not only destroys jobs today but also in the months and years to come.

This is a critical time in America's history, and if we are to compete with nations like China to create jobs in the United States and win the global marketplace, we must support our own Nation with smart, targeted cuts that will lower the deficit but invest in American jobs.

As I said, 6 weeks into the new Congress, and we are still waiting to see this smart, targeted plan to get Americans back to work. Instead, we see this hastily drawn up CR that takes a meat axe to the middle class. And as America waits, the global economy moves ahead, leaving us behind.

As the 112th Congress was sworn into office, we were bombarded with promises that an open and transparent process would make a triumphant return to this House floor. But as we now consider our first appropriations bill, we continue to stand here waiting for that grand return.

□ 1220

Mr. Speaker, while this rule may have the word ''open'' in the title, I assure you this is not an open process. Through last-minute changes, convoluted parliamentary maneuvers, and a pre-printing requirement, the Republican majority has provided an extremely convoluted and restrictive process.

An open rule means that as the legislative process proceeds, as an amendment passes, it may spark an idea for an amendment that another Member may choose to offer with the changes that are made in the legislation. This rule takes away that ability.

Also, the Republicans adopted, in a party-line vote at 9 p.m. last night, a parliamentary sleight of hand that blocks the transfer of any money from one part of government to another. This means you cannot use an offset from one part of the bill to increase spending in a different part. In all my years serving in Congress, I have never seen such a blanket prohibition, and yet the leadership would have us believe this is an ''open process'' and that this is ''regular order.''

To top it all off, Republicans have even given themselves an escape hatch with a martial-law provision of the rule which will allow them to report out a new rule for H.R. 1 that shuts down the amendment process without the normal 1-day waiting period.

This convoluted process has once again illustrated that the Republican Party continues to believe that claiming the sky is green will make it so. The truth is, you can't create jobs with a press release. You can't fix the Nation's health care system with a clever tag line, and you can't create an open and transparent Congress by creating an open rule in name only.

My fellow Democratic colleagues and I are committed to living within our means, while investing in the programs and policies that will help our country compete and win the global future. The Republican majority's continuing resolution couldn't be more dangerous to these values that we all hold dear.

I urge my colleagues to stand up for our communities, support legislation that creates jobs, strengthens the middle class while reducing our deficit. Today's CR does not meet this threshold and, as a result, I urge my colleagues to vote ''no'' on today's rule.

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

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

Mr. Speaker, you've caught me both on my first rule on the floor and a day where I am just so pleased to be here because of the things that are going on here today, because of the changes that I believe in, both in terms of fiscal responsibility and in terms of openness here in the process.

Now, I understand this rule isn't going to make everyone happy. It doesn't make me happy because we're only here today, and it's been very confusing for folks back home, Mr. Speaker. We talked so much about receiving the President's budget on Capitol Hill yesterday. Of course, that was his budget for FY 2012. We're still here working on the budget for 2011. This is the fifth continuing resolution that we've had to try to get that process right, and it's the first one since I've been sworn in that we've been involved in.

Now, I can tell you, as much of a voice as you have in this continuing resolution today, we have not seen this much debate or this many amendments in the last four continuing resolutions combined. In fact, I'm told that last night more than 400 amendments were filed to be eligible to come to the floor.

Now, I hear from my friends on the Democratic side of the aisle, for whom I have deep respect and admiration, that they believe this bill was put together in a hasty process. I'll tell you, we've been working on this bill day and night for weeks.

But then I hear from my friends that they're disappointed that we have a pre-printing requirement to allow for the thoughtful consideration of amendments, and they would rather it just be a willy-nilly process that happens here on the floor as folks come up with good ideas, one by one.

Well, I'll tell you, I look forward to that process. I very much hope we can have that as the appropriations bills move forward.

But, folks, this is a time of urgency. We have troops in harm's way overseas. We have economic development projects going on around this country that have no idea after March 4 whether there will be a single nickel available to support their cause. No idea. It is no way to run a government. And, again, to put credit where credit is due and blame where blame resides, both parties, over the last decade, have been guilty of this horrendous practice of bringing continuing resolutions to the floor.

Today we bring forward a bill that will put a stop to this process, that will get us through the end of 2011 and allow us to go through regular order to bring the remaining appropriations bills to the floor. And it's a process I very much look forward to.

I see my friend Mr. MCGOVERN in the Chamber this morning. He and I had a discussion last night in the Rules Committee about how to go after some, what I would call, egregious tax subsidies, those things that happen on the tax side of the ledger that shouldn't happen. I believe in a fair code. I believe in a code that's transparent, that people understand. You'll see my fair tax pin that I'm wearing here today. I believe in fundamental tax reform.

But today we only have a chance to talk about FY 2011 spending. I want to have that discussion about fundamental tax reform. I want to have the discussion that the gentlelady from New York wants to have about entitlement reform because I know precisely what my colleagues know, which is if we're going to be serious about budgets, that's where the dollars are, that's where the growth is, that's where the change has to come.

But today we have, because it's an open process, simply one bill that we can deal with, simply one idea that we can deal with, and that one idea is spending for FY 2011.

It would have been easy, Mr. Speaker, for this new House to have punted on making tough decisions. It would have been perfectly legitimate for this new House to say, we didn't cause this problem, we inherited this problem from last year's Congress, and we're just going to continue a continuing resolution on until the end of the year because we don't have the time or the commitment to start making tough choices. But we didn't. And I'm just so proud that we didn't.

What we said is, we have 7 months left in the year. Let's start right now. Let's start right now; and let's lay these ideas out one by one by one, not in big general terms, but in specifics, line item by line item by line item across literally thousands of appropriations accounts.

And we didn't say it's my way or the highway, Mr. Speaker. We said, if you have a better idea, if you have a better idea, come to the floor and let's talk about it. If you have a better idea, if we did too much here, tell us where we did too much and tell us how we can do better. And if we did too little here, tell us where we did too little and tell us how we can make it better.

I so look forward, at the end of this rules consideration, as we pass this rule and move forward in the general debate, to being able to engage in those amendments one by one, not in a back room somewhere, not off in the corner where it's just the leadership involved, but here on the floor of the people's House, for all of America to see, line item by line item by line item about where our priorities are.

Now, I'll tell you, Mr. Speaker, you know, as I know, that every nickel we collect in Federal revenue today goes to fund entitlements and service our national debt. And every nickel that we spend on every program we're going to talk about today, every program on the discretionary side, on the non-defense discretionary side, is a nickel that we borrow.

So when we talk about are these things good to do, I promise you that that's not where my heart is today. I know there are some good programs out here that are doing good things. What I also know is we're borrowing every nickel to fund those programs from our children and our grandchildren. When we talk about priorities, one of those priorities is paying for what it is we commit this Nation to.

Again, my good friend Mr. MCGOVERN was very persuasive last night when he said, for Pete's sake, they are programs I don't agree with; but dadgummit, if we're going to be involved in them, we ought to fund them; and I couldn't agree with him more. That's hard.

We received the President's budget just yesterday; and over a 10-year window, our systemic deficit never falls below 3 percent of GDP. We don't even qualify to join the European Union. We are so devoid of fiscal responsibility at this point in our Nation's history that we do not even qualify to join the European Union. I tell you, Mr. Speaker,

that's a low standard. We should do better. We should do better. We can do better. We brought H.R. 1 to the floor today, this rule, we'll bring it to the floor this afternoon so that we can do better.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds just to say that what I really would love to see us debating today is how we're going to get out of Afghanistan and stop paying 8 billion borrowed dollars a month for that.

Also, in an editorial printed today, The New York Times said what I think a lot of us are saying, that this bill will cut vital government functions and not have any lasting impact on the deficit.

[From the New York Times, Feb. 14, 2011]

THE OBAMA BUDGET

On paper, President Obama's new $3.7 trillion budget is encouraging. It makes a number of tough choices to cut the deficit by a projected $1.1 trillion over 10 years, which is enough to prevent an uncontrolled explosion of debt in the next decade and, as a result, reduce the risk of a fiscal crisis.

The questions are whether its tough choices are also wise choices and whether it stands a chance in a Congress in which Republicans, who now dominate the House, are obsessed with making indiscriminate short-term cuts in programs they never liked anyway. The Republican cuts would eviscerate vital government functions while not having any lasting impact on the deficit.

What Mr. Obama's budget is most definitely not is a blueprint for dealing with the real long-term problems that feed the budget deficit: rising health care costs, an aging population and a refusal by lawmakers to face the inescapable need to raise taxes at some point. Rather, it defers those critical issues, in hopes, we assume, that both the economy and the political environment will improve in the future.

For the most part, Mr. Obama has managed to cut spending while preserving important government duties. That approach is in stark contrast to Congressional Republicans, who are determined to cut spending deeply, no matter the consequences.

A case in point: the Obama budget's main cut—$400 billion over 10 years—is the result of a five-year freeze in nonsecurity discretionary programs, a slice of the budget that contains programs that are central to the quality of American lives, including education, environment and financial regulation.

But the cuts are not haphazard. The budget boosts education spending by 11 percent over one year and retains the current maximum level of college Pell grants—up to $5,500 a year. To offset some of the costs, the budget would eliminate Pell grants for summer school and let interest accrue during school on federal loans for graduate students, rather than starting the interest meter after graduation.

Those are tough cutbacks, but, over all, the Pell grant program would continue to help close to nine million students. The Republican proposal would cut the Pell grant program by 15 percent this year and nearly half over the next two years.

The Obama budget also calls for spending on green energy programs—to be paid for, in part, by eliminating $46 billion in tax breaks for oil, gas and coal companies over the next decade. Republicans are determined not to raise any taxes, even though investing for the future and taming the deficit are impossible without more money.

The budget would also increase transportation spending by $242 billion over 10 years. It does not specifically call for an increased gas tax to cover the new costs, though it calls on Congress to come up with new revenues to offset the new spending. Republicans want to eliminate forward-looking programs like high-speed rail.

The budget is responsible in other ways. It would cap the value of itemized deductions for high-income taxpayers and use the savings to extend relief from the alternative minimum tax for three years so that the tax does not ensnare millions of middle- and upper-middle-income taxpayers for whom it was never intended. For nearly a decade, Congress has granted alternative minimum tax relief without paying for it.

House Republicans want to leave military spending out of their budget-cutting entirely, but Mr. Obama's budget reduces projected Pentagon spending by $78 billion over five years. If anything, Mr. Obama could safely have proposed cutting deeper, as suggested by his own bipartisan deficit panel.

The bill for the military is way too high, above cold-war peak levels, when this country had a superpower adversary. There's a point where the next military spending dollar does not make our society more secure, and it's a point we long ago passed.

Mr. Obama's budget also includes a responsible way to head off steep cuts in what Medicare pays doctors. It would postpone the cuts for two years and offset that added cost with $62 billion in other health care savings, like expanding the use of cheaper generic drugs.

But not all of Mr. Obama's cuts are acceptable. The president is proposing a reduction by nearly half in the program that provides assistance to low-income families to pay for home heating bills. Shared sacrifice need not involve the very neediest.

Ideally, budget cuts would not start until the economic recovery is more firmly entrenched. But the deficit is a pressing political problem. The Obama budget is balanced enough to start the process of deficit reduction, but not so draconian that it would derail the recovery.

The same cannot be said for the plan put forward by Republicans last week. It would amputate some of government's most vital functions for the next seven months of fiscal year 2011. (They haven't even gotten to next year yet, never mind the more distant future).

Real deficit reduction will require grappling with rising health care costs and an aging population, which means reforms in Medicare, Medicaid and Social Security, as well as tax increases to bring revenues in line with obligations.

Mr. Obama's budget does not directly address those big issues, but doing so would require a negotiating partner, and Mr. Obama, at present, does not have one among the Republican leaders in Congress. His latest budget is a good starting point for a discussion—and a budget deal—but only if Republicans are willing participants in the process.

I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

□ 1230

Mr. POLIS. Mr. Speaker, America's top priority is creating jobs. But here we are, 6 weeks into the 112th Congress, and the Republican leadership has yet to bring a single jobs bill to the floor.

Once again, we're here today to exercise one of our primary constitutional responsibilities as Members of Congress, to pass appropriations legislation to fund the many basic and essential programs of the Federal Government on which millions of Americans rely. Today is an incredible opportunity for Republicans and Democrats to work together to bridge the gap between parties and pass a bill that meets our shared goals of creating jobs, building infrastructure, and strengthening the economy.

Sadly, the Republican leadership has brought to the floor a continuing resolution that jeopardizes American jobs and our economic future by rolling back investments that are necessary and important to help our private sector grow and help create jobs.

This CR thoughtlessly makes extreme cuts to appease an extreme wing of the other party at the expense of the American people. This CR arbitrarily kills jobs. It would set our country back decades in scientific research simply because Republicans don't like what the science says. Worst of all, it puts our children's health at risk by handcuffing the EPA's ability to please polluters.

The Clean Air Act guards the most vulnerable Americans, those with asthma, lung disease, children, older adults, people with heart disease and diabetes, from the dangers of airborne pollutants. Each year the act prevents tens of thousands of adverse health effects, including asthma attacks, heart attacks, and even premature death. This year alone, it was estimated by the U.S. Environmental Protection Agency that the Clean Air Act will save 160,000 lives. Yet Republicans plan to starve this lifesaving agency of its funding.

Mr. Speaker, building an excellent public education system that provides each and every American the opportunity to succeed is the most important investment we can make in our future. As President Obama said in his State of the Union address, it is not just about how we cut but what we cut. Education is an investment in our future, and we can't sacrifice our future. But Republicans, through this CR, seem to be willing to sacrifice our future to meet an arbitrary campaign pledge. By cutting to the heart of the learning needs of American children and youth through this extraordinary and nonsensical measure, Republican lawmakers clearly don't understand the meaning of investing in our future as a nation.

Mr. Speaker, at the State and local level, my home State of Colorado also receives a slap in the face from this continuing resolution. A year ago, Highway 36, the highway that connects Boulder to Denver, was awarded a $10 million TIGER/TIFIA Challenge Grant through the Recovery Act to expand one of the most used and heavily congested highways in our State. The $10 million Federal investment helped to leverage additional funds in the area, creating $276 million in employment income and 7,200 jobs. This project impacts 191,000 employees, 10 percent of our State's total.

This CR would rescind $9.1 million in funding without thought to details or consequences upon which the rest of the funding is built. This is a critical grant for Colorado that we were promised and received leverage.

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

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. POLIS. Colorado's U.S. 36 corridor won the TIGER award because it was one of the most innovative projects in the country. Mr. Speaker, Rome wasn't built in a day, and we can all agree that no State or community should be punished for being innovative.

The American public needs and deserves real solutions. I encourage my colleagues to oppose the rule for this CR, as well as the underlying CR, to prevent the irresponsible impact of this Republican spending bill.

Mr. WOODALL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 1. This Congress must step up to reverse our Nation's mounting deficit and debt, and this measure before us today takes an important step. This is an important effort, and we need to cut wasteful and duplicative spending. But the reality is these kinds of cuts will never get us to a balanced budget.

Let's be honest. Only 16 percent of our Nation's spending is in non-security discretionary accounts. Today, we are cutting over $100 billion from just 1/6 of the Federal spending.

The infamous bank robber Willie Sutton once said that he robbed banks because that's where the money is. In our government, the money is in entitlements. For those who are concerned about funding for the sciences and education and medical research and infrastructure, as I am, the way to ensure that our Nation can pay for the programs so many people care about is to deal with the mandatory spending entitlements.

The President's State of the Union address was disappointing. He had a national forum to step up and embrace the recommendations of the National Commission on Fiscal Responsibility. The Bowles-Simpson Commission clearly recognized the looming fiscal crisis and offered a framework for a serious national conversation to begin on entitlement issues, and do it in a bipartisan way. I didn't agree with every recommendation and would have tried to change some. But had I been appointed to the commission, I would have voted with Senator COBURN and Senator DURBIN for the report. If those Senators, from far opposite sides, could come together for the good of the country, then where is the President?

As important as it is to tighten the Federal discretionary spending bill, we will only continue to tilt at windmills with a budget ledger if we don't deal with the entitlements—Medicare, Medicaid, and Social Security.

I believe the opportunity is to come together in a bipartisan way to put everything on the table to deal with it. Also, we need the President to step up to the plate and to be an honest broker on this issue and to lead the Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in very strong opposition to this rule and to the underlying continuing resolution.

The spending bill that the Republican leadership is bringing before the House today is reckless, thoughtless, and heartless; and, most disturbingly, it's a jobs killer. I believe that the best way to reduce our deficit and long-term debt is to grow our economy, to help businesses create jobs.

At a time when our economy is emerging from the worst recession in our lifetimes, when millions of Americans are out of work and millions more are struggling to make ends meet, this continuing resolution takes exactly the wrong approach.

Instead of making needed investments in education, medical research, infrastructure, and other priorities, this bill takes a meat axe to them. Instead of strengthening the middle class on Main Street, this bill gives sweetheart deals for Wall Street. Instead of investing in our workers, it protects special interest subsidies for big oil companies and hedge fund managers.

A few weeks ago on this floor, Republicans told us that veterans programs, education, child nutrition, and health care research would be protected. It is clear now that those were empty promises, Mr. Speaker.

For veterans, the bill eliminates a program that offers housing vouchers for homeless veterans. In education, the bill decimates the Pell Grant program by reducing the maximum award by $800 and by cutting another $4.9 billion from other education programs. For child nutrition, the bill cuts $750 million from the Women, Infants, and Children's program. And the bill slashes $2.5 billion from the National Institutes of Health, jeopardizing important research into diseases like cancer and Alzheimer's and diabetes. It destroys the Land and Water Conservation Fund, a commonsense program to preserve and protect our natural resources and outdoor recreational space, helping local economies grow.

Mr. Speaker, when we brought up the prospect of these cuts a few weeks ago, we were accused of demonizing the debate. Now that we have seen the numbers before us, I am sad to say it is worse than any of us could have predicted.

I find the cuts in education funding to be particularly troublesome. As President Obama made clear in his State of the Union, we must invest in our children if we are to compete in the 21st century economy. In order to maintain our economic standing, in order to create the jobs of the future, in order to compete against China, we must have a well-educated workforce. So why on Earth would we slash Pell Grants, which help millions of families, 12,000 in my district alone, pay for college? We shouldn't.

This bill will also decimate important lifesaving food aid programs to feed hungry children and refugees. It would literally take the food out of the mouths of some of the most vulnerable people around the world. Mr. Speaker, retreating from the global war against extreme poverty and hunger will undermine not just our moral authority but our national security as well.

I also want to point out that this bill continues the same misguided policy under Republican and Democratic Presidents alike that borrows hundreds of billions of dollars to pay for the wars in Iraq and Afghanistan. If we are truly serious about reducing the deficit, then those wars need to be ended or paid for. Along with my colleagues like WALTER JONES and others, I'm going to continue to talk about this issue. These wars are bankrupting us, and we need to have a meaningful, thorough debate about them.

So again, Mr. Speaker, I believe this continuing resolution contains exactly the wrong prescription for our Nation. We should be focusing on creating jobs and growing our economy. Instead, this Republican bill would lead to more unemployment, more unfairness, and more hardship with the American people.

I urge my colleagues to reject this rule and reject this underlying bill.

□ 1240

Mr. WOODALL. Mr. Speaker, I am proud to yield 2 minutes to the hard-working member of the Appropriations Committee, the gentleman from Georgia, JACK KINGSTON.

Mr. KINGSTON. I thank the gentleman from Georgia for the time.

Mr. Speaker, yesterday we got the President's budget and it was basically more of the same: higher taxes, more spending, more deficits. In fact, it will give us the third year of trillion-dollar deficits. And it made no mention of entitlement reform. In fact, the President ignored the recommendations of his very own hand-picked deficit reduction commission. It was very disappointing. But at the same time I want to work with the President. Where he wants to save money and reduce spending, I think it's important for Republicans to reach out and say yes.

Now it sounds to me like the Democrats want to remove themselves from that process, which is interesting because what we are debating in this $100 billion spending reduction bill is an open rule process where Democrats can put amendments on the board. And if they do agree with us, as I'm sure they do, that for every dollar we spend, 40 cents is borrowed, that our national debt is 96 percent of our GDP right now, and that spending each year is 25 percent of the GDP, a historical high,

then I know they would want to act with us rather than against us and try to address this situation.

So I say to my Democrat friends, if you feel this is too much, then offer your own spending cuts. This is what can change in Washington this year. Rather than having the same old hollow, rhetorical debate, which incidentally doesn't really pull the rug out from the Republican Party; it pulls the rug out from Congress. It damages our own credibility that we can't come together as representatives of a nation and try to move the country forward together.

Sure we can skirmish over things. For example, we've got $8½ billion in earmarks eliminated in this mark. Now maybe they want to restore the earmarks. That's fine. We have a reduction of 149 different spending programs. Maybe they want to restore those. Maybe they want to double that amount.

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

Mr. WOODALL. I am pleased to yield the gentleman 1 additional minute.

Mr. KINGSTON. Maybe the Democrats want to insist that the stimulus money stay in there. We go after the remaining portion, $2 billion. Maybe they think that's a bad thing and maybe we should get more out of it. But rather than just having the same old drama over and over again, hiding behind children and seniors and Pell Grants and everything else, why not come to the table and say, ''Here are our cuts''?

Mr. Speaker, this is 2.6 percent. That is to say that if I owed you a dollar and paid you back 97 cents, sure, you might still want that 3 cents from me, but, you know, you're pretty doggone close. This is a 2 percent reduction in a $3.7 trillion budget.

Now, if the Democrats don't like it, don't call it slashing and burning and all these other descriptions that are lively and make for good rhetoric and good drama. But if anything is irresponsible, it's irresponsible to call a cut of 2.6 percent reckless.

Ms. SLAUGHTER. Mr. Speaker, I am honored to yield 1 minute to the distinguished gentlewoman from California, the Democratic leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentlelady for yielding, and I join her in opposing this rule and urging our colleagues to vote ''no'' on the rule, ''no'' on the previous question, and ''no'' on final passage of the bill.

Voting ''no'' on the previous question will enable us, if it succeeds, to bring to the floor our Build America Bonds legislation. Build America Bonds is supported, outside the Congress, across the board in a nonpartisan way by those who are building America—who are dredging our ports to enhance our trade, who are building our schools to educate our children, who are building our roads and highways and mass transit to get people to work and back, improving the quality of their lives; and in moving people and product again to work and to market, growing our economy.

Creating jobs is the number one priority for Democrats. We have said that we will judge every measure that comes before this House by whether it creates jobs, how it strengthens the middle class and how it reduces the deficit.

Indeed, that is what President Obama's budget released just yesterday will do. It will strengthen our Nation, invest in the future, help create jobs, and grow the economy, while reducing the deficit by $1.1 trillion. It sets us on a path, in President Obama's words, to ''out-educate, out-innovate and out-build the rest of the world.'' That is indeed what we must do.

In terms of innovation and education, the President's budget is a commitment to competitiveness that will keep America number one. In terms of out-building the rest of the world, consider this quote from USA Today:

''Associated General Contractors, a trade group for the construction industry, estimates the plan could create about 5.4 million construction jobs and 10 million more jobs in related industries and the broader economy.''

President Obama's budget is a tough budget and it makes tough choices. I don't agree with everything that the President cut in the budget, but it is a statement of values that we must support. It makes cuts and tough ones in a responsible way. As President Obama said yesterday, we must live within our means and invest in the future.

That is in stark contrast to the Republican legislation we debate today. With severe and indiscriminate spending cuts, it goes too far. This legislation will destroy American jobs while harming middle class families, young adults, seniors, and, yes, even our veterans. Since coming into office, Republicans have not put forward any initiatives to create jobs. Indeed, with this legislation, they are making matters worse. According to an independent study just released, the domestic cuts in this bill would destroy 800,000 public- and private-sector jobs. Democrats are saying to the Republican majority: Show us the jobs. Show the American people where the jobs are.

Just today, Speaker BOEHNER said that if jobs are lost as a result of Republican spending cuts, ''So be it.''

So be it? We believe that our budget should be a statement of our national values. What is important to us must be included in our budget.

Consider what the Republican legislation we debate today would do to diminish our investments in education, halt innovation, destroy good-paying American jobs and make our neighborhoods less secure. Indeed, not even homeless veterans are spared by the Republicans. Our Federal budget, as I said, must be a statement of our national values. We must ask ourselves, is this Republican legislation a statement of our values?

Is it a statement of our values to undermine our commitment to educate the next generation of leaders and innovators? The Republican proposal cuts $800 per student in the maximum Pell Grant award; thousands of teachers would lose their jobs; and in your neighborhood, class size could increase.

Is it a statement of our values to diminish our efforts to create green jobs and fight disease? This bill cuts $1.3 billion in investments to spur the clean energy economy of the future. It cuts more than $1.3 billion for cancer and other disease research.

In terms of innovation and education, the President's budget is a commitment to competitiveness. This legislation is not.

Is it a statement of our values to destroy jobs and undermine investments in our roads, schools and bridges to rebuild America? Tens of thousands of new construction jobs would be lost and 76 projects to upgrade our roads in your districts and bridges in 40 States would be canceled. I mentioned earlier what the general contractors said about creating millions of jobs in the industry and 10 million more jobs indirectly.

□ 1250

Is it a statement of our values to diminish the public safety of our neighborhoods? There would be up to 3,000 fewer cops on the beat in your neighborhood and 2,400 fewer firefighters on the job in our communities coast-to-coast; 3,000 fewer cops on the beat and 2,400 fewer firefighters in our communities coast-to-coast.

Is it a statement of our values to cut funding for homeless veterans? If there was one example of where this goes too far—think of it: Republicans want to eliminate $75 million from an initiative that offers housing vouchers to our homeless vets. It is a very effective initiative. Republicans want to cut it.

And is it a statement of our values to deprive women of primary care? When it comes to health and education, Republicans put women and children last.

Democrats and Republicans must work together to ensure our Nation lives within its means. That is for sure. We must continue to aggressively attack waste, fraud, and abuse, and we will subject every taxpayer dollar we spend to the toughest scrutiny, ensuring that the American people are getting their money's worth. But Republicans have not presented a responsible plan for addressing the deficit. We believe we can cut the deficit and create jobs. To do so, we must invest in the future.

Democrats do not subscribe to Speaker BOEHNER's verdict that if jobs are lost in this continuing resolution, so be it. Maybe so be it for him, but not so be it for the people who are losing their jobs. Instead, we support President Obama's budget to out-innovate, out-educate, and out-build the rest of the world.

That is why, Mr. Speaker, I urge my colleagues to vote no on the previous

question, no on the rule, and no on the underlying bill. Let's put this aside and get on with the business the people sent us here to do: Creating jobs, reducing the deficit, strengthening the middle class, and protecting the American people.

Mr. WOODALL. Mr. Speaker, at this time I am proud to yield 2 minutes to a hardworking member of the Appropriations Committee, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I rise in support of the rule and the continuing resolution.

Mr. Speaker, we would not be in this position this afternoon if the leadership of the last Congress let the Appropriations Committee do its work last year, to act on the President's budget proposal when it came out, to debate our bills in full committee, to debate our bills on the floor. So that is why we are here today. It would have been great if last year's House leadership had actually listened to the American people.

We would not be in this situation if the President and the congressional leadership hadn't borrowed billions of dollars, mortgaging our future, to spend on multiple stimulus bills and bailouts that did little to create private-sector jobs and restore consumer confidence.

The Department of Energy alone had $39 billion in stimulus money, all, I might say, borrowed—$9 billion more than its entire budget. It was a recipe for waste, a scatter gun approach that raised many public expectations but in the end provided few achievements and fewer yet jobs. In many cases it created businesses in the energy sector that could not survive without more government funding. To me, it created false markets. As some described it, it was more money than some knew how to deal with.

For months, those dollars were not obligated, much less spent, hiring up people in the public and private sector that the White House and the House and Senate leadership knew would eventually be laid off. Some might call it a job Ponzi scheme, a blank check owed to our children.

So here we are this week to pick up the pieces, right-size the ship of state, stop spending money we don't have, and restore trust for the American people that has been badly broken.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 10 seconds to just say, in a column printed Sunday in The New York Times, prize-winning economist Paul Krugman said the bill will sacrifice the future. He also said, ''Republicans don't have a mandate to cut spending; they have a mandate to repeal the laws of arithmetic.''

[From the New York Times, Feb. 13, 2011]

EAT THE FUTURE

(By Paul Krugman)

On Friday, House Republicans unveiled their proposal for immediate cuts in federal spending. Uncharacteristically, they failed to accompany the release with a catchy slogan. So I'd like to propose one: Eat the Future.

I'll explain in a minute. First, let's talk about the dilemma the G.O.P. faces.

Republican leaders like to claim that the midterms gave them a mandate for sharp cuts in government spending. Some of us believe that the elections were less about spending than they were about persistent high unemployment, but whatever. The key point to understand is that while many voters say that they want lower spending, press the issue a bit further and it turns out that they only want to cut spending on other people.

That's the lesson from a new survey by the Pew Research Center, in which Americans were asked whether they favored higher or lower spending in a variety of areas. It turns out that they want more, not less, spending on most things, including education and Medicare. They're evenly divided about spending on aid to the unemployed and—surprise—defense.

The only thing they clearly want to cut is foreign aid, which most Americans believe, wrongly, accounts for a large share of the federal budget.

Pew also asked people how they would like to see states close their budget deficits. Do they favor cuts in either education or health care, the main expenses states face? No. Do they favor tax increases? No. The only deficit-reduction measure with significant support was cuts in public-employee pensions—and even there the public was evenly divided.

The moral is clear. Republicans don't have a mandate to cut spending; they have a mandate to repeal the laws of arithmetic.

How can voters be so ill informed? In their defense, bear in mind that they have jobs, children to raise, parents to take care of. They don't have the time or the incentive to study the federal budget, let alone state budgets (which are by and large incomprehensible). So they rely on what they hear from seemingly authoritative figures.

And what they've been hearing ever since Ronald Reagan is that their hard-earned dollars are going to waste, paying for vast armies of useless bureaucrats (payroll is only 5 percent of federal spending) and welfare queens driving Cadillacs. How can we expect voters to appreciate fiscal reality when politicians consistently misrepresent that reality?

Which brings me back to the Republican dilemma. The new House majority promised to deliver $100 billion in spending cuts—and its members face the prospect of Tea Party primary challenges if they fail to deliver big cuts. Yet the public opposes cuts in programs it likes—and it likes almost everything. What's a politician to do?

The answer, once you think about it, is obvious: sacrifice the future. Focus the cuts on programs whose benefits aren't immediate; basically, eat America's seed corn. There will be a huge price to pay, eventually—but for now, you can keep the base happy.

If you didn't understand that logic, you might be puzzled by many items in the House G.O.P. proposal. Why cut a billion dollars from a highly successful program that provides supplemental nutrition to pregnant mothers, infants, and young children? Why cut $648 million from nuclear nonproliferation activities? (One terrorist nuke, assembled from stray ex-Soviet fissile material, can ruin your whole day.) Why cut $578 million from the I.R.S. enforcement budget? (Letting tax cheats run wild doesn't exactly serve the cause of deficit reduction.)

Once you understand the imperatives Republicans face, however, it all makes sense. By slashing future-oriented programs, they can deliver the instant spending cuts Tea Partiers demand, without imposing too much immediate pain on voters. And as for the future costs—a population damaged by childhood malnutrition, an increased chance of terrorist attacks, a revenue system undermined by widespread tax evasion—well, tomorrow is another day.

In a better world, politicians would talk to voters as if they were adults. They would explain that discretionary spending has little to do with the long-run imbalance between spending and revenues. They would then explain that solving that long-run problem requires two main things: reining in health-care costs and, realistically, increasing taxes to pay for the programs that Americans really want.

But Republican leaders can't do that, of course: they refuse to admit that taxes ever need to rise, and they spent much of the last two years screaming ''death panels!'' in response to even the most modest, sensible efforts to ensure that Medicare dollars are well spent.

And so they had to produce something like Friday's proposal, a plan that would save remakably little money but would do a remarkably large amount of harm.

Mr. Speaker, I yield 2 minutes to my fellow New Yorker (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise in opposition to the rule and, more importantly, in opposition to the underlying legislation.

I think we all recognize that we must make painful cuts, we must make difficult cuts, but I think it is important to recognize that there is a real difference between painful cuts and difficult cuts and cuts that are destructive, and I want to focus on an area where I think the cuts will be particularly destructive. They will be destructive to ambition, destructive to aspiration, and destructive to our ability to maintain a vibrant economy, and those are the cuts maintained in this legislation that would take $6.5 billion, $6.5 billion in one year, out of the student financial aid program, cutting Pell Grants by $5.6 billion, almost $5.7 billion, and cutting SEOG, a program that has been in existence since the late 1960s, completely eliminating it to the tune of $800 million a year. These cuts are destructive.

The most powerful tool that we have to put our economy back on track is an educated workforce, and the most powerful tool we have to bring about the fiscal stability that we need in this country is a growing economy. That is not possible unless we have an educated workforce.

Sixty-three percent of the jobs that will be created over the next 6 years will require post-secondary education. Ninety percent of the jobs that are expected to be the highest growing areas—science, technology, math, health care—require a post-secondary education. And yet the response of the current leadership of this Congress to that is to cut funding that allows students to go on to college. It is wrongheaded and, frankly, it is destructive of our future, and I would urge that my colleagues vote against it.

I will make one last point. The gentleman from New Jersey just said the Democrats did not listen to the American people last year. That is a continuing refrain. Well, the American

people have spoken loudly and clearly about education cuts. Sixty-one percent of them believe that the Federal Government should spend more on education and only 11 percent believe that we should cut education.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) will control the time on the minority side.

There was no objection.

Mr. WOODALL. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Georgia for the time.

Mr. Speaker, what a difference a new Congress makes. We have seen in the last 4 years on the Appropriations Committee a lack of any kind of transparent open process. This last year on the other side of the aisle when they were in control, they didn't even pass a budget, a blueprint for spending. And that is why this year, Mr. Speaker, we have a $1.65 trillion deficit. One year, $1.65 trillion. We can't continue.

The President's budget that he brought up, which is not just dead on arrival, it is debt on arrival, what this says is that we are going to double the privately held national debt, another $7 trillion. This is not fiscal restraint. This is not sanity.

I have four grandchildren, and the reason I am here is to make sure that they have a future. We cannot continue this outrageous spending that is going on in Washington. And when you look at this bill that we are talking about on the floor, $100 billion off of the President's proposal for this past year, that is less than 1/16th of the annual deficit. It is scratching the surface. But because there has been no budget, there has been no fiscal restraint at all in the previous two Congresses, this thing has totally grown way beyond what is comprehensible by any normal person.

That is why, Mr. Speaker, this is the first step to bring some fiscal sanity back to Washington, D.C., to actually understand what the ramifications are long-term in spending. We cannot continue. And it is amazing to me in this rule to have an open process, where people can actually have amendments, I have had some Democrat colleagues come up and say, you mean, we are actually going to have amendments? They don't know how to handle that, because we have had a closed process for the last 4 years. We have second term Members of Congress that have never seen an open rule on an appropriations bill. Let's pass this rule and get our house in order.

□ 1300

Mr. MCGOVERN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my friends on the other side of the aisle talk about the need to be fiscally responsible. I tried last night to offer an amendment in the Rules Committee that would simply say that we should pay for the war in Afghanistan, that we should not continue to borrow the money. Last year, we borrowed $450 billion. That went onto the credit card. And that means our kids and grandkids will have to bear that burden. That amendment was not made in order. I couldn't offer that amendment.

We talked last night about the giveaways to big oil companies and the need to get at those subsidies. The way the bill is written, we can't do it. We can't do it. So it's not so open.

I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, we do believe that reducing our deficit is one of the ways to instill confidence and create jobs. So, Mr. Speaker, I have a proposal for consideration. We give away $4 billion a year in tax breaks to oil companies. Last week, the former CEO of Shell Oil Company said they don't need these tax breaks any more because they would search for the oil anyway; and, by the way, these companies made about a 53 percent profit last year.

So here's the proposal I would like to make: Let's do away with the $4 billion in oil company tax breaks. Let's take 80 percent of that money and use it to reduce the deficit, and then let's take the remaining 20 percent of the money and spend it on programs for homeless veterans.

There was a report last week that 16 percent of the homeless in our country are veterans of the military service. This is obviously a condition that's a disgrace to our country and should be stopped. So my proposal under this open rule is that I be permitted to offer an amendment that says let's get rid of the tax breaks for the oil companies, put 80 percent of the money to reducing the deficit, and spend the other 20 percent to help the homeless veterans living on the streets of our country.

Now, it's my understanding, reading this rule, that I will not be permitted to offer that amendment. I would yield to anyone on the majority side if they could tell me whether they agree with my interpretation of the rule. Would I be permitted to offer the amendment that I am proposing on the floor?

Mr. WOODALL. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Georgia.

Mr. WOODALL. I appreciate the gentleman's yielding. As a newcomer here to the U.S. House of Representatives, I would certainly defer to the Parliamentarian; but I'm encouraging everyone to bring every amendment. Bring every amendment, Congressman, to the House floor and offer that amendment for debate and discussion.

Mr. ANDREWS. Reclaiming my time, I would then respectfully ask the gentleman if the majority would then not lodge a point of order when my amendment comes to the floor.

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

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. I yield to my friend, the gentleman from Georgia, to respond.

Mr. WOODALL. I would say to the gentleman that having an open process and abiding by the rules of the House is critical to getting our work done. And if the rules of the House permit this amendment, I look forward to supporting it.

Mr. ANDREWS. Reclaiming my time, I would just read the words of our Speaker on opening day when he said to us, You will always have the right to a robust debate in an open process that allows you to make your case and offer alternatives.

Always. I'm not sure if ''always'' applies to this rule.

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

Mr. MCGOVERN. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the Committee on Appropriations.

Mr. DICKS. I appreciate the gentleman, Mr. MCGOVERN, yielding.

I want to stand here today and tell you that we're all worried about the economy. We're all worried about getting people back to work; we have 9 percent unemployment. But the reality is there are a lot more people who have lost their jobs who have given up looking or are underemployed. This is the most serious economic problem we've faced since the Great Depression.

Now, unfortunately, the choice of the majority is to cut very substantially into programs that are in the domestic accounts and $15 billion from defense. We all understand we have got to get spending under control and we have to eliminate waste, fraud, and abuse. We have to look at this oil subsidy issue, which the oil companies even are embarrassed about.

But what I worry about here is with this approach we are going to hurt the economy. We are going to drive unemployment up. We're going to drive the deficit up. And it is countercyclical. When you cut this much spending, it is going to hurt the fragile recovery, and it's not going to put people back to work.

The other side seems to think that by making these cuts that the private sector is going to say, ''aha'', and invest all kinds of money and create jobs to offset these cuts. As the Democratic majority leader has just said, there are highly regarded studies out there that show that 800,000 jobs will be lost because of this bill. That will have a major negative impact on the economy.

Also, one program that I looked into and I hope we can fix is the voucher program for homeless veterans. This has been a program that's been going on for about 3 or 4 years. Homeless veterans can get a voucher and go through

their public housing authorities and get a place to live. There are almost 30,000 people in this program; and the ones that are in it are doing better—less alcohol, less drugs. They're getting jobs. They're feeling better about themselves. And there is a need, according to General Shinseki, now head of the VA, for another 30,000 of these vouchers.

This money is in the 2012 budget request. It was in the 2010 budget request. The majority decided to terminate this program. I would hope we could reconsider that. The program is working, and we need another 30,000 of these vouchers.

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

Mr. MCGOVERN. I yield the gentleman an additional 15 seconds.

Mr. DICKS. The most recent data indicates that 10,000 of these veterans are from the Iraq and Afghanistan war. These are young people coming back who have served their country, and they deserve to have these vouchers if they need them. And we should restore this program. Again, I think we should vote against the rule, vote against the previous question.

Mr. WOODALL. Mr. Speaker, I am very proud to yield 3 minutes to a true American patriot, a lover of this country, the gentleman from Iowa, Mr. STEVE KING.

Mr. KING of Iowa. I thank the gentleman from Georgia, and I'm very glad to welcome him to the United States Congress. He knows a little bit about what's going on around this organism that we live and work and breathe in.

I come to the floor during this rules debate to raise a subject that I think needs to be brought before this Congress, Mr. Speaker, and that's this: that even though this House in H.R. 2, the second priority of the Speaker, voted to repeal ObamaCare and sent that bill over to the Senate where it was taken up and every Republican voted to repeal ObamaCare—so every Republican in all the United States Congress has voted to repeal ObamaCare. It was bipartisan in this House, by the former Speaker's definition. And even though that took place, we did not shut off the funding to ObamaCare because in a—I won't say a legislative sleight of hand—there was written in the ObamaCare bill automatic appropriations that just last week we were able to pull all those pieces out and add them up and we received a CRS report last Friday that shows that $105.5 billion are automatically triggered for spending that will implement ObamaCare whether or not we shut off the funds in this CR going forward. These are automatic appropriations.

I believed—and I've seen it for a long time and worked on this thing ever since mid-last summer—that we need to shut off all funding to ObamaCare in every appropriations bill going forward. And we had the assurance that we would have regular order. Well, the regular order that we have is an open rule that closes out an amendment that would shut off the funding that's automatically appropriated by ObamaCare. If we'd actually had a full regular order, I could have brought that amendment before a subcommittee of Appropriations—asked someone to do—or the full Appropriations Committee. And actually, at the request, I followed all those paths until such time it wasn't written into the bill, as was shutting off funding to transferring people out of Gitmo or cutting off the 1099 or the stimulus plan of the President's.

All of that is written out in the bill, but nothing is in the bill that allows us to write out the automatic $105 billion dollars. So we're faced with the automatic institutionalization of ObamaCare even while we cut this budget $100 billion. So I went to Rules last night and asked Rules, Protect my amendment from a point of order so this House can work its will.

□ 1310

Even though I have great respect for all of the members of the Rules Committee, and the tone and tenor of the debate and the dialogue in there could not have been better, the Rules Committee declined to do that.

I am here on this floor now, asking myself: How do I vote ''yes'' on a rule that I so oppose?

That's my position, Mr. Speaker. I think that, if we fail to act now, now while we have the maximum amount of leverage and the one of two pieces of must-pass legislation—that is the CR, and next is the debt ceiling bill—to shut off the funding to implement ObamaCare, we will have missed our chance. By the way, every appropriations bill will come to the floor with the same kind of rule that will block out anyone from offering any legislation that will shut off the funding, the automatic appropriations to ObamaCare.

So as much as it pains me to be standing here at this point, I can't figure out how I can vote ''yes'' on a rule that I so oppose.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend from Massachusetts.

I was very interested to hear the comments from our friend from Iowa. I couldn't sympathize more with him, and I know I will have his support later in opposing a point of order to an amendment I have to restore Metro funding here in the National Capital region and to offset it with some cuts in certain agricultural subsidies.

Mr. Speaker, today we debate the rule on the full year continuing appropriations act for 2011. While I understand and support the need to establish long-term fiscal responsibility, to reduce spending, to reduce the deficit, and to grow the economy, H.R. 1 is not the way. It takes a meat ax to American competitiveness and actually destroys jobs.

That's why I introduced the Build America Bonds Now to Create Jobs Act, legislation to extend the successful Build America Bonds program, a jobs bill. Creating jobs grows the economy, encourages American innovation, and positions us to remain the global economic leader. During the past 2 years, $4.4 billion from the Recovery Act leveraged $181 billion worth of projects to construct and repair schools, bridges, roads, and transit systems in more than 2,270 projects in every State of the Union.

According to Moody's Analytics chief economist and JOHN MCCAIN's 2008 Presidential campaign adviser, infrastructure investments in the Recovery Act resulted in 8 million new or protected jobs that otherwise would have been lost in 2009 and 2010. By extending the Build America Bonds program, we can do more.

I ask my colleagues to oppose this closed rule and to support the amendment to bring the Build America Bonds Now to Create Jobs Act to the floor. Let's create jobs. Let's grow the economy. Let's unleash America competitiveness.

Mr. WOODALL. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from the freedom-loving State of Idaho (Mr. SIMPSON).

Mr. SIMPSON. First, let's discuss the rule because we are here debating the rule.

Mr. Speaker, this is essentially an open rule. Yes, it does have a requirement for preprinting, but any Member can offer any amendment they want as long as they preprint it. Now, I understand my colleagues on the other side of the aisle might not like that. It's kind of foreign to them. For the last 4 years, we've had rules come to the floor that were closed. Members didn't have an opportunity to amend them. In fact, if we were under the previous leadership, what we would have here is a closed rule, an hour's debate on this CR. We would pass it and it would be done. Members wouldn't have an opportunity to influence the legislation before us.

This is part of this majority's promise that we are going to open the process and let the Members of Congress, the elected Representatives of the people, have a say in how we craft this legislation and in how it turns out in the long run. I don't understand, frankly, why Members would oppose the rule. I can understand their opposition to the underlying bill, but to oppose the rule makes no sense whatsoever.

Secondly, I rise in support of the underlying legislation. It is tough. The other side of the aisle continues to say all the right things: We've got to make tough decisions. We've got to enforce tough love. We've got to reduce the deficit. We've got to cut our spending. I hear those words and those phrases by every speaker who has come up. Yet

they oppose every effort to try to reduce the spending of the Federal Government as if it is a drastic reduction in what's going to happen and as if it's going to destroy our economy and destroy the Federal Government. Frankly, none of that is true.

Remember, as the gentleman from Iowa did say, we've got a $1.65 trillion deficit in this budget, $1.65 trillion. That's on top of the $14 trillion we're already in debt.

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

Mr. WOODALL. I yield the gentleman an additional 30 seconds.

Mr. SIMPSON. There is no magic bullet. We know we can't balance this budget simply by reducing non-security, non-defense spending.

Yet as the saying goes: The journey of 1,000 miles begins with a single step. This is that first step.

Yes, we have to get after the entitlement programs if we're going to reduce this deficit. Yes, we have to look at all of our tax structure if we're going to get after this deficit; but we've got to do what the American people instinctively know is the right thing to do, which is to get back to a balanced budget and quit endangering the future of our children and grandchildren.

Mr. MCGOVERN. Mr. Speaker, I would like to have entered into the RECORD a statement as to why this is not an open rule and about the restrictions that are on Members who are wishing to offer amendments.

WHAT'S WRONG WITH A MODIFIED OPEN RULE?

A modified open rule such as this one imposes several restrictions on Members wishing to offer amendments:

It stifles the free flow of debate by preventing Members from offering amendments inspired by the debate or by other amendments.

Several years ago Chairman DREIER succinctly explained why an open rule is superior to a modified open rule. He said: "An open rule means that as the legislative process proceeds, as an amendment passes, it can spark an idea for an amendment that another Member may choose to offer with the changes that are made in the legislation."

A modified open rule also limits Members' ability to respond to changes on the floor that would require redrafting an amendment.

And the rule in front of us goes even further than any modified open rule I've ever seen by adding the unprecedented provision that prohibits using offsets from one subcommittee allocation to transfer funds to a different subcommittee allocation.

The rule finally provides for same day consideration of another rule for H.R. 1, which will allow the Republican Majority to report out a new rule shutting down the amendment process and take it to the floor that very same day. We haven't even begun debate, and already Republicans have prepared to further restrict this supposedly open process.

I think Chairman DREIER said it best just last month when describing a rule even less restrictive than this one. He said: "This is not an open rule. I want to make it very clear to all my colleagues again: This is not an open rule."

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I rise not only in strong support of the rule but also in strong support of the continuing resolution.

The American people didn't send us here to pass promises. They didn't ask us to start making tough choices next year. There is always next year, but our effort to rein in the size, scope, and cost of the Federal Government has got to start right now. This continuing resolution honors our commitment, starting with funding for the remainder of the 2011 fiscal year.

As chair of the Financial Services Subcommittee of the Appropriations Committee, I want to say that our financial services section contains a total of $20.4 billion, which is a $3.8 billion, or a 16 percent, reduction from fiscal year 2010 levels, and a reduction of $4.9 billion, or 19 percent, from the President's fiscal year 2011 request.

Reductions of this magnitude are really challenging but are very necessary given the fiscal situation facing the Nation. Priority funding in this bill is focused on the most essential programs, such as security for the courts, counterterrorism, financial intelligence operations, as well as drug task forces. Yet other programs can easily achieve the new efficiencies this fiscal environment demands, especially at the executive office of the President and the Treasury Department. These agencies should set an example for the rest of the executive branch by recognizing significant budget savings.

For the IRS, the committee believes the agency can achieve efficiencies and has reduced its funding accordingly. In addition, the bill prohibits the IRS from using CR funding to implement the 1099 provision in the health care reform act, which would cause great harm to our small businesses.

It also requires the GSA to become more efficient, and it eliminates funding for construction or major alterations to Federal buildings that have been earmarked in the past by Congress and by the President.

Government has to be accountable to the people and so must government spending. This bill strikes that balance, and it makes priorities at a time when our Congress and our country must begin to face some very tough choices.

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

Mr. WOODALL. Mr. Speaker, I am very pleased to yield 2 minutes to the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I want to begin by complimenting my friend. He has an amazing honor. He is able to make history here. We've not been able to find a time that a continuing resolution has been brought to the floor under a modified open rule, and he has done a suburb job in managing it.

I didn't really hear my friend from Worcester say much of anything, so I suspect he did a reasonable job in recognizing that we are making history and that we are going to, for the first time, allow any Democrat or Republican to stand up on this floor and offer an amendment to the appropriations bill that is going to be before us, the continuing resolution.

□ 1320

I think that, Mr. Speaker, it is important for us to recognize that it's not only a new day when it comes to the process in this House for us to consider appropriations bills, but it's a new day in that we have stepped forward and recognized that if we don't get our fiscal house in order and bring about dramatic spending cuts, our future is very much in question. And I say that because people used comparisons to crazy places like Greece and California when they talk about the potential problems that the United States of America faces. And I've got to say that, if we don't bring about these kinds of spending cuts, we are going to be passing on to future generations a responsibility that they do not deserve to have. That's why it's up to us to do our job and make sure we get our fiscal house in order.

I mean, as the distinguished chair of the Committee on Appropriations, Mr. ROGERS, has said so well, the cuts in this bill that are going to be before us are larger than the gross domestic product of 126 countries, and that's why we've got a monumental responsibility and a chance for Democrats and Republicans together to work on this thing.

And I'm so pleased to see my friend NORM DICKS, the distinguished ranking member, already working on his great product that's going to be coming forward as we seek to have the two of us come together as political parties to resolve our Nation's challenges.

Mr. MCGOVERN. Mr. Speaker, I will yield myself the balance of my time.

Mr. Speaker, Democrats very much want to eliminate wasteful spending. We are committed to making the tough choices to get this budget more balanced, to get our deficit reduced, and start paying down the debt. That's not the issue. The issue is where do you make those cuts.

My friends on the other side of the aisle talked about shared sacrifice. Well, the only people that seem to be sacrificing under their approach are middle-income families and the poorest of the poor in our country. A few weeks ago, at their insistence, millionaires and billionaires got an extension of the Bush tax cuts at a cost of billions of dollars in terms of more borrowed money added on to our deficit. So the

Donald Trumps of the world are not sacrificing.

Big Oil is not sacrificing. Just to put it into perspective that BP, Chevron, ConocoPhillips, ExxonMobil, and Shell made a combined profit of over $1 trillion during this past decade, and yet taxpayers are subsidizing Big Oil companies. Why? And for all the talk about how open this rule is, we can't come up with an amendment that is germane or that will be made in order to go after the subsidies because they are protected.

I mentioned, earlier, the war. We borrowed $450 billion last year. Our soldiers are sacrificing, their families are sacrificing, and we're not paying for the war. We're just putting it on our credit card. That is unconscionable, and yet an amendment is not eligible to be brought up to insist that we pay for this war.

So where do they cut? Education, more than 200,000 kids kicked out of Head Start and thousands of teachers would lose their jobs. An $800 reduction per student in the maximum Pell Grant award. Innovation, 20,000 fewer researchers supported at the National Science Foundation trying to find a cure to cancer; a $1.4 billion reduction in science and energy research to spur a clean energy economy of the future; $2.5 billion in cuts to the National Institutes of Health, again, trying to find cures for diseases like cancer, diabetes, Alzheimer's. If we found a cure for Alzheimer's, we would never have another problem with Medicaid again. Yet you are cutting back on those important investments. High-speed rail being cut back. A loss of 25,000 construction jobs if your bill becomes law. You're cutting cops and firefighters, and yet we're protecting the very wealthy in this country. We're protecting subsidies to major oil and gas companies. It is just wrong, Mr. Speaker.

Mr. Speaker, I would urge my colleagues to defeat the previous question so that I can offer an amendment to the rule to provide that, immediately after the House adopts this is rule, it will bring up H.R. 11, the Build America Bonds to Create Jobs Now Act.

Unlike the irresponsible bill the Republicans want to bring up, which will cut jobs, threaten American innovation, and slash initiatives that create economic growth, this bill will spur job creation here at home by extending through 2012 the successful Build America Bonds to help State and local governments finance the rebuilding of American schools and hospitals, water systems and transit projects at significantly lower costs.

It has been calculated that every $1 billion in Federal funds invested in infrastructure creates or sustains approximately 35,000 jobs and $6.2 billion in economic activity.

Build America Bonds are broadly supported by American business, the construction industry, and President Obama, as well as State and local governments. And at a time of fiscal restraint, they're a good deal for the American taxpayer, wisely using small public investments to leverage significant private funds to rebuild America and create jobs.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so that we can debate and pass real jobs legislation. The American people want us to talk about jobs and how to create jobs and protect jobs. This will do it.

So I urge a ''no'' vote on the previous question and a ''no'' vote on the rule.

I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I will say again, I can't believe that here on my first rule we have an open process; for the first time in the history of this House, the best I can tell, an open process on a continuing resolution. Now, we're only dealing with this continuing resolution because of the mess we were left in last year, and we're doing the very best we can with it.

You've heard words like ''draconian,'' ''decimates,'' ''slashes.'' I want to put it in terms that I think we can all understand. I want you to think about it in terms of your family grocery budget, Mr. Speaker. If you went to the grocery store today and bought your groceries for a month, our friends on the other side would have you believe that we want you to fast for an entire day, because that's about what it is, this $100 billion, about 1 day out of a month's grocery budget.

But if you took that 30 days of groceries and you spread those 30 days around—and that's what we do under an open process. We let you spread it around—add where you want to add; cut where you want to cut; spread that around. Can we do that? Can we do that as a very first step towards getting our fiscal house in order? Not only can we do it, Mr. Speaker, we must do it.

I'm grateful to the leadership for allowing us to do it. I urge a strong ''yes'' vote on the rule.

The text of the material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 92 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to extend the Build America Bonds program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 4 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he

then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. WOODALL. 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.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. WOODALL. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 17

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 17, 2011, Friday, February 18, 2011, or Saturday, February 19, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 28, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, February 17, 2011, through Friday, February 25, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 28, 2011, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

□ 1330

The SPEAKER pro tempore. The question is on the concurrent resolution.

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

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 92; adopting House Resolution 92; and adopting House Concurrent Resolution 17.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011, AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 92) providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 14, as follows:

[Roll No. 38]

YEAS—240

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

NAYS—179

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
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
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
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
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Berkley
Carnahan
Clay
Culberson
Giffords
Hoyer
Lewis (GA)
Lowey
Nadler
Rush
Scott, David
Tierney
Watt
Young (FL)

□ 1355

Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. RUPPERSBERGER, and Mr. ACKERMAN changed their vote from ''yea'' to ''nay.''

Messrs. PEARCE and YOUNG of Alaska changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

THE HOUSE WORKS BEST WHEN THE HOUSE IS ALLOWED TO WORK ITS WILL

Mr. BOEHNER. My colleagues, I think a lot of you know that I have always believed that the House works best when the House is allowed to work its will.

I think all of you know that we are embarking on a more open process in this Congress, and it will start today with the consideration of this continuing resolution.

I take to the well to suggest to the Members that we want all Members to be able to participate in the debate here in the House. We also want to keep our commitment to the Members to meet the schedule that we have outlined for everyone. That means, as we go through the next couple of days, I am going to ask Members on both sides of the aisle to try to bring your amendments together, to try to respect the amount of time that is being taken so that all Members have an opportunity to be heard and to participate in the debate.

We have never had an open process for a continuing resolution in our history; so we are into some uncharted waters. I am ready to expect whatever. But I do believe that this process is important for all the Members, and I want this week for all of us to get started down this road working together so that, as we get into the weeks and months ahead, we can show the American people that the House can work together, the House can work its will. And, at the end of the day, I think the American people will be better served by our service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 174, answered ''present'' 2, not voting 15, as follows:

[Roll No. 39]

YEAS—242

Adams
Aderholt
Alexander
Altmire
Amash
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
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
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—174

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
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
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—2

Bachmann
King (IA)

NOT VOTING—15

Akin
Berkley
Carnahan
Clay
Culberson
Giffords
Hoyer
Landry
Lewis (GA)

Nadler
Napolitano
Rush
Tierney
Watt
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1406

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. LANDRY. Mr. Speaker, earlier today I was unavoidably detained during rollcall vote No. 39, the vote on H. Res. 92, providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. Had I been present for this vote, I would have voted "aye."

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The unfinished business is the question on adoption of the concurrent resolution (H. Con. Res. 17) providing for an adjournment or recess of the two Houses, which the Chair will put de novo.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 176, not voting 14, as follows:

[Roll No. 40]

AYES—243

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fattah
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
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—176

Ackerman
Andrews
Baca
Bachmann
Baldwin
Barrow
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
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 (CA)
Lipinski
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)
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Berkley
Carnahan
Clay
Giffords
Honda
Hoyer
Lewis (GA)
Nadler
Rehberg
Ros-Lehtinen
Sewell
Tierney
Watt
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1413

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 1 and insert extraneous material thereon.

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

There was no objection.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

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

□ 1414

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. 1) making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. LUCAS 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.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

The continuing resolution on the floor today represents the largest reduction in non-security discretionary spending in the history of the Nation. It funds the Federal Government for the remainder of the 2011 fiscal year, but, most importantly, Mr. Chairman, it answers taxpayers' callings to right our Nation's fiscal ship, making specific, substantive and comprehensive spending reductions, cutting more than $100 billion, compared with the President's fiscal 2011 budget request.

This CR reverses a trend of out-of-control Democrat spending over the last 2 years that has increased overall discretionary funding, including stimulus, by 84 percent in 2 years. Never before has Congress undertaken a task of this magnitude, but never before have we been faced with a deficit crisis of this scale. The government is borrowing over 40 cents of every dollar that it spends.

Our constituents sent us a clear, decisive message in the last election. They want government to spend less, stop undue interference in American lives and businesses, and take action to create jobs and get our economy moving again. Through the Republican Pledge to America, we made the commitment to do just that, and today we offer the first step in fulfilling these promises by presenting a spending package to the American people that makes deep but manageable cuts in nearly every area of the government.

This bill is about shared commitments and shared sacrifice. Make no mistake: These cuts will not be easy, and they will affect every congressional district. But they are necessary and long overdue. Although we recognize that every dollar we cut has a constituency of support, an association, an industry, individual citizens who will disagree with our decision, these cuts are the necessary difficult work by our subcommittees to make the smartest and fairest reductions possible.

No stones were left unturned, no programs were held sacred. The Appropriations Committee went line by line to craft a responsible, judicious CR, one that will allow our economy to thrive, our businesses to create jobs and our national security to be strengthened. Our subcommittees scoured the budget for wasteful activities and cleaned out excessive and unnecessary spending, while prioritizing the most essential and effective programs, including $460 million for accelerating the process through which veterans resolve their health care claims and an additional $13 million for increased oversight of the Troubled Asset Relief Program, TARP.

The CR includes absolutely no earmark funding and eliminates all previous earmark funding from fiscal year 2010, saving taxpayers approximately $8.5 billion. Furthermore, it includes a provision to eliminate any unobligated stimulus funding approved in the American Recovery and Reinvestment Act, another $5 billion of taxpayer dollars saved.

As we help put our Nation's budget back into balance, we are finding real savings that are justifiable to the American people and that will stop the dangerous spiral of unsustainable and irresponsible deficits.

In addition, this CR is only the first of many appropriations bills this year that will significantly trim Federal spending. It is hard-and-fast proof that we are serious about returning our Nation to a sustainable financial and fiscal path.

□ 1420

However, so that we can continue the important work of reducing spending in our regular budgetary work for this year, the House, Senate, and White House must come together to complete this process before March 4, when our current funding measure expires. It is critically important that the House move this CR to avoid a government shutdown and get these spending cuts passed by the House, over to the Senate, and let them act their will to avoid a shutdown, and then get the bill to the President. The American people expect no less.

I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, it is clear that a debt crisis is looming. There is no denying that we need a comprehensive plan to reduce the debt over the long term. What the majority offers instead in this bill is a one-dimensional focus on the smallest segment of spending in the Federal budget. We believe that at this time we should be putting everything on the table: discretionary spending, entitlements, and taxes. Without a more comprehensive approach to this debt crisis, we cannot effectively change the trajectory and begin to bring our public debt downward. Without a more comprehensive budgetary approach, what we would be offering to the American people would be what Alan Simpson has called ''a sparrow's belch in the midst of a typhoon.''

As we address the debt crisis, it is fundamental that we should first do no harm to the fragile economic recovery. Here I am just echoing what many others have said. As the bipartisan Fiscal Commission put it, ''In order to avoid shocking the fragile economy, the Commission recommends waiting until 2012 to begin enacting programmatic spending cuts, and waiting until fiscal year 2013 before making large nominal cuts.''

Fed Chairman Ben Bernanke in his testimony last week to the House Budget Committee said, ''To the extent you can change programs that will have long-term effects on spending and revenues, that will be a more effective and credible program than one that focuses only on the current fiscal year. The right way to do this doesn't put too much pressure on the ongoing recovery.''

As the Democratic leader just said, there is a recent analysis done by the Economic Policy Institute that says a full $100 billion cut to discretionary spending would likely result in job losses on the order of 994,000, using OMB's GDP projections and CBO projections based on current law, and assuming a fiscal multiplier of 1.5 percent.

So this is a very serious matter. We Democrats support dealing with waste, fraud, and abuse. We want to see a program. I personally support President Obama's 5-year freeze on domestic spending, with puts and takes, because it doesn't cut as much in the first year. This is all about timing. And I recognize that my colleagues over on this side of the aisle believe and think that what they're doing is going to have a positive economic effect and that this will somehow create economic activity and lower the deficit, lower unemployment. I hope and pray they're right, because if what I think and most economists—reputable economists—think is true, this will have a negative effect and hurt the economy and hurt the people that are out there who are unemployed.

So I think we need to think about this very, very carefully. And cuts of this magnitude, as the chairman said, have never been done before. We are in uncharted waters. We all recognize that we have to have a plan for the deficit. But the plan has to include entitlements, has to include taxes. Discretionary spending is one-third of the budget. You could cut and cut and cut, and you're still not going to solve the problem.

So, hopefully, we can do what we did in the 1980s with Tip O'Neill and Bob Dole, and that is have a bipartisan approach, like they're doing in the Senate today, where Democrats and Republicans get together and work on all of these issues and come up with a credible plan. That is the way to do this.

And I see my good friend, Mr. YOUNG from Florida. I just want to say that I have enjoyed working with him for over 30 years, and I strongly support the defense part of this bill. The defense part of this bill has been worked out on a bipartisan basis by the Defense Subcommittee. It does make reductions in spending but it does it in a very careful and professional way. And I want to commend the gentleman from Florida for his leadership over the years on national security issues.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the chairman of the Republican Conference in the House, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, if we want to have jobs today, if we want to protect our children from bankruptcy tomorrow,

we've got to quit spending money we don't have. There is a debt crisis in America, and it is spending driven, being led by the President and other friends from the other side of the aisle. It is a true crisis. The Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, has said the biggest threat we have to our national security is our debt. One of these reputable economists that the previous gentleman spoke about, Robert Samuelson, has said this spending could trigger an economic and political death spiral. Democrat Erskine Bowles, who headed up the President's Fiscal Responsibility Commission, said the ''debt is like a cancer. It's truly going to destroy the country from within.'' And what do we have, Mr. Chairman? We have the President presenting a new budget that will again double the national debt in 5 years, triple it in 10, add $13 trillion worth of red ink to the Nation's debt. This is after expanding garden-variety government 84 percent in 2 years, nondefense discretionary. Mr. Chairman, you can't spend money you don't have. Massive debts lead to massive tax increases. Massive tax increases lead to no jobs.

The Chairman of the Federal Reserve has said one of the best ways that we can improve jobs today is to put our Nation on a sustainable fiscal course. And I heard the gentleman say that entitlement spending should be on the table. Clearly, the President hasn't gotten the message. It's not what we saw in his budget. We haven't seen it in any other Democrat budget. So it would be wonderful if we saw it. But we don't see it.

I talk to business people in my own district, Mr. Chairman, like Diane Ford of Kaufman, Texas, a small business lady. When she stares in the face of this debt and she sees the tax increase, she writes, ''Congressman, I couldn't hire any more employees. I couldn't expand my business. I would definitely have to close up shop. As a small business owner, I'm afraid of my future.'' Small business people all around the Nation know that massive debt leads to massive tax increases. It leads to no jobs. If we want to create jobs, we have to take care of this debt.

And think about future generations, Mr. Chairman. I heard from one of my other constituents who said, ''I've never felt so embarrassed and ashamed about anything I've done in my life as I do about leaving this mess in the laps of Tyler and Caitlin, my precious grandkids.'' He's talking about the national debt.

To protect future generations, to create jobs today, we've got to quit spending money we don't have. And I want to congratulate the chairman of the Appropriations Committee for his excellent work in turning the corner.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN), the ranking member of the Interior and Environment Appropriations Subcommittee.

Mr. MORAN. Mr. Chairman, I have been on the Appropriations Committee for 17 years. Eleven of them were under Republican control, eight under a Republican President. And I'm proud of the investments that we've made in this country during those 17 years. We were stronger, more secure, a more productive economy as a result of those investments.

□ 1430

We've improved the lives of Americans. We've cleaned up our water. We've invested in transportation, our national defense, our education system. That's why we have the strongest economy and why, in fact, we continue to be the very best place on the planet to live, to work, and to provide a better future for our children.

What we are doing in this continuing resolution is targeting those programs that are called ''domestic discretionary.'' They represent about 4½ percent of the entire budget, and they have stayed pretty well even. During the Reagan administration, during the Clinton administration, during the Bush administration, which was when we had the lowest job growth ever, they were at about 7½ percent.

The fact is we are not going to balance our budget by targeting that small amount of the budget. The reality is that, when President Reagan left office, tax receipts were about 18.2 percent. They went up a bit during the Clinton administration when we had the greatest expansion ever and when, in fact, people at the highest rate of income tax pocketed more money after taxes than at any time in American history. Right now, they are at 14.9 percent of GDP.

I would suggest, Mr. Chairman, that the problem is not one of not investing enough in our country, but one of the revenue being brought in and its being grossly inadequate. In a historical context, we can prove that to be the case. When revenue goes down that low, our economy shrinks; and it becomes a self-defeating cycle.

Now, in the Interior and the Environment appropriations bill, some of the things we do is take out the program that uses offshore oil revenues for the Land and Water Conservation Fund, which protects our Nation's precious lands. We are going to dramatically cut construction and maintenance at our national parks, refuges and forests. We are going to take the money away from the Governors and mayors throughout the country for the plumbing that goes underneath our land, what's called the Clean Water and Safe Drinking Water Revolving Fund. That's money they desperately need to ensure the public's health. We take it for granted. We won't take it for granted anymore if we stop those grants.

This bill will not create a single new job. In fact, we estimate it will cut about 800,000 jobs, both public and private. That's not worthy of this Congress on either side of the aisle to be cutting jobs. What we need to be doing is investing in jobs, investing in education, and making sure that children who have been born in particularly difficult social and economic conditions have access to Head Start.

Don't cut $1 billion out of Head Start. Don't cut kindergarten through 12 education, which is the seed corn of our future. Those aren't investments. Those are arbitrary cuts. That's not what we have been about, and that's not how we enable this country to be as strong and as great as it is.

I would suggest, Mr. Chairman, that when we do our budget analysis that it be done with a scalpel, like a surgeon would approach it, not with a meat ax. We should respect all of the good work that the appropriations committees have done over the years in making this a better country as a result.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 4 minutes to the immediate past chairman of the committee, the now chairman emeritus of the committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I very much appreciate my colleague, the chairman, for yielding.

Mr. Chairman, some of my colleagues say they are shocked at the spending reductions we have proposed here. No one should be surprised. For the past several years, Congress and the administration have been spending like there is no tomorrow.

Since FY '08, we have increased nonsecurity discretionary spending by almost 25 percent. In some areas, it has jumped by nearly a third in 2 years. Those were historic spending increases, and they don't even include the $800 billion that was in the massive failed stimulus package. That was such a huge amount of money that some agencies still have not been able to spend it 2 years later.

Well, my colleagues, tomorrow is here. The bill is coming due; and if we do not find a way to stop spending, we are headed towards fiscal disaster.

This absolutely should surprise no one. Republicans on the Appropriations Committee have been warning for 2 years that we cannot continue spending this way. We tried to stop it, to at least slow it down; but for the past 2 years we have not even been able to get an amendment to change the direction of our spendthrift ways.

So now we are faced with record deficits. The President's budget predicts an all-time high of $1.65 trillion in red ink next year. We have been warned that the Federal debt limit of $14 trillion must be increased. Within a decade, our Federal debt could equal more than 70 percent of our GDP.

Without question, this kind of spending is going to run our Federal budget off a cliff, and it will do more harm to our economy than we've seen from the current terrible recession. At least a third of our national debt is owned by foreign nations and investors. What will they do if we cannot begin to pay it down?

Last year, we paid nearly $415 billion in interest on our national debt. That is more than we spent on any discretionary government program other than defense. That is hundreds of billions of dollars not being spent to create jobs, not being spent to fix our roads, not being spent to secure our Nation; and it will continue to grow at an ever faster rate as long as we keep running up these huge deficits.

The American people told us last November that it is time to stop. They were alarmed enough to raise questions all over the country. They, indeed, at the polls indicated that we needed to find a new direction. They want fiscal sanity. They want us to stop spending now before it is too late. The spending reductions in this package are extremely painful. The cuts will affect programs supported by every Member of this House. When Americans begin to understand what is being reduced, we will all be receiving calls from people who are asking us to change our minds.

We must resist these calls for more spending. We cannot become Europe, where citizens believe that government can do everything. We cannot let the United States become another Greece or another Ireland or another Portugal—faced with fiscal collapse.

We have to make the decision now. These cuts will seem harsh, but we cannot avoid them. We cannot settle for half measures in the hopes that in 5 or 10 years we will stop adding to this terrible Federal debt. This is just the down payment. We need to begin entitlement reform to really solve our fiscal problems, but we must start now and we must start here.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut, Congresswoman ROSA DELAURO, who is the new ranking member on the Health and Human Services Appropriations Subcommittee and who was the former chairman and ranking member on Agriculture.

Ms. DELAURO. I rise in opposition to this continuing resolution.

Mr. Chairman, Americans want us to work together to address their top priority—creating jobs, fostering economic recovery. Unfortunately, the majority's priorities are deeply out of touch with those of the country.

Democrats are committed to reducing the deficit. We believe, as taxpayers do, that we should start by ending tax subsidies and special interest waste. We should be slashing oil companies' subsidies first. We must make programs accountable and end the ones that do not work. We can no longer afford to continue the tax breaks for the top 2 percent of the country. Republicans are in a reckless rush to slash without regard to the impact on our economy, on the businesses which create jobs or on middle class or working families who are being responsible, doing the best for their families and educating for the future.

□ 1440

They are hitting ordinary, hard-working families with children, our young people trying to get an education, and the elderly. That is their starting point.

Under their budget every student in America receiving a Pell Grant, close to 9 million people, will see their aid slashed by almost $850 a year; 1.3 million students will lose their supplemental education opportunity grants and, thus, the ability to pay for college. Their plan cuts more than 200,000 kids out of Head Start, kids who will forever lose the opportunity for an early childhood education. They cut aid to school districts and special education. They will cut 55,000 Head Start teachers and close down 16,000 Head Start classrooms.

As with education, so too with jobs. In the midst of a recession and a tough labor market, training and employment services, proven-to-work programs are cut now by $5 billion. That means 8.4 million job seekers, flesh and blood human beings, could lose access to this aid completely.

In these tough economic times, it's our low-income seniors who are the most vulnerable. This budget eliminates at least 10 million new meals delivered to the homebound elderly, cuts fuel assistance for them as well. It will force seniors to either go hungry or move into nursing homes and others to have to choose whether to eat or to stay warm.

The challenge is not whether we address the deficit and spending or not. The question is where do we start to cut. Do we start with slashing ineffective programs and special interest waste, like $40 billion in oil company subsidies? Or do we start cutting those that help the middle class, our businesses, and working families with children, and seniors?

Our job is to get this budget back to common sense, to create jobs, to get this economy running again for the people of this Nation. This continuing resolution offered by the Republicans will do neither.

Mr. ROGERS of Kentucky. I yield 3 minutes to the chairman of the Labor-HHS Subcommittee on Appropriations, the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Mr. ROGERS.

Members of this body, I have an obligation as chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education to tell you the simple truth. We're bleeding cash, piling up liabilities, and trying to postpone the day of reckoning; and as a result, America is in a financial free-fall.

In 4 quick years, Congress made what was a spending problem into a spending crisis. We on this side of the aisle wanted to create jobs; you wasted time on a health care reform bill that did not reform health care. While we wanted to build an economy, you wasted time building government. Unfortunately, many in Washington, D.C., especially on Capitol Hill, are in denial.

My colleagues, it's time to stop pretending that the well of wealth in this country is bottomless. We must address spending now, or it will be worse next year.

Two years ago, the Congress passed a stimulus bill totaling nearly $1 trillion. Unfortunately, now we know it did not stimulate. And we know a lot of money went for programs, not necessarily bad programs, but programs that couldn't stimulate the economy. But the biggest travesty of Washington's stimulus spending spree is not that it was a waste of money; it's that the money has been stolen in plain sight from our children and grandchildren. That is what taxation without representation looks like in the 21st century, and it means our Nation's fiscal mess is not just a math problem. It's a moral problem, and we owe it to our children to have much better leadership.

That's why I stand before you with a savings of $23 billion in the three Departments I have responsibility for. No program is immune from waste. So there are no more sacred cows. No law, regulation, or program is perfect or timeless. If something is not working, we will fix it or eliminate it. In my subcommittee, we want to help people, to help train people, to help educate people; but we've learned repeatedly that simply throwing more and more money at well-intentioned programs does not necessarily work.

Those who want to spend money have the burden of proof; and with the debt crisis we face, that burden is a heavy one. Those seeking funding have to prove that the programs are working. Show us the results. Show us that the benefits outweigh the costs. Show us that government can do a better job with this money than the private sector.

This continuing resolution is a change in direction, away from looking to bigger government solutions to empowering individuals and small businesses to create jobs and grow this economy. Anyone who relies on Federal funding has a patriotic duty to look for ways to get by on less for the sake of our country's future today and tomorrow.

Mr. DICKS. I yield 3 minutes to the distinguished former chairman and now ranking member of the THUD Appropriations Subcommittee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding time.

Mr. Chairman, this continuing resolution clearly endangers the fragile recovery of America's economy. While I have the greatest respect for Chairman LATHAM, he has been saddled with an irrational task of cutting $15.5 billion, a 23 percent cut, from the ''Transportation and Housing'' title of the resolution. I cannot fathom how the new majority, which proclaims to be all about

jobs, could as their first piece of business impose deep cuts upon the very programs that have the greatest potential for creating jobs and that provide the necessary foundation for a strong economic recovery.

Specifically, the continuing resolution cuts funding for the Community Development Block Grants program by more than 60 percent to by far the lowest level since the program was created in 1975 under a Republican President, President Gerald Ford. As a result, over 1,200 cities and towns across all 50 States will be forced to shelve local economic development projects in every one of our districts, and the associated 45,000 jobs will be lost.

In addition, the bill proposes to cut over $7 billion in transportation and infrastructure investments. This includes reductions that force Amtrak to lay off roughly 1,500 employees and will halt work on 76 TIGER grants already announced in 40 States and cancel the associated 25,000 construction jobs.

Finally, as we consider the ongoing housing needs of our most vulnerable citizens, this bill reduces by $760 million, a 75 percent cut, programs serving elderly and disabled persons, handcuffing our ability to keep up with the support required to meet the needs of our expanding and aging senior population.

In addition, the $75 million cut to our Veterans Affairs Supportive Housing, VASH, program is frankly appalling. Just last week, HUD released a report indicating that more than 76,000 veterans are homeless on any given night and that vets are 50 percent more likely to be homeless. Yet the majority's bill turns its back on our homeless vets, leaving them literally out in the cold.

Mr. Chairman, while I'm glad this bill does not meet the Republican majority's pledge to cut $100 billion in non-security spending, it will still have a dramatic negative impact on American families, while making no more than a ripple in the ocean of additional national debt caused by the massive tax cuts adopted during the Bush administration, at the very time that America has engaged in two trillion-dollar wars in the Islamic world.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the chairman of the Transportation and HUD Subcommittee on Appropriations, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Kentucky.

Mr. Chairman, I would just maybe respond a little bit to what the gentleman from Massachusetts just said. The fact of the matter is there will not be a veteran, a homeless vet, that will not get a voucher. The fact of the matter is there are 30,000 vouchers available today. Only 19,000 of those have been used. There are 11,000 vouchers waiting; and the problem basically is with the Department, with HUD and VA, as far as trying to write the rules to actually get these people the vouchers they need.

So any kind of characterization that we're putting vets out in the cold is absolutely untrue. You have your opinion, but the facts speak for themselves.

□ 1450

Now also we are not reducing any such section 8 vouchers. They will remain. No one is going to be put out anywhere. We maintain those programs for those folks, and to characterize it in any way differently simply is not factual.

Mr. DICKS. I yield myself 1 minute.

I would say to the gentleman, here is the problem: There are, I think, about 29,000 of these vouchers out there now. And you are correct; some of them haven't been able to find a place to live yet. Secretary Shinseki, who I talked to personally about this, and Secretary Donovan have said there are 60,000 of these veterans who need this voucher. So there are 30,000 more that we need to do. I was shocked when I saw on the list of terminations that your side decided to terminate this program. I hoped you would reconsider that.

Mr. LATHAM. Will the gentleman yield?

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

Mr. LATHAM. There are 11,000 vouchers sitting there unused today. There are 19,000 that have been issued. The gentleman knows that we are not cutting those. There are 11,000 still available under this bill. And we are going to review this as we go through for the next fiscal year, 2012.

Mr. DICKS. That is what I was going to ask the gentleman. I would like to work with him on this. So if that's the gentleman's intent, then we will work together and try to get the job done.

Mr. LATHAM. I appreciate that. I thank the gentleman.

Mr. DICKS. I now yield 3 minutes to the gentleman from New York (Mr. SERRANO), the former chairman and now the ranking member of the Financial Services Committee.

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. The continuing resolution that we are voting on today is irresponsible and extreme. We all recognize that we should take reasonable steps to address our deficit. However, what we are voting on today makes cuts that will harm our students, our public safety, our health, and our environment.

When I served as chair of the Financial Services Subcommittee, I worked hard to make sure that we protected the consumer, the investor, and the taxpayer. The agencies funded by this subcommittee ensure that Americans can have confidence in the products that they use and the security of their investments. The CR that we are considering today, with its cuts to the IRS and the Securities and Exchange Commission, fails to provide sufficient resources to meet these challenges.

IRS funding will be cut by $600 million, and this will have an immediate impact on taxpayer services as we approach the busy tax season. The IRS will be forced to cut as many as 4,100 employees, mainly enforcement agents, and this will harm the ability of the IRS to find tax cheaters. It is important to remember that if we reduce the government's ability to collect taxes, this will actually increase our deficit, since enforcement resources have a $7-to-$1 return on investment.

The Securities and Exchange Commission will see a $41 million reduction from last year, which will prevent it from hiring the staff it needs to carry out the critical new Dodd-Frank financial oversight functions that it has been given. This will mean that hedge funds, credit rating agencies, and broker-dealers will continue to operate without regulation, adding to an increased risk of another fiscal meltdown.

As chair of this subcommittee, I also worked hard to make sure that capital and other assistance went to small businesses and low-income communities. A key part of this was making sure that the Community Development Financial Institutions Fund had the resources it needed to support financial institutions making investments in disadvantaged communities. Under the continuing resolution which we are voting on today, the CDFI Fund will get slashed from $246 million last year to just $50 million this year. This will mean that more than 19,000 jobs will non-materialize, more than 14,000 affordable housing units will not be built, and more than 3,100 small businesses will not be assisted.

I am particularly distressed that the majority party decided to meddle once again in the District of Columbia's local affairs. We should all be able to agree that D.C. should be left alone to decide how to spend its own locally derived funds. One local program that the majority has decided to ban is the syringe exchange program. The science on this is clear: Giving addicts clean needles does nothing to drive up drug use, but it does do wonders to prevent the spread of HIV/AIDS. Even if you do not believe the science, you should not meddle in the District of Columbia.

Another impact of the funding resolution we are voting on today will be a weakening of the equitable and efficient administration of justice in the Federal courts. The $476 million cut to the Judiciary will force the federal courts to lay off more than 2,400 support staff and stop payments to the attorneys who represent indigent criminal defendants.

There are numerous other cuts across the range of Agencies that are included in the Financial Service and General Government section—some that would severely impact jobs and others that would negatively affect our election practices. For example, the General Services Administration (GSA) Federal Building Fund will see a cut of $1.7 billion from FY2010, which will result in the elimination of nearly 16,000 private sector construction jobs

and as many as 40,000 janitorial and maintenance jobs. The Election Assistance Commission will see a huge budget drop from $93 million last year to $10 million this year, effectively ending its work to help states improve their election practices and equipment.

So let me conclude by saying that the deficit cutting approach that we are voting on today will not only result in significant harm to America's consumers, investors, taxpayers, workers, businesses in disadvantaged communities, and the security of our elections, but it will also impact education, housing, transportation, health, the environment and all facets of our economic recovery. I would urge my colleagues to vote no.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the chairman of the Homeland Security Subcommittee, the gentleman from Alabama (Mr. ALDERHOLT).

Mr. ADERHOLT. I thank the chairman for yielding.

Mr. Chair, as many have said here today, our government has a spending problem, and the American people are demanding that we find a solution. This CR that is before the House today is a step towards finding a solution to that problem.

The homeland security title of this CR strikes the right balance between funding priority programs that are essential to our Nation's security and at the same time keeping our discretionary spending in check. This CR provides a total of $41.5 billion in discretionary funding for the Department of Homeland Security. This funding level is $1 billion, or 2.4 percent, below FY 2010 and $2.1 billion, or 4.8 percent, below the President's FY 2011 request.

In contrast to previous annual spending bills, this CR provides funding for the annual costs of disasters from within the existing budget. So rather than relying upon emergency supplementals, the CR responsibly addresses the $1.6 billion shortfall in disaster relief costs that the President has failed to address in the 2011 budget request. Supporting the cost of security demands truth-in-budgeting, and we are delivering where the President and OMB have failed.

Having said that, the Department of Homeland Security is not immune from fiscal discipline. Underperforming programs have been significantly cut in this CR that we are debating today. Let me add, by implementing these cuts, we are not choosing between homeland security and fiscal responsibility. Both are serious national security issues, and they must be dealt with immediately. And through a series of tough choices, this CR achieves both. That is precisely why this CR includes sufficient funding to sustain critical operations in the front-line agencies such as the CBP, Coast Guard, ICE, the TSA, and the Department's Intelligence Office.

Mr. Chair, homeland security is far too important to be subject to budget gimmicks and inadequate justifications. The homeland security title of this CR responsibly funds programs vital to our Nation's security, and it will help them get back on track from our Federal budget perspective.

Mr. DICKS. I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE), who has been the chairman and now the ranking member of the Homeland Security Subcommittee.

Mr. PRICE of North Carolina. Mr. Chair, if there ever were a case of overheated campaign rhetoric overtaking responsible governing, then we are seeing that case here today.

Far from continuing to fund the government through to the end of the fiscal year, this measure would dramatically slash the investments in our economic recovery and undermine our national security in the process. I don't know why we even call it a continuing resolution—I guess to avoid a markup in the Appropriations Committee. But it's a brand new appropriations bill, and a very destructive one at that. It's a job-killer of all kinds of jobs but most especially of national security jobs.

Let's talk about firefighters. We rely on our firefighters as our preeminent first responders. They arrive at the scene of all types of emergencies—attempted bombings, security incidents, medical, fire emergencies, all kinds of emergencies. But this bill eliminates the SAFER firefighter staffing program, guaranteeing that thousands of firefighters will lose their jobs this year, according to the Fire Chiefs Association. SAFER has enabled our local communities to avoid firefighter layoffs in tough economic times, to keep their fire departments at full strength. This Republican continuing resolution would just simply remove this protection.

□ 1500

Let's talk about law enforcement, funded in the Commerce-Justice appropriations bill. We rely on our local police officers, not only as first responders, but also as first detectors of homegrown terrorist activity. Yet this bill eliminates the Community Policing grant program, the COPS program, guaranteeing that local governments which are already laying off workers will have to fire between 1,300 and 3,000 police officers.

Now, these job losses could be prevented if we were attempting to govern seriously instead of appeasing the Republican tea party base. The best cure for our budget deficit is a recovered economy, not a bill that slashes and burns government services that are critical to our economic competitiveness and to our public safety.

So I urge a ''no'' vote on this CR. Instead of a continuing resolution, we might say that CR in this case stands for ''Continuing the Recession,'' because that's really what this bill would achieve.

Mr. ROGERS of Kentucky. I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER), the chairman of the State, Foreign Operations Subcommittee on Appropriations.

Ms. GRANGER. For too long we have seen unsustainable increases in spending. This bill before us today puts an end to that practice by making unprecedented cuts to the Federal budget. As chair of the State, Foreign Operations Subcommittee, I know the difficult tradeoffs that have to be made to achieve these levels of cuts, but we cannot continue to ignore our skyrocketing deficits and our debt.

In the bill before us, we are taking our pledge to cut spending seriously. Since fiscal year 2008, the State, Foreign Operations budget has had dramatic increases. This bill begins to rein in the growth of many programs.

The State, Foreign Operations title of the bill before us is $44.9 billion. This represents a 21 percent reduction from the President's fiscal year 2011 request, an 8 percent reduction from the fiscal year 2010 enacted level, and an 18 percent reduction from the fiscal year 2010 level with supplemental appropriations.

Let me be clear. While these are dramatic cuts, I support the goals and objectives of using civilian power to achieve our national security goals.

To achieve the level of savings included for the remainder of FY11, reductions were made in areas that, while difficult, preserve important efforts and priorities. For example, the bill before us supports top national security priorities, maintains momentum in Iraq, Afghanistan and Pakistan, and fully funds the U.S.-Israel memorandum of understanding at $3 billion. It continues the fight against illegal drug trafficking in Mexico, Central America and Colombia.

In order to do all of these things in this bill, new activities are paused, many programs are scaled back, and large administrative commitments like climate change are shelved. While these choices were difficult, they must be made in order to preserve our national security priorities.

There is a need for continued oversight in our foreign aid, and for that reason, I've included language which provides additional oversight for countries like Afghanistan and Lebanon.

I would like to thank Ranking Member LOWEY for her dedication to the subcommittee as chair for the last 4 years, and I look forward to continuing to work together. We both agree that Members on both sides of the aisle deserve to be heard on the important foreign policy matters that come before our subcommittee.

I hope this bill will move forward quickly to ensure important government operations are continued in a manner that is fiscally responsible and meets our foreign policy challenges around the world.

The CHAIR. The Chair would note that the gentleman from Kentucky has 9 minutes remaining; the gentleman from Washington has 9 minutes remaining.

Mr. DICKS. I yield 2½ minutes to the gentlewoman from New York, the

former chair of the State, Foreign Operations Subcommittee, now the ranking member, my good friend, NITA LOWEY.

Mrs. LOWEY. I thank the gentleman, our distinguished chair. It's been a pleasure working with you. And I just want to say to the current chair of our committee, we've always worked in a bipartisan way, and that's why I reluctantly rise in opposition to the State and Foreign Operations budget in the CR. But I look forward to continuing to work together.

These are irresponsible cuts. These cuts would threaten global security and stability. Despite broad agreement that a three-legged stool of defense, diplomacy, and development is vital to our national security, this bill dramatically weakens diplomacy and development.

On a positive note, I'm pleased with the inclusion of $3 billion pursuant to the MOU between the United States and Israel and continued commitments to Egypt and Jordan.

However, especially given the ongoing development in Egypt, through the region, and around the world, the drastic cuts in democratic governance, alternate development options, international financial institutions, conflict mitigation, reconciliation, disaster assistance, and global health, would significantly impede our ability to achieve our security objectives.

I'm really disappointed with the Republican leadership's partisan approach because, as I mentioned, during my 4 years as chair of the subcommittee, I worked closely with my ranking member, and we did not include divisive social issues in our bills. Yet this CR would reinstate the global gag rule and prohibit funds for the United Nations Population Fund, denying millions of women family planning and basic health services.

Finally, while all these measures are brought to the floor under the guise of fiscal responsibility, in my judgment, they endanger our long-term economic security and fail to create jobs. So I urge my colleagues to oppose this bill.

Mr. ROGERS of Kentucky. I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), former chairman of the Republican Conference in the House.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I want to thank the distinguished chairman for yielding time and for his leadership on this and so many issues.

After years of runaway Federal spending by both political parties, last year House Republicans took the pledge. We said to the American people, give us another chance to lead this Congress, and the first thing we'll do is we'll reduce domestic spending to pre-bail out, pre-stimulus levels, saving the American people at least $100 billion. And today, simply put, this new majority will keep our word with the American people. And in Washington, D.C., that's saying a lot.

Now we'll consider H.R. 1, which will save at least $100 billion in this fiscal year. It is, in fact, the single largest rescission package in the history of this Congress. With a $14 trillion national debt and a $1.5 trillion deficit this year, cutting $100 billion will not solve our fiscal crisis, but it's a good start, and it's a promise kept. And here in Washington, D.C., that's really saying something.

Now, to save our Nation from an avalanche of debt facing future generations, we must just do a couple of basic things. First, we've got to stop what we've been doing, piling a mountain range of debt on our children and grandchildren. We've got to turn around and we've got to begin to head in the other direction. We have to face our present fiscal crisis squarely and with courage. And today, this new Republican majority will do just that. We'll begin the process of turning our ship of state back toward that horizon of fiscal responsibility and fiscal solvency and sustainability for generations to come.

I urge my colleagues in both political parties, join us in this important first step. Join us in this important promise kept. Work with us, and we will work with you to put our Nation on a pathway toward fiscal solvency and, ultimately, lay a foundation for real economic growth for generations to come.

□ 1510

Mr. DICKS. I yield 2 minutes to the distinguished Democratic Whip, the gentleman from Maryland (Mr. HOYER), who has been a longtime member of the Appropriations Committee and a very good friend.

Mr. HOYER. I thank the gentleman for yielding.

I would say to the previous speaker, my friend Mr. PENCE, we did that. In 1993 we looked the fiscal posture of our country in the eye. We had sustained $1.4 trillion of deficit spending under Mr. Reagan and $1.1 trillion of deficit spending under Mr. Bush, and we put legislation on this floor and said we need to meet our fiscal responsibilities. Not a single member, unfortunately, of the Republican Party voted for that legislation. But over the next 8 years, we had a net surplus in this country; the only time in the lifetime of anybody in this body that that has happened. We did it working together.

Unfortunately, the last administration ran up $3.8 trillion of deficit, and we inherited an economy that was in substantial free fall. The President said that; Mr. Bernanke said that; Mr. Paulson said that. And so we adopted legislation that tried to stabilize that economy, and the good news is that we have. We haven't gotten to where we want to be. We want to create more jobs. As the President says, we want to invest in growing our economy and bringing jobs back.

There will be some very tough decisions we will have to make moving forward; and, frankly, as the chairman of the Appropriations Committee knows and as the ranking member of the Appropriations Committee knows, you will not get there focused simply on 14 percent of the budget. It will not happen, my friends.

You might want to delude yourself or delude our constituents and say that you can simply cut all 14 percent of non-defense discretionary spending, and you will still have an operating deficit this year if we cut out every nickel of discretionary spending.

That discretionary spending of course educates our children. It promotes our health. It promotes our commerce. It promotes building the economy. That's what this issue is about.

The CHAIR. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. HOYER. So I rise to say to all of us, all 435 of us, it will take courage, cooperation, and common sense to address the deficit situation that confronts us.

And it is a crisis. It must be met. We do not have an alternative. Because if we do not address it—all of you have heard about my three children, my three grandchildren, and my one great granddaughter. All of them will hold me and all of you responsible for the legacy of fiscal irresponsibility which we will leave them.

We now have bipartisan responsibility. You are in charge of this House; the Democrats are in charge of the Senate, and we have a President who is a Democrat. It is a perfect opportunity for us all to take responsibility and, yes, part of the blame, because the decisions we will have to make will be tough; they will be agonizing, and they will be wrenching. And people will say, We're not sure you should have done it.

If we do it together, we can do it. And we owe it to our country, our fellow citizens, and our children to do so.

Cutting spending is part of the solution to our deficit. But we also have to cut wisely, making the distinction between spending we can do without, and investments that are vital to our future growth.

But Republicans have brought to the floor a spending bill full of cuts that are short-sighted and indiscriminate. They endanger the investments we need to grow our economy and create jobs—to out-build, out-innovate, and out-educate our competitors. When we talk about cutting those investments, we are talking about cutting tomorrow's jobs.

I wish that my Republican colleagues would listen to the business leaders who understand the importance of thoughtful investment.

Listen to Tom Donohue of the U.S. Chamber of Commerce and Richard Trumka of the AFL–CIO, who don't agree on very much: "Whether it is building roads, bridges, high-speed broadband, energy systems and schools, these projects not only create jobs . . . they are an investment in building the modern infrastructure our country needs to compete."

But the Republican spending bill would cancel 76 transportation projects in 40 States, and leave us with roads, bridges, and an air traffic control system stuck in the last century.

Listen to Marc Benioff, CEO of Salesforce.com: "The number 1 thing the government needs to do is increase research funding."

But the Republican spending bill would cut support for 20,000 researchers at the National Science Foundation, cut $1.4 billion of energy research, and cut $2.5 billion of medical research.

Listen to Bill Gates: "If we don't start innovating in education to make it better and more accessible . . . our competitiveness will fall behind that of other countries."

But the Republican spending bill would kick 200,000 children out of Head Start and make it harder for Americans to afford college.

By all means, let's take real action on the deficit—but not in a way that sacrifices America's competitive edge.

Mr. ROGERS of Kentucky. I yield 2 minutes to a new Member of Congress, a freshman and a new member of the Appropriations Committee, the gentleman from a wonderful place in Arkansas called Rogers, Arkansas (Mr. WOMACK).

Mr. WOMACK. Mr. Chair, I am glad the gentleman a few minutes ago from Virginia talked about the mayors of America and the county judges of America, because just a few weeks ago I was one of those mayors.

Twelve years ago, when I sought that office, I inherited a city that was in terrible deficit spending, that had unreasonable government intrusion into the private sector, that was affecting the economic well-being of that city.

I am pleased to say that, because we took the position of putting our fiscal house in order and because we changed the way government approaches its involvement in the private sector and because we limited the dependency of our city on the Federal Government that we created a city of excellence, that we significantly enhanced the quality of life. We did $1 billion worth of investment; we created thousands of jobs, and Rogers, Arkansas, is the example the American people are looking for today.

I realize that these are difficult times. They are times that are going to require great courage, a sense of duty, and shared sacrifice in order to put America on the right path. I believe in this America, and that's the way forward.

Mr. DICKS. I yield 1⅓ minutes to my good friend, the distinguished gentleman from California (Mr. FARR), who has now become the ranking member on Agriculture.

Mr. FARR. Mr. Chair, I thank my ranking chair, the gentleman from Washington (Mr. DICKS).

I rise with serious concerns. I am the ranking member of the Agricultural Appropriations Committee. I come from the State that is the leading ag State in the Nation, California, and agriculture is the number one economy in California. We're a State that is really diversified, and we do it without subsidies and we do it by partnerships.

The partnership is essentially a public-private partnership, and there is a major role to be able to make the private sector successful with that partnership.

We all care about feeding people, all people, whether they are rich or poor. One thing they all have in common is that they want that food to be safe. They want the drink to be safe. They want the drugs that they buy in the stores to be safe. And the problem with this CR, which is very interestingly talked about on their side in the generic of the necessity of cutting the deficit, which we all agree on. But to take a meat axe approach to the USDA and the FDA cuts the safety net for food and drugs.

For example, the Food and Safety Inspection Service would have to cut down on their inspectors who have to be in every one of the 6,300 slaughter and processing facilities. If they are not there, there is no work. We would have to close these facilities for months at a time; therefore, putting a lot of people out of work, less jobs, and certainly no food safety.

It goes on and on and on. We need to argue these details, not just the generics.

FOOD SAFETY AND INSPECTION SERVICE (FSIS)

FSIS is responsible for the safety of domestic and imported meat and poultry. It inspects nearly 6,300 slaughter and processing facilities. Its inspectors are required to be present continuously during the operation of slaughter plants and to inspect every meat and poultry processing plant in the U.S. every day. All imported meat and poultry must also be inspected by FSIS. The Republican proposal would hold funding for FSIS to the 2008 level. The administration estimates that this would require a furlough of all FSIS employees, including all inspectors, for 30-47 working days (which amounts to 20–30 percent of the working days left in the fiscal year assuming enactment on March 4th.) Without inspectors available, meat and poultry plants would be legally required to stop operating. The administration estimates the economic loss from stopping plant operations at $11 billion. It also expects that consumer prices for meat and poultry would rise with the curtailed supply. That's a lot of jobs and food—not only up unemployment but also drive—up prices.

FOOD AND DRUG ADMINISTRATION (FDA)

FDA is responsible for the safety of food, drugs, medical devices, human blood products, vaccines, cosmetics, and many other products. Consumers spend about 20 cents of every dollar on products regulated by FDA. The Republican proposal would fund FDA at about 10 percent below the 2010 level. Coming this late in the fiscal year, much deeper cuts would be necessary to end fiscal year 2011 at the level appropriated in the Republican bill. The administration has estimated that under the Republican proposal there would be 2,000 fewer FDA inspections of firms that manufacture food and medical products; 10,000 fewer FDA import inspections to verify that imported foods and medical products meet safety standards; and analysis of 6,000 fewer food and medical product samples to identify safety problems. In addition, this level will likely lead to furloughs and/or * * *

Mr. ROGERS of Kentucky. I yield 2 minutes to the chairman of the Legislative Branch Subcommittee on Appropriations, the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for all the work that he has done in helping to put this continuing resolution together.

This is a giant step forward in stopping the culture of spending that has gone on here in this town for a long time and begins a culture of savings.

In the subcommittee which I have been asked to chair, the Legislative Branch only deals with maybe one-half of 1 percent of all the money that we're talking about, but we didn't think that we ought to be immune to all the pain that goes on as well. In fact, I think, when times are tough, leaders ought to lead. And so we can help save taxpayers dollars by spending less money on ourselves, and that's what we do in this bill.

We cut the accounts of the leadership offices. We cut the accounts of all the Members' offices. We cut the accounts of the committee staff and their offices. In fact, the Appropriations Committee, which Mr. ROGERS chairs, will reduce their spending by 9 percent. So certainly Congress is taking the budget axe to its own spending and leading by example, and I think that's important.

So as we move forward, Mr. Chairman, I think that we can do a whole lot more with a whole lot less around this place. We want to lead by example. That's what we're trying to do, and I think we are taking a giant step forward.

Mr. DICKS. I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. BISHOP). He has become the new ranking member on Military Construction and VA.

□ 1520

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

While the Military Construction/VA portion of this bill is not cut as much as some other parts of the continuing resolution, the cumulative effect of this CR is really to hurt our veterans. The bill provides $74.2 billion, which is $2.4 billion below the FY 2010; $1.8 billion below the President's request.

Mr. Chairman, it's time to end the theatrics and get to work. This continuing resolution continues the heated rhetoric. If this bill is signed into law, it will hurt our economic recovery, which in turn will affect our veterans. According to the Bureau of Labor Statistics, more than 15 percent of Iraq and Afghanistan war veterans are unemployed, far higher than the national jobless rate. If we follow through with some of these disastrous cuts, we'll see that rate go higher as the operations in Iraq and Afghanistan wind down and our troops come home seeking employment.

For example, as the gentleman from North Carolina pointed out, we're cutting aid that local governments use to

hire police officers. Many of our local police officers are veterans and they are hired with the community oriented policing grants. This will be eliminated. If we cut money for firefighters, this cut will have the same effect as cutting money from the cops. Our veterans will have nowhere to go to continue to serve their communities.

We can do better than this bill. We must be serious because we have serious issues. Veterans have paid the price for the freedoms we enjoy in this country, but freedom is not free. It has been paid for with the lives and the limbs of countless men and women who have served this country in uniform. We owe them better than this.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin, a brand new Member of this body, Mr. DUFFY.

(Mr. DUFFY asked and was given permission to revise and extend his remarks.)

Mr. DUFFY. I thank the chairman for yielding time to me to address the issue today with regard to unspent, unobligated stimulus money.

Two years ago, this Congress voted to spend nearly a trillion dollars of stimulus money. They said that we could borrow and spend our way to prosperity. Well, 2 years later we are well aware that borrowing and spending doesn't lead to economic prosperity, growth and sustainable jobs. We know it comes from the private sector—people who invest in their businesses and ideas. And from there, they expand and grow. That's how we create jobs in this great country.

Now we are stuck with a $14 trillion debt. This year, we're going to borrow $1.5 trillion. More borrowing, more spending, is going to lead to job-crushing taxes and passing this debt on to our next generation. It's unacceptable.

I am encouraged that we are working on sending all unobligated stimulus money back to the Fed so we can pay down our debt.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. FATTAH), the new ranking member of the Commerce-Science-Justice Subcommittee.

The CHAIR. The gentleman is recognized for 1¼ minutes.

Mr. FATTAH. I thank the gentleman and I thank him for his extraordinary leadership on this critical matter.

The Economic Policy Institute says that the GOP plan will cost our country 800,000 jobs. The parts of the CR that relate to Commerce, Justice and Science relate to essentially four areas.

International trade assistance exports. The President has a major initiative to create American jobs through exporting. They want to cut it by $93 million.

They want to cut $1.3 billion out of law enforcement. So if you need a cop and you call 911, there may or may not be one available because if it's one of the 1,300 that will be cut under this bill, they'll be gone.

In legal services, some 80,000 cases reduced—for seniors who will be fighting mortgage foreclosure that would be fraudulent in their case, or domestic abuse violence in their homes, through cuts to legal services.

And a $150 million cut for the National Science Foundation.

Now my colleagues have a tough job. They're in the majority. They've got to make rational decisions. Let me just say this. If spending was bad, we would eliminate all spending. Some spending is necessary. We should be cutting waste. We should not be cutting law enforcement and legal assistance and scientific analysis, and we shouldn't be cutting export opportunities for American workers. And we shouldn't be risking 800,000 jobs in our country; not today, not on any day.

The CHAIR. The time of the gentleman from Washington has expired.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the Energy and Water Subcommittee on Appropriations.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Chairman, some suggested some time ago that we have to wait until 2012 or 2013 to make these decisions. We need to make these tough decisions now, to cut spending and to create a climate where the private sector can go hire workers.

The Energy and Water Development section of this bill totals $29.9 billion, an 11 percent reduction from fiscal year 2010. That's a tough decision. This level more truly represents what should be the top priorities of the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation, and the other accounts funded under our subcommittee's purview.

Far from the ''meat axe'' approach that some have suggested we're taking in H.R. 1, our product is one of careful, thoughtful, line-by-line analysis. We have looked at which programs are must-haves, which have significant unobligated balances, and which are redundant. Above all, we've ensured that the core national security mandate of the Department is adequately funded. Frankly, other countries' nuclear stockpile programs aren't taking a time-out while we wrestle with our budget challenges. The stewardship of the nuclear stockpile is the foremost responsibility of the Department of Energy. In fact, weapons activities and naval reactors receive the only increases in our bill.

We do, however, make major reductions in the Department of Energy; major cuts. We eliminate all earmarks. That's close to $500 million, just in the Department of Energy. And we cut out programs like weatherization, with billions and billions of unspent stimulus money. In fact, the Department of Energy received close to $39 billion in stimulus money.

Finally, we've cut back on programs like biological and environmental research that are not core to the Department's historical responsibilities and focus. We do all of this so the Department of Energy can focus on what we need to do—to support the private sector in developing the next round of energy-related intellectual property and the jobs associated with it.

We need to do it. I support the CR. I think we ought to move on with it.

Ms. SLAUGHTER. Mr. Chair, I rise today in support of the life-saving work done by Title X family planning providers across the nation.

In 2009, five million men and women received important preventive services from family planning providers, including 2.3 million breast exams, 2.2 million tests for cervical cancer, and nearly 1 million HIV tests. The proposed cuts in H.R. 1 would eviscerate these services, reducing family planning and cancer prevention services. Cuts to family planning would have devastating consequences to families nationwide.

Why is the Republican leadership attacking proven health care services, instead of working with us to create jobs? This legislation does not move our country forward.

By attacking family planning and pursuing an extreme social agenda, Republicans are dividing our country and distracting from the very real economic problems facing our nation.

While these cuts to family planning were proposed under the auspices of being "fiscally responsible", that is far from the truth.

For every dollar invested in Title X family planning services, taxpayers save just under $4. By preventing cancer, identifying cancer in early stages, and preventing HIV/AIDS, Title X providers are saving money, as well as lives. Cutting family planning is not fiscally responsible, and will not reduce the bottom line.

Moreover, this cut has nothing to do with ending funding for abortions, despite claims to the contrary. Title X family planning funds simply do not fund abortions. If we want to reduce the number of abortions in this country, the methodology is clear—empower women to prevent unintended pregnancies through education and access to contraception. And, that is precisely what family planning funding does.

Nationwide, this cut will impact family planning services for 5 million women and men. In my home state of New York, cuts to Planned Parenthood would impact 209,410 patients. Just last year, Planned Parenthood provided 70,490 screenings for cervical cancer in New York, detecting 7,931 abnormal results requiring medical action. Another 67,957 women received breast exams. 138,501 tests for Chlamydia helped to avert the leading cause of preventable infertility in America today. New Yorkers stand to lose valuable health services.

These statistics represent real women, with real needs. Can we turn our back on them? No, we cannot.

We need to work together to invest in the services that will help our country to be successful. We must focus on building our economy, rather than eliminating health care services.

Mr. POLIS. Mr. Chair, Americans' top priority is creating jobs. But six weeks into the 112th Congress, the Republican leadership has yet to bring a single, solitary jobs bill to the floor.

Once again, we are here today to exercise one of our primary constitutional responsibilities as members of Congress—to pass appropriations legislation to fund the many basic

and essential programs the federal governments, on which millions of Americans rely. Today is an incredible opportunity, for Republicans and Democrats to work together—to bridge the gap between parties and talking points—and pass a bill that meets our shared goals of creating jobs, building our infrastructure, and strengthening our economy.

Sadly, the Republican leaders have brought to the floor a continuing resolution that jeopardizes American jobs and our economic future by rolling back investments that will help our private sector grow and put people back to work. It thoughtlessly makes extreme cuts to appease an extreme wing of their party, at the expense of the American people.

EDUCATION

Mr. Chair, building an excellent public education system that provides each and every child the opportunity to succeed is the single greatest investment we can make to secure our nation's future—an investment that I have devoted much of my life to support and achieve. From Preschool to K–12 to Higher Education, Republican cuts would undermine our global economic standing by denying opportunity to students, who depend on the government for their education.

As President Obama said in his state of the union address, it's not just about ''how we cut'' but ''what we cut.'' Education is an investment in our future, and we can't sacrifice our future. But Republicans—through this CR—seem willing to sacrifice our future to meet their arbitrary campaign pledge.

They want to drastically reduce quality preschool for poor children with a $1 billion cut in Head Start, which has shown positive results. For K–12 students, Republicans are proposing to dismantle a wide range of essential school supports—literacy programs; teacher improvements; math and science partnerships; arts in education; parent education; counseling; and graduation promotion.

Their proposal would also slash special education services and college preparation. And many more students would be blocked from going to college if the Republicans had their way—with about half a billion dollars less for Pell grants for disadvantaged youth.

Education is how America can reclaim our edge in job creation, in business leadership, in providing a livable wage, and in economic innovation. Destroying this promise by attempting to balance the budget on the backs of poor children and youth is both unwise and unjust.

By cutting to the heart of the learning needs of America's children and youth through these extraordinary and nonsensical measures, Republican lawmakers clearly don't understand the meaning of investing in our future.

ENVIRONMENT

This CR arbitrarily kills jobs, hurts the public health and is a slap in the face of environmental protection. The CR will set our country back decades by curtailing scientific research, simply because Republican's don't like what the science says. It puts our children's health at risk by handcuffing the EPA to police polluters and simply keeps us addicted to foreign oil and discourages clean energy innovations. This is sound bite politics at its worst, the American public needs real solutions and thoughtful policy.

The CR prohibits any funding from being used to carry out the EPA's power plant pollution safeguard rules. These rules are tailored to only the biggest polluting power plants, ensuring average Americans and small business aren't affected by any regulations.

The Clean Air Act guards the most vulnerable Americans—those with asthma and other lung disease, children, older adults, and people with heart disease and diabetes—from the dangers of airborne pollutants, including the threats from growing carbon dioxide pollution. Each year the Act prevents tens of thousands of adverse health effects, including asthma attacks, heart attacks and even premature death. This year alone, the Clean Air Act will save more than 160,000 lives, according to preliminary estimates by the U.S. Environmental Protection Agency. Yet Republicans plan to starve this life-saving agency of its funding based on purely ideological reasons.

IMMIGRATION

The CR would cut all funding for immigrant integration. Republicans claim that they support legal immigration and want to reward immigrants who waited in line and did things the right way. But then they go and cut funding to critical programs that help those legal immigrants become proud American citizens and better integrated into our communities. If Republicans really want to support legal immigrants, they wouldn't cut important programs that emphasize the value of learning English, learning American history and civics, and becoming U.S. citizens. Regardless of what side of the aisle you sit on, these are commonsense programs that we can all support.

It would also cut overseas refugee assistance and admissions and domestic refugee assistance funding. These cuts would severely diminish our country's ability to help refugees across the globe. The victims would be some of the world's most vulnerable people: refugees fleeing religious persecution from Iran, political persecution from Burma, etc. We are the global leader in refugee resettlement. This is a proud American legacy and it makes us a shining beacon for the world. Haphazard cuts like this endanger refugees, but also America.

If Republicans truly claim to be committed to deficit reduction, then why as they cut millions from beneficial programs like head start and LIHEAP, do they continue to increase defense spending? Until Republicans get serious about controlling defense spending—the largest part of the discretionary budget—they will never achieve their goals of reducing our deficit.

LOCAL/US 36

Mr. Chair, at the state and local level, my home state of Colorado is getting slapped in the face by this CR.

A year ago, US 36—the highway that connects Boulder to Denver—was awarded a $10 Million TIGER/TIFIA Challenge Grant through the recovery Act—to expand one of the most used and heavily congested highways in the state, creating jobs and fostering economic development. The $10 million federal investment helps leverage the additional funds in the area, creating $276 million in employment income and 7,200 jobs. The project impacts 191,000 corridor employees—10% of the state's employment.

To date, only $900k has been obligated, and because the Republican CR rescinds all 'unobligated' ARRA funding across the board without thought to details or individual projects—the many state, regional, and local transportation groups that have invested in the project will never see the remaining $9.1 million they were promised.

For the businesses and residents in my district—this is a slap in the face.

Colorado's US 36 Corridor project won the TIGER Award because it was one of the most innovative projects in the country. Mr. Chair, Rome wasn't built in a day and we can all agree that we should not be punishing innovation.

Mr. Chair, the President's budget release yesterday is an excellent example of cutting back in nearly every aspect of the federal government, while investing in the future. We must tighten our belts and make hard choices and tough changes. But we cannot do so at the expense of growth and innovation.

With cuts like these, Republican leadership has made it very clear that they're not interested in helping families to get ahead in this economy. Instead, they're holding our economic recovery and global competitiveness hostage in an attempt to meet an arbitrary spending goal, to appease the fringe of their party—the same people who advocate for cutting the Department of Education and privatizing social security.

The Republican's continuing resolution before us today is sound bite politics at its worst. The American Public need and deserve real solutions and thoughtful policy. We can and must do better. I encourage my colleagues to oppose the rule for this CR as well as the underlying CR to prevent the irresponsible impact of this Republican spending bill.

Mr. Conyers, the Majority introduced H.R. 1, the ''Full Year Continuing Appropriations Act, 2011,'' which will make immediate and drastic cuts to the federal budget.

These mindless proposed cuts will hurt jobs, undermine public safety and law enforcement, and restrict fundamental civil liberties.

Below is an itemization of some of the funding decreases to areas of the federal budget that are within the Judiciary Committee's purview—the dollar references being the amounts less than the Administration's requested 2011 budget.

DEPARTMENT OF JUSTICE

COMMUNITY ORIENTED POLICING SERVICES (COPS)

Funding Decrease: $600 Million/Complete Elimination of Hiring Program

COPS has funded the hiring of more than 122,000 state and local police officers and sheriff's deputies in communities across America. The Republican funding cut means that 3,000 fewer officers will be hired or rehired to be on the streets of our neighborhoods.

FBI

Funding Decrease: $74 Million

The Republican funding cut will delay construction of badly needed training facilities at the FBI Academy in Quantico. This will impact the FBI's effort to update and strengthen training for agents and intelligence analysts to maintain the fight against terrorism, sexual exploitation of children, drugs and other major threats to the U.S. from foreign and domestic sources.

VIOLENCE AGAINST WOMEN ACT, VICTIMS OF CRIME ACT, AND FAMILY VIOLENCE PREVENTION AND SERVICES ACT (VAWA)

Funding Decrease: $26.5 Million

VAWA programs support victims of domestic and sexual violence. It also has saved $14.8 billion in its first 6 years. If the Republican funding cut tracks FY 2008 levels, VAWA

programs would lose an estimated $170 million. Any cuts to these critical programs would undermine law enforcement and victim protection services.

GENERAL LEGAL ACTIVITIES

Funding Decrease: $111.3 Million

DOD's principal divisions, including the Civil Rights Division, the Antitrust Division, Environment and Natural Resources Division, and Civil Division are funded under the category of general legal activities.

The Civil Rights Division, which was chronically underfunded by the Bush Administration, will have to play a critical role with respect to how states and localities redraw their district lines following the decennial Census. As required under section 5 of the Voting Rights Act, the Department of Justice will have to ''pre-clear'' all voting changes. The Civil Rights Division is expecting more than 800 submissions this year and next.

The Republican budget cut will generally undermine the ability of these divisions to protect the civil rights and interests of all Americans.

VARIOUS STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAMS

Funding Decrease: $525 Million

These reductions eliminate or essentially gut proven crime prevention and crime reduction programs that localities have used to keep crime rates down. The inevitable result of these cuts will be increased crime and victimizations, more unemployment and more resulting expenditures than these cuts save in federal, state and local law enforcement activities, imprisonments and other costs.

NATIONAL DRUG INTELLIGENCE CENTER

Funding Decrease: $10.6 Million

The Center plays a major role in the fight against international and national illegal drug proliferation. The Republican funding cut will force the Center to furlough valuable employees, which will harm the Center's ability to fight the war on illegal drugs.

OFFICE OF JUSTICE PROGRAMS, JUVENILE JUSTICE PROGRAMS

Funding Decrease: $191,095,000

The JJP strengthens community safety and reduces victimization by setting standards and performance measures for the nation's juvenile justice systems, supporting delinquency prevention and early intervention, and contributing to the prevention and reduction of youth crime and violence.

The inevitable result of the proposed Republican cut to BP funding will be increased crime and victimization; greater substance abuse; exacerbated mental health conditions; increased unemployment and incarceration; and a net increase in long-term costs to federal, state, and local governments.

LAW ENFORCEMENT WIRELESS COMMUNICATIONS

Funding Decrease: $71.6 Million

This program provides critical support to law enforcement officers and agents in major metropolitan areas across the Nation in responding to terrorist attacks or other catastrophic incidents. The Republican funding cut will reduce by more than half the money used by the program to eliminate interoperability issues with wireless communications, thereby jeopardizing officer and public safety and the safety of millions of Americans.

U.S. MARSHALS SERVICE (USMS)

Funding Decrease: $9.7 Million

The USMS is responsible for protecting judges which is critically important in light of recent threats to federal judges. The USMS also secures courthouse detention facilities that hold defendants accused of drug, gun and immigration crimes. The Republican funding cut will delay and possibly eliminate over $100 million in needed upgrades in security and construction of courthouse detention areas and facilities, the impact of which will be most acutely felt on the Southwest Border.

FEDERAL JUDICIARY

SALARIES AND EXPENSES; DEFENDER SERVICES

Funding Decrease: $613 Million

The Republican cut will force the federal courts to lay off more than 2,400 support staff and to stop payments to attorneys who represent indigent criminal defendants, which may raise constitutional concerns about the availability of adequate criminal defense services. These cuts undermine public safety and the effective administration of justice at a time when criminal caseloads and the workloads of probation and pretrial services offices have reached an all-time high.

DEPARTMENT OF HOMELAND SECURITY (DHS) AND DEPARTMENT OF STATE

H.R. 1 makes huge cuts in funding to DHS. Around $160 million are cut from accounts that are used to protect our Nation's borders and to facilitate legitimate trade and travel that are vital to our country and its recovering economy.

DHS: CUSTOMS AND BORDER PROTECTION—BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

Funding Decrease: $124.2 Million

The $124.2 million cut from Border Security Fencing, Infrastructure, and Technology will jeopardize the Administration's plan to increase the use of technologies that have proven effective at securing our border. Such technologies include mobile surveillance units, thermal imaging devices, mobile radios, and the like. Tens of millions of dollars of cuts to Customs and Facilities Management will inhibit our ability to build needed Border Patrol stations and forward operating bases, and to modernize our severely outdated land ports of entry.

DHS: OFFICE OF CITIZENSHIP, U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Funding Decrease: Complete de-funding

H.R. 1 eliminates all funding for the Office of Citizenship within U.S. Citizenship and Immigration Services. De-funding the Office and the President's Integration Initiative means that no grants will be available for programs that fund state agencies and non-governmental organizations to help prepare lawful permanent residents to apply for and obtain citizenship. This will increase the burden on cash-strapped state and local governments and decrease the provision of civics-based English language classes that help aspiring citizens integrate into their communities. The President's budget request in Fiscal Year 2011 was only $18 million. This small investment has a big payoff: it assists immigrants to become proud, new American citizens who have studied English and the fundamentals of our government and who understand the rights and responsibilities of citizenship. The President's proposed budget for Fiscal Year 2012 increases this investment to $20 million. The President is heading in the right direction of working to integrate immigrants into our country. The Republican CR takes us in the wrong directly entirely.

DEPARTMENT OF STATE: MIGRATION AND REFUGEE ASSISTANCE

Funding Decrease: $582 Million

H.R. 1 cuts one-third of the funds for the State Department's Migration and Refugee Assistance program, which is used to protect refugees overseas and to admit refugees to the United States. This irresponsible and severe cut may seriously jeopardize our ability to protect the world's most vulnerable people-people fleeing persecution and torture. The cut will diminish our ability to support the critical work of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross, who provide on-the-ground protection to refugees fleeing persecution. A cut like this could increase the risk of sexual violence for refugee women in camps. This cut also may jeopardize our ability to meet the President's goal of resettling 80,000 refugees in the U.S. this fiscal year. We are the global leader in refugee resettlement. This is a proud American legacy and it makes us a shining beacon for the world. Haphazard cuts like this endanger refugees, but also America.

OTHER AGENCIES AND PROGRAMS

LEGAL SERVICES CORPORATION (LSC)

Funding Decrease: $85 Million

LSC provides grants to support access to justice to our fellow Americans in need. The Republican cut would reduce LSC's funding by nearly 20%, which will result in a layoff of at least 370 staff attorneys in local programs, closure of many rural offices, and less civil access to justice for 161,000 Americans who will go without the services of an attorney. This includes women seeking safety for themselves and their children from domestic violence, veterans returning to civilian life without a job, and senior citizens trying to save their homes from foreclosure.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (ACUS)

Funding Decrease: $1.7 Million

ACUS is a recently established independent agency designed to save millions in taxpayer dollars by recommending ways to improve and streamline the regulatory and rulemaking process. Even though Republicans claim they support the same goals, the Republican funding cut will gut ACUS. It will cut ACUS's funding by 53%, which will result in freezing all research grants and causing staff cuts and furloughs.

UNITED STATES PATENT OFFICE (USPTO)

Funding Decrease: $400 Million

The USPTO examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also aids in the protection of American intellectual property internationally. The USPTO is fully funded by user fees paid by customers.

The Republican funding plan limits USPTO to 2010 user fee projected levels, which will deprive the overburdened patent office of approximately $200 million it collects in fees, and

an additional $200 million from a fee surcharge and supplemental amount in the 2011 budget.

This will exacerbate the over 700,000 application backlog the USPTO currently faces, prevent needed upgrades in technology to insure quality patents, and freeze hiring of additional examiners. Many of the improvements recently initiated to increase efficiency and decrease backlog will have to be abandoned. Of the 700,000 patents pending, many are in the health related field or involve technological advancement.

The proposed cut will stymie private sector patent reliant industries, undercut job growth and creation and further delay the development of potentially life-saving pharmaceuticals, as well as other technological improvements.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Funding Decrease: $1.6 Million

Established on the recommendation of the 9/11 Commission, the purpose of the Privacy and Civil Liberties Oversight Board is to establish a watchdog group within the Executive Office of the President to help maintain an appropriate balance between national security and civil liberties.

PERIODIC CENSUS AND PROGRAMS

Funding Decrease: $72.9 Million

The Census Bureau is in the process of completing the decennial census as required by the Constitution. The results of the census will be used to enforce the requirements of the Voting Rights Act and the constitutional doctrine of "one person, one vote." Curtailing the work of the Census at this moment would be injurious to the protection of the right to vote.

ELECTION ASSISTANCE COMMISSION AND FEDERAL ELECTION COMMISSION

Funding Decrease: $6 Million

These commissions safeguard the election process, promote transparency, fight corruption, and protect our citizen's right to vote. The Republican budget cut undermines this critical process and fundamental right.

FAMILY PLANNING TITLE X

Funding Decrease: $317 Million

Title X is the nation's cornerstone family-planning program for low-income women. Currently, this program receives $317 million. H.R. 1 would eliminate all funding for this essential program.

RESTRICTIVE PROVISIONS

REINSTATEMENT OF GLOBAL GAG RULE

H.R. 1 would reinstate the global gag rule that bars USAID funds from overseas health centers unless they agreed not to use their own, non-U.S. funds for abortion services. President Obama repealed this harmful Bush-era policy during his first week in office, after eight years during which thousands of women and families in need of public-health services were turned away from underfunded clinics.

H.R. 1 also contains various restrictive riders, including:

1. a restriction on court review of regulations intended to protect endangered grey wolves
2. a restriction on the Environmental Protection Agency's ability to regulate greenhouse gases and clean water
3. a restriction that forbids the transfer of Guantanamo Bay detainees to the United States for prosecution

This substantial list gives an idea of the broad-ranging adverse impact that these Republican cuts would impose on job growth, public health and safety, and basic American values that we should all hold dear. I hope that we can take a more sensible approach to the budget than the draconian and ill-conceived cuts contained in H.R. 1.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose dated at least 1 day before the day of consideration of the amendment (but no later than February 15, 2011) and pro forma amendments for the purpose of debate.

Each amendment so received may be offered only by the Member who submitted it for printing or a designee and shall be considered as read if printed.

The Clerk will read.

The Clerk read as follows:

H.R. 1

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Division A—Department of Defense Appropriations Act, 2011
Division B—Full-Year Continuing Appropriations for Fiscal Year 2011
Division C—Stimulus Rescissions
Division D—Miscellaneous Provisions.

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in division A of this Act shall be treated as referring only to the provisions of that division.

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, Chairman ROGERS deserves an awful lot of credit for having been able to put together this H.R. 1, that saves $100 billion over what many expected we would spend this year. The largest part of this bill is the defense part. The defense part of this bill is not a CR. It is not a continuing resolution. It is an actual, honest-to-God appropriations bill, one that under the leadership of Chairman DICKS during last year we put together; the subcommittee worked hard, many hearings, a really good bill. We worked with our Senate counterparts and we had agreement on this bill.

□ 1530

We had agreement on this bill from the Defense Department, and we were just really disappointed that here we are 5 months into the fiscal year and we are just now getting this bill to the floor. It is no fault of Chairman DICKS. He worked hard, and I know the pressures that he tried to apply and that I tried to apply to get permission to put this bill on the floor. But, anyway, here it is and we have it today.

It is a good defense bill. It is $516 billion. It is a lot of money; but our warfighters, they need training, they need salaries, they need pay, they need medical care, they need weapons, they need equipment, they need technology; and this bill, for the most part, provides that.

The $516 billion is $14.8 billion less than was requested for this fiscal year. That $14.8 billion didn't come about easily. We saved that by going line by line the best that we could in the time that we had to find program changes, to find budget changes, to find slush funds that we didn't think were necessary, and a lot of other ways that we saved the $14.8 billion. But we have a good bill here, and I am hopeful that the House will support this today.

One thing that is different from the bill that we thought we were going to have on the floor is 1,200 earmarks aren't there any more. We took out the earmarks, nearly $3 billion worth of earmarks.

So we have a very clean Defense bill here for you today. I know that there are many who would like to have more, and there are more things we could do. We could reach out into the future, but the world we live in today shows a growing deficit, and it is important that we are willing to contribute to solving it. It is crucial to the future of this Nation that we solve this deficit problem, because if we don't, I hate to think what might happen to our economy, what might happen to our currency, what might happen to our standing in the economy of the world.

I would ask the Members, if this bill came on the floor during Jack Murtha's chairmanship, we would have probably passed this bill in about 10 minutes. That is the way that he did business when he was in the majority. We didn't quite do that. We have an open rule. We have an open rule here that anybody can offer an amendment that is germane to the bill. If it makes it better, fine, we will agree to it. If it doesn't make it better, we will not agree to it. We understand that there are some that will be subject to a point of order, and we will raise those points of order, but we will allow the Member that offers the amendment to discuss it before we raise the point of order as a courtesy to them.

Anyway, again, I want to congratulate Mr. DICKS for the work that he did during the time that he was chairman. As he said in the general debate, he and I have worked together for over 30 years on the national security and intelligence affairs of our Nation. He is very honorable, a very hardworking individual, very much determined to do a good job for our Nation; and he shares the same feeling that I have here that while we may have to make reductions and have to come up with savings, we will not approve anything that has an adverse effect on the warfighter. We

will not do anything that has an adverse effect on the readiness of our national security effort.

It is a commitment that I made many years ago and that Mr. DICKS made many years ago. When we made these cuts we did not affect the warfighter. We didn't cut his pay. One of the largest portions of our Defense bill is military personnel, the cost of salaries. We did not cut that. We didn't get into that at all.

The CHAIR. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2011, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,042,653,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,912,449,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,210,161,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,333,165,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,940,191,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $612,191,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,650,797,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,511,296,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,060,098,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $33,306,117,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $37,809,239,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,539,740,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $36,062,989,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $30,210,810,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or

appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

AMENDMENT NO. 370 OFFERED BY MR. FLAKE

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 15, after the dollar amount, insert ''(reduced by $18,750,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $18,750,000)''.

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

Mr. FLAKE. I thank the chairman. I just want to say a few words about the process here.

It is refreshing to so many of us to come to the House with an open rule. There are some Members who have been part of this body for 4 years now and have not been allowed the opportunity to offer one amendment on the floor because of the absence of open rules. So we are going to have a number of amendments offered here, and this is just a great process.

I also want to commend the Appropriations Committee for the hard work that it took to get the level of savings that we are in the legislation and what a positive step, as was mentioned, it was to cut out the earmarks. There are no earmarks in this bill. That is a wonderful thing. We can actually talk more about the substance and less about just pet projects on the side.

This amendment would reduce by $18.57 million the operations and maintenance defense-wide account. It would send the money to the spending reduction account. We are often told that when we offer amendments like this on the floor, it is not going to save any money. This one does. The money that is saved here will go to the spending reduction account.

Last August, Secretary Gates ordered a review of all outside boards and commissions that provide advice and studies to the Defense Department with an eye toward eliminating unnecessary entities and cutting funding for the studies that they produce by 25 percent.

According to CRS, the Department of Defense funds 65 boards and commissions at a cost of about $75 million. This amendment would achieve the approximate savings that Secretary Gates sought for FY 2011 that would equal $18.75 million. That is 25 percent of the $75 million over time. I certainly don't have any problems with the various panels from which the Defense Department seeks counsel, but I am sure there is some waste there. That is why Secretary Gates has targeted a 25 percent reduction.

I realize the amount of savings in this amendment is relatively small compared to the overall defense budget, but I think the point has to be made here that the defense budget is not sacrosanct. We can't say if it is defense, it is all good; that there is no waste here, we can't cut any. So it is important to look for ways we can actually save.

In fiscal year 2010, more than $1 trillion was spent on discretionary spending. The Department of Defense received more than $508 billion of that. Certainly in a Federal agency that requires the largest budget, this is the Federal agency that has the largest budget, there is going to be some waste and inefficiencies.

□ 1540

This is a great place to start. This is a proposal that came from the Defense Secretary himself, one that wasn't included in the underlying bill, and one that will be addressed in the FY 2012 budget, according the documents released yesterday. In fact, according to the Defense Department, it intends to achieve a savings of more than a billion dollars in FY 2012 simply by eliminating internally produced reports and reducing funding for the types of studies that I'm talking about here.

I applaud the Department's willingness to talk about cuts in its own budget. I urge my colleagues to adopt the same willingness here. If the Defense Department is willing to find savings, we ought to be able to do that here as well. We need to reduce this account which funds boards and commissions and the studies they produce by $18.75 million.

Again, passing this amendment will reduce funding that will not impact the warfighter. It won't impact the war in Afghanistan or the war still going on in Iraq. This would simply signal that this body is willing to cut where we can cut without affecting the necessary protections that we have in the Department of Defense.

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mainly, what I'm opposed to is the fact we're not sure what boards or commissions this amendment would deal with. I think it's probably a good idea, but I think the subcommittee will really like to have an opportunity to investigate whether or not a board is necessary or is doing some positive function for the Department of Defense. We'd like to have time to look into that.

We agree with the gentleman that we should find all the savings, all the waste we can, and we did. We reduced the request for this year by the $14.8 billion. I think we did a pretty good job.

On the gentleman's comment about the process, I had the privilege of serving as chairman of this Appropriations Committee for 6 years. I never brought an appropriations bill to the floor under a closed rule. It was 6 years that any germane amendment could be offered.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. DICKS. I, first of all, want to thank the gentleman for his very kind comments earlier.

This amendment cuts $18.75 million from operations and maintenance Defense-wide to reduce boards and commissions. Well, I think things like the Defense Science Board are very important. We have a number of commissions that are looking into acquisition reform that are trying to help us save money, help us get our acquisition straightened out.

So I agree with the gentleman. I think we should strongly oppose this amendment, and I yield back to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for his comments. Like I said, the subcommittee would really like an opportunity to really review this to make sure that we don't make a mistake and cut something that is important.

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

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

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

Ms. LEE. I rise today in support of the bipartisan Flake amendment, No. 370, to cut $18.75 million from the Defense-wide operations and maintenance budget at the Pentagon.

In my opinion, any discussion about getting our fiscal house in order must begin with a real discussion about reducing the bloated size of the Pentagon budget and ending the war in Afghanistan. And if we are really serious about reducing the deficit, we should be cutting Defense to the 2008 levels rather than cutting domestic discretionary spending to 2008 levels.

We're talking about a $750 billion budget. But the Republican continuing resolution fails to cut the Pentagon budget, and it really increases it by more than $8 billion this year. This will put families and teachers and cops and children out on the street. These cuts will not come close to ending the deficit, will only hurt our economy, won't create any jobs, and given the fact that our economy is on the verge of recovery, we should be doing everything in our power to create jobs. A

nearly $700 million cut to food for women, infants, and children during the height of a recession is really heartless and cold. This cut will not balance the budget and it will certainly not magically reduce the number of hungry children and families across the country.

Republicans want to cut billions of dollars in education programs that impact students at every level, from preschool to graduate school, starting with $1.1 billion in terms of a cut for Head Start. That's going to hurt millions of needy preschoolers. Gutting the Federal Supplemental Education Opportunity Grants by $757 million will really end the dreams of needy college students to be first in their families to earn a college or university degree. Republicans are willing to risk the futures of millions of needy students.

Republican cuts to cost-effective and critical programs like Community Health Centers are a prime example of what is really wrong with this one-sided approach to the budget. Smart investments in improving access to primary care and preventive health services, especially through low-cost programs like the Community Health Centers, are the most effective way to reduce the long-term costs of health care in our country and to reduce the deficit. Republican attempts to cut support for maternal and child health, $50 million; family planning, $317 million; State funds for Health Access Grants, $75 million, worsens the health of children and families, increases the rates of chronic diseases, and does nothing to reduce the deficit.

As a member of the Appropriations Committee, we see these budgets come to us each and every day, and we know the impact of what these cuts will do to the majority of Americans who are just struggling to survive through this downturn. We're in the middle of a housing crisis, and we are struggling to correct this. We're seeing unprecedented demand for housing assistance and a near standstill in private construction of affordable housing. Republicans somehow believe that this would be a good time to make massive cuts to rental assistance that keeps countless families from suffering homelessness. They want to dramatically cut Community Development Funds and the Public Housing Capital Fund, which invests Federal dollars in creating desperately needed new affordable housing.

Worse, these cuts will do nothing to create jobs or jump-start the economy. They are the wrong prescription for what ails our country, and we need to go back to the drawing board. The Flake amendment will cut over $18 million from Defense, which is an excellent beginning, but only a beginning.

So, in closing, let me just remind our friends on the other side of the aisle that budgets really are moral documents. They reflect our values and who we are as Americans. Proposing these deep and painful cuts reflects an unfortunate reality that we are putting bombs and missiles and wasteful Pentagon spending first rather than creating jobs for people who deserve to live the American Dream.

I yield back the balance of my time.

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

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

Mr. POMPEO. I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Let me just say it was asked which boards and commissions are there which this would cut. There are some 65 boards and commissions. Some are blue ribbon panels. The biggest three are the Defense Policy Board, the Defense Science Board, and the Defense Business Board.

But let me say, again, what this amendment does is simply moves forward what the Secretary of Defense has already identified as savings that he would like to achieve. He has said that they want to cut 25 percent of the budget for these boards and commissions.

The Secretary put this report out in August of last year, so it seems that he intended this for the FY 2011 cycle. That's what we're in right now. We're simply doing what, in my view, the Secretary of Defense has asked us to do or what he is going to carry through.

If we can't do this on Defense or on other wasteful spending, where can we do it? This is a great place to start. We should get this done now because it's going to be tackled later on. Why not get a head start and do it in the FY 2011 budget. If we're trying to realize the savings that we're trying to realize, let's take these boards and commissions that the Secretary of Defense has already said we should cut by 25 percent and give them what he asked for.

□ 1550

Mr. POMPEO. Reclaiming my time, it is the case that Mr. FLAKE's amendment addresses a very important issue, and that's duplicative processes and duplicative agencies. As a former soldier, there is nothing I care more about than making sure we take care of our airmen, our sailors, our marines. I think it is a great place to start to make sure we do just that by eliminating this from the Department of Defense appropriations bill.

I yield back the balance of my time.

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

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

Mr. HONDA. I rise in support of this amendment. I am opposed to this continuing resolution and to the Republicans' ''no jobs'' agenda.

Mr. Chairman, the American people want a recovery that supports jobs. Republicans have controlled the House for 41 days and have brought up zero bills to create jobs. These mindless cuts mean 1 million job cuts: no jobs for nurses, no jobs for teachers, no jobs for police, no jobs for firefighters, no jobs for manufacturing, and no jobs for small businesses.

Even worse than what the Republicans are doing to American workers is what they are doing to America's children. This bill will cut funding for education programs by over $10 billion, or 16 percent, which is the largest education cut in history.

The Individuals with Disabilities Education Act, IDEA, State grants will be slashed by $557 million, shifting to States and local districts the costs of educating 324,000 students with disabilities, therefore increasing local tax burdens and killing over 7,000 education jobs.

Pell Grants. Pell Grants will be cut by $5.6 billion, making it more difficult for low- and middle-income families to pay for college. These cuts would eliminate or reduce aid for almost 1.5 million students.

Head Start. Head Start would be cut by over $1 billion, leading to the elimination of enrollment slots for 127,000 poor children and the potential loss of over 14,000 jobs.

No one who votes for this bill could ever have the audacity to say they care about our children.

Republicans are wearing their hearts on their sleeves a day after Valentine's Day, but they don't care about children. They don't care about working middle class families, and they don't care to follow the rules of the road. Instead, Republicans want to make you pay. They want to make you pay for Big Oil's $1 billion subsidies, make you pay for higher drug prices, make you pay taxes to start your small business, make you pay for CEO salaries, and make you and your children go it alone.

So, Mr. Chairman, in closing, I oppose this bill. Republicans want you to keep paying for their war and tax cuts for the ultra-rich while they cut jobs, services, and schools. This is not fiscal discipline. This is fiscal insanity.

I yield back the balance of my time.

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

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

Mr. GRIJALVA. I rise in support of the amendment that Mr. FLAKE has proposed, and I rise in strong opposition to the underlying CR.

Mr. Chairman, the consequence of this whole discussion about dealing with the deficit and the budget reduction that is being recommended by the Republicans is going to be jobs. If you look at what is being proposed, the other side has had nearly 2 months but has brought zero bills that create jobs. These cuts amount to 1 million jobs that will be lost.

There will be no jobs for nurses. $51 million will be cut from the National Park Service; that is a loss of jobs. $256

million will be cut from State and Federal law enforcement; that is the local police that will be cut. $889 million will be cut from renewable energy programs; those are jobs creating solar panels and outfitting and retrofitting homes so they will be energy-efficient. $1 billion will be cut from the National Institutes of Health, which will be a loss of jobs in research and in providing direct public health care to the American citizens. $1.3 billion will be cut from community health centers; that means no jobs and increased costs in the emergency rooms, where people with very acute illnesses will be—people who will not be able to find health care because they will have nowhere else to go. There will be cuts in rural development—a loss of jobs. There will be a $1.6 billion cut for the Environmental Protection Agency—a loss of jobs. There will be a $96 million cut for substance abuse and mental health services—a loss of jobs.

One of the realities is that we must invest. It has been said over and over again that the point of dealing with this deficit that we have in this country has to be a pragmatic, measured process. It has taken us 10 years to get into the hole that we are in, and we need to plan to get out of that with the same amount of time, if not more.

We also need to talk about revenue generation. We are not going to cut our way out of this deficit, and you are certainly not going to cut your way out of this deficit when you are only concentrating on 14 or 15 percent of the Federal budget, which is why I support this amendment as it is an attempt to deal with defense.

We must create revenues. We must quit giving huge subsidies to Big Oil and Big Gas. We must ask mining companies, for once, to begin to pay royalties on the extractions provided them by the public lands. We must close the corporate loopholes that exist that created the financial collapse of housing in this country, and we must ask Wall Street to pay its fair share through a transaction fee, which will generate billions and billions of dollars for the taxpayers of this country.

In order to deal with this deficit, there must be a corresponding generation of revenue so we can continue to invest in the things that are important to the American people: their families, their lives, their education, their health care, their futures. That is an investment, and with additional revenue we will be able to begin to cut the deficit.

The continuing resolution is not an effort to deal with the deficit. It is a calculation to deal with programs and projects that have helped the middle class succeed, poor people survive, the disabled endure. They are programs and projects that have made this country stronger with their support for education and health care.

I urge all of my colleagues to vote against the continuing resolution.

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

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

The CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. FUDGE. I rise to support Mr. FLAKE's amendment because saving $18 million from defense is a great start; but I do, indeed, oppose the underlying Republican continuing resolution.

Mr. Chairman, this resolution threatens jobs, American innovation, and jeopardizes investments that will rebuild America.

As a member of the Science, Space, and Technology Committee, I believe that innovation will lead our Nation and our economy forward. We all know that basic research and technology development create jobs and will help America to win the future. The Republicans have this thing backwards. They have proposed cutting $2.5 billion to fund the National Institutes of Health. This $2.5 billion to NIH funding will be devastating to the biomedical industry that serves as the backbone of Cleveland and so many other communities across the country.

The innovative ways that scientists are pursuing solutions to human suffering with neuroimaging, genomics, and the development of novel treatments that arise from basic findings will improve life for all of us. Innovation will cut down on the costs of these illnesses, lost productivity in the workplace, and it will create important avenues for new investigations that will create new jobs, new ventures, and new industries.

We must continue to make investments in America. Our future is in innovation and technology development, and these cuts are not something we can afford. The loss of funding also means the loss of jobs.

Where are the jobs?

According to a new analysis by the nonpartisan Economic Policy Institute, the Republican CR will cost more than 800,000 private and public jobs. Republicans have controlled the House for 41 days, nearly 2 months, and have brought up zero bills to create jobs. Republicans want to cut Social Security and Medicare. When Republicans say they're cutting costs, they mean cutting Social Security, Medicare and Medicaid until they don't exist.

The American people want leadership that will create jobs and jump-start our Nation's economy. This careless resolution cuts jobs and damages the economy.

Again, I do support the amendment by Mr. FLAKE, but the Republican CR is bad for the American economy, and it is bad for Americans. I urge my colleagues to oppose the Republican CR and help put Americans back to work.

□ 1600

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

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

Ms. WOOLSEY. I too rise in support of Mr. FLAKE's amendment. I see it as a small beginning, a very small beginning, to cutting wasteful Pentagon spending. But Mr. Chair, this entire continuing resolution is bad for the economy and bad for this country. It's all a part of the Republican no jobs for America agenda.

The majority has no interest in doing anything whatsoever to help the 9 percent of Americans who are out of work. They've controlled the House for just about 6 weeks, and they've not brought up a single bill that would create a single job. They've brought up a bill that would continue to shred our civil liberties. They've brought up a bill that will infuse our campaigns with even more corrupting special interest money. They've brought up a bill that would take away guaranteed affordable health care. But nothing to address persistent joblessness. Nothing at all to fix the devastating recession that they caused in the first place.

Their mindless cuts don't do anything to strengthen America. They're not cutting spending; they're cutting jobs. Their agenda means cutting jobs for nurses, cutting jobs for teachers, police officers, small businesses, the very people who form the backbone of the middle class of the United States of America. The Speaker of the House himself said this morning that if some jobs are lost as a result of their cuts, ''so be it.'' He might as well have added, ''Let them eat cake.''

The best way to reduce the deficit is to put Americans back to work, Mr. Chairman, but the Republicans' no-jobs plan is all about cutting the very spending that sustains middle class families. When they say they want to cut costs, what they really mean is they want to cut Social Security, Medicare, and Medicaid right out of existence, and on top of cutting their hard-earned benefits, the Republicans want to make the middle class pay—pay for Big Oil's big subsidies, pay for higher drug prices, pay for astronomical CEO salaries, for higher taxes to start a small business.

The chairman of the House Budget Committee said yesterday, and I quote him, ''What we're doing here is we're having a great debate in Congress about how much spending we should cut. I mean, how cool is that?'' Well, I'd like to tell him it's not cool at all, Mr. Chairman, not when you're asking struggling families to shoulder the sacrifice. Giving a sweetheart deal to corporate special interests and asking the middle class to pay for it—not cool at all.

The Republicans' continuing resolution and no-jobs agenda—bad for America, totally uncool.

Ms. SCHAKOWSKY. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Chair, I rise in support of the Flake amendment, and I strongly oppose the underlying Republican no-jobs continuing resolution.

If people out there have the gnawing feel that the rich are getting richer and the poor are getting poorer, and they're stuck in the middle and stuck getting the bill, the fact of the matter is they're right. This bill is just another example of the Republicans' true agenda, which is helping out big business and the rich while sticking it to the middle class and those who aspire to it.

The cuts that they're proposing would actually cause a devastating wave of unemployment at the State and local level, particularly in the public sector. The Economic Policy Institute has estimated that passage would cost us nearly 1 million jobs. Who are we talking about? You know, it's cool these days to go after public sector workers, but what we're talking about are the teachers—I was one once a long time ago—the teachers who teach our children and grandchildren, the very police who keep our streets safe and put their lives on the line, and the firefighters who answer our 9/11 emergency call. We're talking about workers who are the backbone of our communities.

Over the last 2 years, the Democratic Congress and President Obama were successfully able to stave off a second Great Depression, but we're still in the early stages of recovery, unemployment is still too high at 9 percent, and American families are still suffering. The proposed cuts would cost us 1 million more jobs, be devastating to our recovery, and hurt Americans trying to take care of their families and make ends meet.

Let's just take a look at some of the things they want to cut. How about the National Institutes of Health would be cut $1.6 billion? This is funding that goes to vital medical research, including cures and improved treatments for devastating diseases. High speed rail development, which would provide desperately needed jobs, but beyond that, reinvigorate a keystone of the American infrastructure, it faces $2.5 billion in cuts.

In addition to the important jobs program, what really hurts is Republicans want to put assistance to poor families on the cutting board. They want to cut $1 billion for community health centers, the only access to health care for many poor families. And how about $747 million for the Women, Infants and Children, the WIC program? That's food assistance for low-income pregnant women and their children. The 300,000 beneficiaries in my State of Illinois receive a grand average benefit of $44.62 a month. That's it, per person, per month, and that minimal subsidy would be cut.

House Republicans' proposals to slash Federal spending programs are irresponsible and indiscriminate, eliminating programs that create jobs and cutting assistance for low-income and middle class families. There is another way to deal with the deficit and to balance our budget.

We need to enact a Democratic initiative to make it in America. We should be making things here. We should revive our manufacturing sector rather than providing tax breaks that encourage companies to go offshore.

I offered a plan last year as part of President Obama's 18-member National Commission on Fiscal Responsibility and Reform to make investments that get us out of the economic doldrums, boost job creation, and reduce the deficit—and not on the backs of low-income and middle-income Americans.

We can do it. We need to stop the Republican efforts and protect job-creating programs that benefit the middle class and the safety net programs that help the most vulnerable in our society because that's who we are as Americans.

The Republicans refuse to make the investments necessary to get people back to work because they refuse to give up tax cuts for millionaires and billionaires. Their policies are a prescription for disaster, one that puts families, communities, and our Nation at risk.

Mr. FILNER. Madam Chair, I move to strike the last word.

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

Mr. FILNER. I'm a little disappointed in the amendment by my friend from Arizona. This is our biggest deficit hawk in the House. He wants to cut $18 million from the Defense budget. Did I get that number right, Mr. FLAKE, $18 million? I mean, we've got a $612 billion Defense budget. What are you, .000001 percent of the budget? Not good for a Senator from Arizona, Mr. FLAKE.

I would say let's really get at this. Man, you want to cut the budget? Republican President and Republican Congress funded a whole two wars off the budget. We're talking about trillions of dollars added to our deficit. You don't go after those, Mr. FLAKE. We need you to go after those. We will gladly support you. Eighteen million out of a $612 billion budget? I'll vote for the amendment, and you know, whenever I vote for one, you win.

But let's go after some real stuff in that Pentagon budget, and let's not go after jobs as this underlying bill does. Come on. You know, you talked about jobs the whole campaign. I haven't seen a pro-job bill yet from the Republicans in this Congress, and yet this bill, H.R. 1, cuts millions of jobs.

□ 1610

I am on the Transportation and Infrastructure Committee, Mr. FLAKE. I don't know if you know about it, but the cuts to the clean water moneys—

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are advised to address their comments to the Chair, and not to other Members in the second person.

Mr. FILNER. Madam Chair, did you know that the bill cuts millions of jobs from our economy, the cuts to the Clean Water Act, the cuts to the High-Speed Intercity Passenger Rail Program, and other infrastructure cuts? In my State of California, we are losing, just on this bill, almost 50,000 jobs; the total jobs around the country, almost 300,000. Come on. This is not a way to both cut the deficit and keep our economy going.

I happen to represent a border district. I represent the whole Mexican border with California. Madam Chair, I'm sure Mr. FLAKE knows very well the border in Arizona, and he knows that in this bill, the GSA construction and acquisition funding line has been eliminated—eliminated—$894 million worth.

I don't know about in the State that Mr. FLAKE represents, but I'll tell you, in California, you are eliminating the several-hundred-million-dollar modernization of two of the biggest border crossings in our country and the biggest one in the world.

In my district, 300,000 people cross the border every day legally—legally—and they're crossing mainly for jobs and for shopping. We all know we need to make that far more efficient, that crossing, so people can spend money in our country and create jobs. You have eliminated the whole modernization moneys out of this budget, and I'm sure it affects Arizona.

The Otay Mesa crossing where we have all the commercial crossings in California, gone. The biggest border crossing in the world in San Ysidro, gone. Another big one in my district, Calexico, California, gone.

We are leaving billions of dollars on the table, Madam Chair, for jobs in our economy. If we don't have efficient border crossings, we don't have trade. We don't have shopping. We don't have the crossings that are legal that we all want to encourage. These modernization programs went directly at that, not only in California but in Texas, in New Mexico, and I'm sure in Arizona. And yet all those jobs that are created by more efficient crossings are now thrown away.

So the gentleman from Arizona who wants to give up efficient border crossings in his State, you might tell him, Madam Chairman, I don't think that's a good way to run for the Senate. Taking $18 million out of a defense budget of $612 billion is pretty miserly stuff. It's not even a good symbol for a guy running for Senate in the United States.

We should really go after what the Republicans said they are going after. Let's end the war in Afghanistan, save trillions of dollars off the deficit. But more importantly, the cuts that we have seen in infrastructure in this country, the cuts we have seen in GSA are costing hundreds of thousands, if not millions, of jobs. This is a job buster. It should be defeated.

I yield back the balance of my time, Madam Chair.

Mr. TONKO. Madam Chair, I rise to strike the last word.

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

Mr. TONKO. Madam Chair, while I support the Flake amendment, I oppose the underlying continuing resolution.

The Republicans are here today offering another piece of their ''no jobs'' agenda, and they are in disarray and are hastily pushing an irresponsible and dangerous spending bill that threatens jobs, undercuts American innovation, and jeopardizes investments in rebuilding America.

Creating jobs, protecting the middle class, and reducing the deficit are, indeed, my top priorities. We should be working together to accomplish these very valid goals. However, Republicans have controlled this House for 41 days, nearly 2 months, and brought up zero bills to create jobs. The mindless cuts that are on this floor today mean 1 million jobs cut, 1 million jobs cut from our economy—no jobs for nurses, no jobs for teachers, no jobs for police, no jobs for firefighters, no jobs for manufacturing, no jobs for small businesses.

You cut the deficit by putting America back to work, not by cutting Social Security. Republicans aim to cut Social Security and Medicare. When Republicans say they are cutting costs, they mean cutting Social Security, Medicare, and Medicaid until they don't exist. Ask my seniors in the 21st Congressional District of New York, and they'll tell you to leave alone the Social Security system that has served them well.

Republicans want to make you pay, make you pay for Big Oil's billion-dollar subsidies, make you pay for higher drug prices, make you pay taxes to start a small business, make you pay for CEO salaries, let Main Street take a hit while Wall Street gets a bonus. The American people want Republican leaders to look out for constituents first, not their corporate friends. This careless resolution cuts jobs and damages our economy.

Just 6 weeks after taking charge of the House, Republicans are not just ignoring jobs; they are cutting them, and they admit it. This morning, our Speaker, Speaker BOEHNER, had a response to our concern that this bill destroys—destroys—American jobs. And he said, ''So be it.'' Well, I guess that he meant, so be it if there are 1,300 fewer cops on the beat, because this bill terminates the COPS hiring program. So be it if there are 2,400 fewer firefighters on the job protecting their communities, because this bill eliminates funding for SAFER grants. So be it if there are 20,000 fewer researchers at the National Science Foundation. So be it if there are 25,000 lost construction jobs and 76 construction projects are canceled in 40 States. So be it if there are 200,000 children kicked out of Head Start programs, and so be it if thousands of teachers will lose their jobs.

Mr. Speaker, ''so be it'' isn't a good enough answer for the hardworking middle class of our country.

I agree with the President that we must out-innovate, out-educate, and out-build the rest of the world. We will continue to measure every effort by whether it creates jobs, strengthens the middle class, and reduces the deficit.

I have submitted eight amendments to this irresponsible Republican spending bill to protect and grow jobs, out-innovate other countries in clean energy, protect our seniors, and ensure quality education for our children.

I support efforts to balance the budget. However, I will not support a spending bill that threatens our economic recovery, that cuts 1 million jobs just after we have created 1.2 million private sector jobs since last March, and is achieved on the backs of senior citizens, children, and the working middle class.

Republicans have gone too far, sacrificing Americans' health, safety, and future in order to protect their special interests while offering no real plan to create jobs.

Madam Chair, the American people are united, and they are saying one thing: Show us the jobs.

I urge defeat of this bill.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. Madam Chair, I rise in opposition to the Flake amendment and also to the underlying bill, and I join Leader PELOSI and my colleagues on this side of the aisle in calling this an irresponsible spending bill that threatens job and economic growth, hampers our global competitiveness, and harms the people who are hurting the most: the working families, the middle class, and the poor.

This CR targets vulnerable Americans because it would cut funding for the things they most desperately need, like food stamps, Head Start, and funding to heat their homes, all to keep a reckless tea party-driven campaign spending cuts goal. And at the end of the day, these kinds of hurtful cuts will never get us a balanced budget, and they certainly will not secure the kind of future we want for our children and grandchildren.

As one of the five representatives of the people of the U.S. offshore territories as well as the ranking member of the subcommittee that has jurisdiction over the territories, I am particularly troubled by the painful cuts this CR will make to the important programs that the people of the territories rely on.

The bill slashes 8.33 percent from the general technical assistance account of the Office of Insular Affairs. Madam Chair, the technical assistance program provides support not otherwise available to the insular areas to fight such things as the deteriorating fiscal conditions which are facing all of the islands and our ability to maintain the momentum that has been made in making and sustaining systemic changes.

□ 1620

These funds also support student training programs for high school and college students, as well as training for insular professionals in financial management, accounting and auditing, as well as other programs.

The program also provides funds to assist the islands in maintaining accreditation for our colleges and universities. What is critical about this meager program, which has not seen an increase in its budget in more than a decade, is that it is funding that the territories could not get anywhere else in the Federal Government. Sparing this very small but essential program from the majority's indiscriminate, meat cleaver approach to budgeting would do infinitely more good than any harm it might cause to the budget. After all, the small amount of money we're talking about here does not move the meter one blip.

Madam Chair, the people of the territories recognize that the Federal budget cannot sustain the path that it's on, and that reductions in spending must be made. But we have done our part and will continue to do our part to reduce Federal spending.

As you look at the budget for the territories, it has not increased in several years, and it has been cut for a number of those years. But the cuts we're talking about in the CR do not only affect the territories. In addition to cutting jobs, there are also disastrous cuts that the Republicans are proposing to health-related programs that are critical to millions of Americans and are integral to all of our efforts to achieve health equity and to eliminate health disparities. These health disparities, which we know leave millions of people of color, rural Americans, and low-income Americans in poorer health, without reliable access to adequate health care, and at greater risk for premature death from preventive causes, also cost the Nation a great deal from an economic point of view. In fact, we know that between 2003 and 2006, the combined direct and indirect cost of health disparities and the subsequent premature deaths that often result, the cost was $1.24 trillion.

Rather than base budget cuts on measures that will save human lives in addition to precious Federal resources, the Republicans are instead proposing cuts that will achieve the exact opposite. We all know from their efforts to repeal the landmark health care reform law, a law that has already begun to expand access to affordable high quality health care to more than 30 million Americans who were in the ranks of the uninsured, the Republicans either do not care about the importance of ensuring that every American and their families have health

care coverage, or they do not understand the value of such coverage in promoting health, wellness, and thus improving life opportunities, or maybe it's both.

And now, we also know that they don't care about or understand the benefits and the needs for the programs and efforts that will significantly improve the health and wellness of some of our Nation's most vulnerable residents by reducing the very health disparities that cost this Nation so much in human lives and in money. In fact, they want to cut more than $1 billion from the Nation's community health centers, the very centers that provide medical homes to millions of hard-working Americans whose health care needs would be poorly addressed without them, and to cut $210 million from maternal and child health block grant programs, more than $300 million from family planning, and $758 million from the WIC program, all of which would have a detrimental impact on the health and wellness of women and children and young families across this country.

I urge my colleagues to reject this budget CR which does nothing to improve the economy and hurts vulnerable Americans.

Mr. HINCHEY. Madam Chair, I move to strike the last word.

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

Mr. HINCHEY. Yesterday, as we know, was Valentine's Day, but the majority here in Washington is showing no love for the families throughout the district that I represent and all across the rest of this country.

The new majority said they would cut wasteful spending. But instead they're slashing jobs for police officers, jobs for firefighters, jobs for teachers, and many other jobs, all across the country.

They told us they would work to eliminate needless layers of bureaucracy, but instead they're cutting heating assistance for the elderly, food aid for young mothers and infants, and college aid for 15,000 students in the district that I represent and hundreds of thousands of other students all across the country.

They said they would focus on the economy, but instead, they're eliminating energy research and development that we need to create green jobs and compete with other countries around the world. They're sending the workers home on 76 high-speed rail projects underway in 40 states, all very necessary. This hurts real people. It does nothing to address our long-term deficit, and middle class families are the ones who pay the price. The American people don't want more hidden cuts and budgets tricks. We need a plan. We need a solid, secure positive plan.

The national debt we hold today was not created over the last 2 years, as some people are saying. The fiscal crisis we are facing today was inherited from the Bush administration. Under the previous administration, annual budget surpluses were turned into annual deficits. It was Vice President Dick Cheney who said deficits don't matter. Clearly, that's a lesson the new majority has learned well because while they do cut spending with this CR, this bill will undoubtedly worsen our budget deficit. Why? Because it will kill hundreds of thousands of jobs. That means more people unemployed.

The people didn't send us here to tend to the needs of Wall Street and oil company CEOs. So why does the majority stand against the plan to end special tax earmarks that would actually cut the deficit?

We could be discussing how to end government redtape. For instance, in 5 years we could save many billions of dollars by allowing Medicare to negotiate lower prescription drug prices for seniors. But instead, the majority here wants to cut the administrative budget for Social Security. This plan hurts New Yorkers and others all across the country. And it hurts the district that I represent. Fifteen thousand college students in places like Ithaca and New Paltz will get hurt with the maximum Pell Grant falling by $800 as the cost of college continues to go up for students all across America.

And 123,000 low-income pregnant women and new moms in New York will get less assistance with the pre- and postnatal nutrition they need. That will happen to thousands and thousands of others all across the country.

Nearly 2 million New Yorkers who apply for LIHEAP this year will find it harder to heat their homes next year, as will so many thousands of others across the country.

Job training programs like Job Corps in Sullivan County, which will help high school dropouts get the training they need to get good jobs, will get cut out too.

Like a blindfolded child at a pinata party, this continuing resolution takes a bat to all the wrong things at exactly the wrong time. I would urge my colleagues to oppose it.

Stand up for the American people. Stand up for a real plan to reduce the deficit, and fight to save the jobs this country needs so desperately.

Mr. DOLD. Madam Chair, I move to strike the last word.

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

Mr. DOLD. Madam Chair, I appreciate the opportunity to be here. I rise in support of the Flake amendment and know that we, at this point in time, the American public has asked us to tighten our belt. We have to do so. And I believe we have to talk and look at every single department, including the Department of Defense. This specific amendments deals with a very small amount in the Department of Defense, one that Secretary Gates has already outlined and determined that they do not need. This will not jeopardize those that are in harm's way. This will not jeopardize military preparedness. This is yet one small step.

We have, I think, over 400 amendments today, and I'm delighted that those on the other side of the aisle are in support of the Flake amendment, and so we certainly look for its passage.

This right now, what we're talking about in terms of reining in spending, is absolutely what the American people demand. Yes, we've had spending on both sides of the aisle. Washington has a spending problem. We need to cut back on spending. We're spending $1.48 trillion in deficit spending, and I think the President's budget actually brings it up to $1.6 trillion. That's over $3 million a minute in deficit spending.

□ 1630

I come from the private sector. I run a small business. I understand what is going on in the private sector, and I can tell you that out-of-control spending in Washington does not send the right signal and in fact does hurt jobs.

We have to get our fiscal house in order. This is what this is going to attempt to do, and we certainly know that out-of-control spending has not been the answer. I urge my colleagues to support the Flake amendment.

I yield back the balance of my time.

Ms. WATERS. Madam Chair, I move to strike the last word.

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

Ms. WATERS. Madam Chair, I rise to address what I consider very serious problems with this continuing resolution and this defense budget and the lack of attention to jobs.

I am going to talk about something that's quite unpopular. We all know that we have 9 percent unemployment in this country, which is significant. We all know that communities all over America are suffering, not simply rural communities, not simply suburban areas, not simply inner cities. But people are hurting, having lost their jobs, all over America.

In some communities, it's not 9 percent, it's not 10 percent, it's not even 15 or 20 percent. We have communities in America where there is 30 and 40 percent unemployment.

There are those who would like to say, well, that's in those urban areas. No, it is not simply in urban areas. We have poor rural communities that have Representatives who come here every day talking about they are representing them, when in fact they never speak to the needs of those communities. They don't talk about the lack of health care that people have had to endure for so many years, the inability for people in these rural communities to access clinics. Some of us are fighting for all people, not only the cities and the towns, but these rural areas that are being hurt so badly.

Now, it is not popular to even use the word ''poor.'' As a matter of fact, you hear over and over again about concerns for the middle class. Of course, we are all concerned for the middle class. But who represents the poor people in America these days? There are some of us who do, and proudly so, and we are referred to as ''big spenders.'' Tax and spend, they say. And they don't talk about the poverty in their own community.

But let me just tell you, with this continuing resolution the CDBG, Community Development Block Grant, money is going to hurt all of these communities across America. Many of these Representatives who support cutting CDBG from $4.45 billion down to $1.5 billion are going to hurt their cities. Their mayors are absolutely going nuts about what is happening with the cutting of CDBG, the last block grant funding that they can depend on to assist with economic development that helps to create jobs in America.

You hear a lot about that we care about jobs. Well, we know what people care about jobs based on where they place their priorities. My friends are cutting in areas where we could be creating jobs and have demonstrated that they have zero bills to create jobs. The mindless cuts that they are proposing means 1 million job cuts: no jobs for nurses, teachers, police, firefighters, manufacturing, small businesses.

We need to put America back to work, and we can do this if we are sensible, if we are targeting the cuts in areas that can take it.

Why are we spending the amount that we are spending on the military budget and defense budget when we have those who are telling us—for example, Secretary Gates announced his intention to terminate the expeditionary fighting vehicle program and the surface launch medium-range air-to-air missile system. Why are we trying to disregard what we have been told by the very people who understand this defense budget better than anybody else?

No, we want to continue to fund a budget that doesn't need any funding, not talking about how we reduce and eliminate the funding for Afghanistan and bring our soldiers home and put that money into our own domestic needs. We are talking about somehow cutting in ways that they would have people believe that they are helping them when in fact they are hurting them.

This continuing resolution does nothing for strengthening the economy. It does nothing for creating jobs. It does nothing for support of those cities who are fighting desperately to hold on to opportunities for people who have nowhere else to turn. Not only do we have the cuts in areas that would create jobs, but also many of these areas are faced with foreclosures.

Ms. CHU. Madam Chair, I move to strike the last word.

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

Ms. CHU. Madam Chair, I rise in opposition to this amendment because it doesn't do anything to create jobs. Of course, I shouldn't be surprised. Over the last 6 weeks since the Republicans took over control of the House, they haven't created a single job. In fact, they haven't even put a single jobs bill on the House floor.

With this mindless job-killing Republican spending bill, they are hurting the American people. This bill senselessly cuts over 1 million jobs at a time when we need them most, at a time when we can least afford it. This is nothing more than a Republican pink slip for America.

This bill doesn't get our broken American economy back on track. Instead, Republicans are hitting American workers where it hurts. These merciless Republican cuts mean, if you work in manufacturing, no jobs; if you are a cop, no jobs; if you are a nurse, no jobs; if you are a teacher, no jobs; if you are a firefighter, no jobs; if you are a construction worker, no jobs.

Republicans aren't just ignoring jobs. They are slashing them. And that means pink slips for Americans across the country and across almost every industry. If we aren't helping real Americans, where is this money going? Right into the pockets of big defense contractors.

While Americans across the country are finding themselves out of work due to mindless Republican spending cuts, the military industrial complex will actually be making more money.

While they slash jobs and safety net programs, Republicans are actually increasing funding to the Department of Defense by $10 billion. This spending is excessive and way out of proportion with the needs of the American people.

Even Defense Secretary Gates has found $100 billion in cuts and savings to the Department of Defense while still keeping America safe. That's the entire cost of the job-killing cuts Republicans are asking for here today.

Instead of expanding our economy and growing the middle class, Republicans want to make you, the American people, pay. They want to make you pay to line the pockets of defense contractors, make you pay for Big Oil's billion-dollar subsidies, make you pay for higher drug prices, make you pay taxes to start a small business, make you pay for CEO salaries, make you take a hit while Wall Street gets a bonus. We need to look out for constituents first, not corporate friends.

And this bill isn't even about reducing deficits, because we all know that the best way to reduce the deficit is to put Americans to work, not carelessly gut government programs. Instead, we need to rebuild America and focus on winning the future.

Today's bill is a choice between cutting the deficit or putting Americans back to work, and I am voting for jobs. We need to invest in our Nation so that we can out-innovate, out-educate, and out-build the rest of the world. I want to see the words ''Made in America'' again.

The American people voted for jobs, and all they are getting with this gutting and slashing funding proposal are pink slips. This is a heartless and careless plan that cuts real American jobs and hurts real American families.

I yield back the balance of my time.

□ 1640

Mr. GARAMENDI. Madam Chair, I move to strike the last word.

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

Mr. GARAMENDI. Madam Chair, the amendment before us is a start. Eighteen million dollars out of $720 billion is a start. You might take it one step forward and let's end the war in Afghanistan where we're spending $120 billion and another $30 billion or so in Iraq. Now we've got some real money to talk about.

Because this is a start, I find that it's an unworthy start, and, therefore, I oppose the amendment. However, the real issue before America is not how we can slash and burn in foolish ways that actually lose tens of thousands, hundreds of thousands, indeed a million jobs in the next 7 months, which is the proposal before us with this continuing resolution that the Republican Caucus has put on the floor. It seems to me that if we wanted to create jobs, we certainly wouldn't, as a first step, lose a million jobs in virtually every sector of the economy:

Teachers that are providing services for the early childhood education programs, Head Start, they'll lose their jobs.

Firefighters; 2,400 or more of them will lose their job across the Nation. The COPS program, which has provided jobs for police in our cities, they'll lose their jobs, some 1,300. They just had men and women from my own district come in and say, Why would they want to do that? Why would they want to take cops off the street? I told them, I don't know. I don't understand.

I don't understand this CR. It is the most foolish, nonsensical slash-and-burn I have ever seen. I was in the Department of the Interior in the mid nineties when we actually reduced in a thoughtful way over a 4-year period of time the number of employees by some 12,000—from 90,000 down to the 70,000 range. We did it. And we continued to do the services. But you don't slash and burn. You don't just in a wholesale manner carry out a political promise of $100 billion and foist it upon the American public in this way where we lose a million jobs, where we lose critical services.

California has been in a water war for generations. We rely upon the Bureau of Reclamation. We rely upon recycling. We rely upon these programs. And yet you slash those, and those are real jobs and real programs to deal with the water problems in the West. Why would you do that? What's the

point of that? Why would you go into programs where we need to educate?

My daughter is a second grade teacher. She now has 32 kids in her elementary program; an almost impossible situation. And your cuts that you're proposing will make that situation worse. She cried out to me this week, Why are they doing that, Dad? I said, for some political promise made in a campaign without any thinking about the impact that it has on real human beings, real students, who are trying to get an education.

My final point is this. There are five things that lead to true economic growth. The best education system in the world, and so this CR cuts education. The best research in the world, and so this CR cuts research programs in science, in energy, in health care. The best infrastructure, and this CR cuts infrastructure expenditures. Manufacturing matters; we have to make it in America. You cut out those programs that assist manufacturing. And, finally, we know that we have to have an energy policy and you destroy the beginnings of a green energy, self-sustaining energy program in this Nation.

Why would you do so many foolish things? I don't get it. Perhaps it's because your real agenda is the no-jobs agenda.

Madam Chair, I yield back the balance of my time.

Mr. JOHNSON of Georgia. I move to strike the last word.

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

Mr. JOHNSON of Georgia. Thank you, Madam Chair.

Madam Chair, we've had promise after promise after promise after promise that the Republicans were going to pay attention to what the people wanted. And what the people want is jobs, jobs, jobs.

I rise in opposition to this amendment, Madam Chair. I want to point out that these Republican cuts that have been proposed are draconian, they are extremist, they are bad for America. They are bad for our economic recovery. Everybody knows that we just came out of the worst recession since the Great Depression. We call it the Great Recession. We're just coming out of it, even though most Americans don't feel it yet. Certainly those folk up on Wall Street who got the bailouts, they feel the recovery, and they are back to the huge bonuses and salaries. They are looking at this Republican Congress to release them from all of the regulatory measures that the Democrats put in place over the last 2 years so that they can continue to party. And while they party, their friends here in Congress on the Republican side of the aisle are busy trying to balance the budget on the backs of working men and women in this country. That's what the CR proposal is all about.

It came out on Friday at 8 p.m.; they issued their plan, and here we are on Tuesday arguing the merits—or demerits, actually—of this plan that is nothing other than a plan that undermines America's future. This plan is going to cause severe job cuts which will hurt our economic recovery.

It is ironic that as reported in the Wall Street Journal, a new Wall Street Journal survey of economists shows that they expect the economy to expand at the fastest pace since 2003—a recovery that would be certainly jeopardized, snuffed out, by this GOP plan. This is going to cut at least 300,000 private sector jobs, according to an analysis by staff at the Transportation and Infrastructure Committee. These cuts, by the way, these 300,000 cuts are less than half of the total infrastructure cuts in the bill. These Republican cuts in investments in roads, bridges, transit and rail include a cut of $1.4 billion in clean water State revolving loan fund moneys, which is $23 million for Georgia; and include a cut of $6.3 billion in high-speed intercity rail funding. That's going to cause people to not be able to go out and work to make that investment in America's future a reality.

□ 1650

A $75 million cut in the TIGER II Program, those are transit projects, is what will happen in Georgia, just in the State of Georgia. So we are talking about massive job losses, 300,000 just with transportation and infrastructure projects, Madam Chairman. The consequence of that extends into our future. It is actually strangling the future of millions of Americans, both working and poor people.

I yield back the balance of my time.

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

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

Mr. CAMPBELL. Madam Chairman, I won't take anywhere near that time, just simply to get back to the amendment offered by the gentleman from Arizona, Mr. FLAKE, which is the matter before us right now, and to say that I support this amendment, Madam Chairman.

The gentleman has very properly, I think, brought up something that the Secretary of Defense has said is one of the areas in which the defense budget can be reduced and we can save money. The greatest threat to the national security of this country today is our debt. The Secretary of Defense has said that. He has said certainly it is a national security threat, as has the Secretary of State. So we need to get this debt down, we need to get this deficit down, we need to do it in every single area of the budget.

I think the gentleman from Arizona's amendment is very proper and a very appropriate one, and I support it.

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

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

Mr. GUTIERREZ. Madam Chairman, I rise to, first of all, support the Flake amendment but also to oppose the underlying bill and the drastic cuts that will devastate the most vulnerable citizens in our Nation.

Just to highlight some of these cuts, the bill will cut $25 million from the Ryan White HIV-AIDS Program and the Aides Drug Assistance Program, ADAP. Now, ADAP is a program of last resort for the poorest Americans who don't qualify for Medicaid or Medicare. Currently there is a waiting list of over 6,000 people in 10 States to receive benefits from this program.

And $850 million in reductions to the CDC, an organization whose first task is to defend us against disease and infection, $850 million. That is smart. Let's just cut and make America more vulnerable.

The bill cuts $1.6 billion in funding for NIH, so I guess we won't need any research since we are going to let the diseases run rampant in America.

It goes so far as to say in the District of Columbia, we are even going to tell you how to spend your very last dollar.

But it gets better. Community Health Centers, Community Health Centers, where the most vulnerable are treated for their health, $1.3 billion in cuts. Community Health Centers will lose the capacity to serve 11 million patients over the next year, and well over 3.3 million current patients will lose their care within the next few months.

The bill cuts $5 billion from the Pell Grants. I did hear that there were a lot of new millionaires elected to the Congress of the United States, so I imagine they can pay for their children's education. But maybe we should think about people that don't have the median income of Members of Congress, people who don't make $175,000 a year, which puts all of us in the top 1 percent of wage earners.

What about the most humble and the poorest and those who wish to aspire one day to lead this great Nation of ours? Shouldn't they be given an opportunity? Not under this program. Let's cut the program, the basic program that allows young men and women to seek a college education, the Pell Grant. Let's eliminate billions of dollars from there also.

But wait, $25 billion to the Federal TRIO Program. That is for the first generation. That is the first kid in a family where nobody has gone to college. Let's cut from that program too.

The program cuts $25 million from GEAR UP. And, wait, $1 billion from Head Start?

I am just going to end with this. I want the public to understand this. We get great health care here, excellent health care. It is not free, but we get great health care. About $400, that is what they deduct from my check. My wife gets good health care, my daughter gets good health care, and so do every one of you get good health care. Shame on anybody that would adopt this kind of budget, knowing very well

the kind of great health care that we get. Cut your health care first before you cut the health care of the most poorest, the most vulnerable in this Nation.

I yield back the balance of my time.

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

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

Mr. ELLISON. Madam Chairman, I rise in support of Mr. FLAKE's amendment to cut wasteful defense spending. Unfortunately, the underlying bill is just another part of the Republican no jobs agenda. Since the Republican caucus has taken over the majority, they haven't put one jobs bill on. I mean, they haven't done a poor job—they haven't done anything. It is as if they are not in favor of Americans having jobs. We know they are, but they haven't demonstrated it in anything they have done, which is the important thing.

Instead, as part of the Republican no jobs agenda, they bring up a bill to cut 1 million jobs, cut 1 million jobs from the American middle class. These cuts are Republican answers for the job crisis that they created. Cutting 1 million jobs. If you are a nurse, no jobs. If you are a teacher, no jobs. If you are a firefighter or police officer, no jobs. If your jobs are from American manufacturing, no jobs. And if you are a small business person, who is going to have any money to even go into your store? No jobs for them either. The list goes on and on.

If you want to know how we cut the deficit, it is by putting America to work, not by cutting Social Security. Make no mistake: When the Republicans say they are cutting costs, they are cutting Social Security, they are cutting Medicare, they are cutting Medicaid, until they cease to exist. Republicans want working Americans to shoulder the whole burden, the burden of a taxpayer-funded spending spree for the rich while protecting millionaires and billionaires who refuse to pay their fair share.

The Republican answer to the crisis they created is, you pay, American people. They must make you pay for Big Oil's billion dollar subsidies. They want to make you pay for higher drug prices. They want to make you pay for taxes to start a small business. They want to make you pay for CEO bonuses. They want Main Street to take the hit while Wall Street gets a bonus.

While Democrats work to create jobs, reduce the deficit, and rebuild America, Republican Speaker JOHN BOEHNER said, so be it if we lose hundreds of thousands of jobs.

Is that what the American people said they wanted in November? The American people want Republican leaders to look out for constituents first, not corporate friends. And now the American people are saying, show us the jobs.

We have been seeing a no jobs agenda, a jobless agenda. Forty days in the majority, and nothing to create jobs. No jobs for the American people. Madam Chairman, we need to make this change.

Will the Republican caucus even today, Madam Chairman, say you know what, we are not going to cut 1 million people, 1 million public employees out of work. We are going to actually do something to create jobs? It appears not, Madam Chairman.

What we need to do is withdraw some of these massive oil subsidies. What we need to do is save some money by not rewarding the wealthiest among us and industries who have not been responsible corporate citizens and actually use it to put Americans back to work so that they can pay some taxes and actually reduce this deficit.

Make no mistake about it, Madam Chairman, we are concerned about the deficit: $200 billion of it goes to interest on the debt. That money could be going to programs that help people, to help children, to help seniors, that can make and strengthen and improve our infrastructure and our country. But instead it goes to this massive debt, built up by Republicans with their massive tax cuts to the rich, two wars and a big pharma giveaway. They created the problem. Now when we try to solve it, they want to put us back in the hole.

□ 1700

So, Madam Chair, I want to say that if this country—our country—has a deficit to fix, let's fix it by a bold, creative, courageous vision of America where we create infrastructure, we create work, we create jobs, rather than just cutting back the social safety net and taking away what little people have. We need to stop the Republican no-jobs agenda.

I yield back.

Ms. JACKSON LEE of Texas. Madam Chair, I move to strike the requisite number of words.

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

Ms. JACKSON LEE of Texas. Madam Chair, sometimes this is a complex debate when we hear words like ''CR'' to a lot of our voters and others who are paying attention to the work that they have sent us here to do. And a lot of times they try to ensure that we use vernacular that, what does it mean? We're in the budget year of 2012 or budget year 2011 or we're doing a CR. I think the plain and simple of it is we're trying to ensure that what you are getting now if you're on a job, if you're a police officer, that we don't turn the lights out on you. And my concern is to let you know that we have been steadily improving. The private sector has been creating jobs under the Democratic policies under President Obama's guidance and, frankly, under this new budget that we'll debate—that is not what we're debating today—that speaks about competitiveness and speaks about infrastructure rebuild, putting Americans to work.

So my gripe with the CR that my friends on the other side of the aisle have now put forward is that they originally came up with a $60- to $74 billion—maybe a thoughtful analysis of what we could cut. Remember, this is in the middle of you working and all of a sudden somebody comes and gives you a pink slip. But rather than stick with what might have been a thoughtful analysis—and, again, I had not studied it; it had not been introduced—all of a sudden they go by the ''We have to be dominated by voices of which force us, without thought, to now make it a hundred billion dollars.''

I'm as angry about the deficit and want a strong budget, which we're not doing right now, and want to work with my good ranking member, chairman of the Defense Subcommittee in the last Congress, Mr. DICKS, on a thoughtful passage going forward, but I want to make sure we stay on a pathway of creating jobs.

There is something to cutting spending. You have my commitment. We came out with a compromise 2 months ago, in December. Some of us agreed; some of us did not. But there were sizable tax cuts. I voted for tax cuts before. But let me tell you why what we're doing today is enormously dangerous: 1,330 cops will be off the street; 2,400 fewer firefighters will be off the street; we will take teachers out of classrooms and lose 25,000 new construction jobs.

There is a provision in the CR that wants to rescind stimulus dollars—sounds like a bad thing—but those dollars are in the pipeline for construction projects where men and women of America are working and feeding their families. Does that make sense, dollars that they pay taxes back to this country?

I don't understand a plan that takes from the working man and woman in this country. I don't understand a plan, for example, that takes $2.5 billion away from high-speed rail, which all over America there has been a sense of inspiration about moving us to more efficient transportation. But the number of jobs to be created cannot be counted. That's an investment in this country. Or do you want to undermine the air traffic control system and begin to trouble America's airways? I sit on the Homeland Security Committee, chair the Transportation Security Committee. I am very hesitant to make a willy-nilly cut to the FAA.

And so what disturbs me is: Why could we jump or why did we jump or how do we jump in 48 hours from $60 million to $74 million of which they said they were cutting? This is a continuing resolution, which means it allows the government, in essence, to keep going on what we are ongoing with. It means people are out there working, doing the bidding of the American people. And, before you know it, because there were complaints and people talking about what they campaigned on, and all of a sudden it's a $100 billion cut with no thought.

Now, I respect people being elected by their constituents, but it is interesting when you read polling numbers from individuals who happen to come from that background of the tea party that want to cut everything, and you ask them about something in their jurisdiction. Say, for example, an Air Force base. The polling numbers show, Don't cut my Air Force base, but you can cut somebody else's.

So here's my concern, Madam Chair. How do you cut Juvenile Justice and the COPS program? How do you cut the Justice Department for all of the voting rights enforcement?

I want to stay on a path. This CR is not a pathway of creating jobs; it's no jobs, and it stops America in her tracks. Let's stay on track and keep investing in jobs in America.

Ms. EDWARDS. Madam Chair, I rise to strike the last word.

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

Ms. EDWARDS. Madam Chair, I rise today because I want to express my concern that I think of the House of Representatives as a place that involves a lot of critical thinking about the work that we do, but the continuing resolution in front of us is neither critical nor thoughtful. It eliminates the COPS program.

Let me tell you about the COPS program, not just around the country where it's going to result in firing 1,330 law enforcement officers, but in one of the counties that I represent where we have had, unfortunately, 18 homicides since the beginning of the year, where we need every law enforcement officer on the beat. Fifty of those officers come from the COPS program. We would lose those officers under this continuing resolution.

Looking at the firing of our firefighters, these are firefighters, first responders out there whenever they're called in every one of our communities across the country, 2,400 of them.

Sometimes, Madam Chair, we speak in numbers that are so extraordinary that ordinary Americans don't understand them. But I think with respect to this continuing resolution, ordinary Americans understand that under the resolution 200,000 students—that's prekindergartners—will be kicked out of Head Start just when we need to give these students a start so that we can grow them and educate them so they're competitive in the 21st century. We're not doing that. Instead, 200,000 students in every State of this country kicked out of Head Start, thousands of teachers who teach them.

This brings me to another cut, a number that the American people understands, Madam Chair—$845. $845 is the amount that would be cut from the Pell Grant program; $845, for those of us who sent a child to college, is the cost of books for the semester.

Madam Chair, I am so shocked by these cuts that I think across this country, the students, if they're not going to get their $845 to buy their books, maybe they should send the bill to Speaker BOEHNER, send their book bill to the Speaker.

I am challenged to understand these cuts, because when I think about an $845 cut to Pell Grants, in my State that's 123,000 students. Madam Chair, in Michigan, it's 646,000 students; in Arizona, it's 340,000 students; millions of students across the country who lose $845 that allows them to buy their biology books, their economics books, their math books, the things that will enable them to be competitive in this century. So, like many Americans, I really don't get that. It is neither thoughtful nor critical.

This cut would mean $2.5 billion in cuts to the National Institutes of Health for cancer research and for other diseases that plague our country and send our health care costs skyrocketing. We want to cut scientists and researchers and medical professionals who are trying to cure the great diseases of our time?

□ 1710

I don't understand it, and I don't think the American public understands it.

And $1.4 billion in cuts for science and energy research, the very thing that will make us competitive in this next generation. The American people don't understand that.

Children, 200,000 of them, in Head Start. Firefighters, 2,400 of them. Police officers, 1,330 of them; 123,000 students in the State of Maryland losing their 845 lousy dollars to buy their books.

Madam Chair, I have to tell you that I think, like many of us in this Congress, we know that we need to bring spending under control, but it cannot be at the expense of working people. It cannot be at the expense of poor people. So it is a sad day in the United States when this Congress has exercised neither critique nor thought in bringing cuts that will devastate the American people and result in no job creation yet again for the last 45 days of this Congress.

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

Mr. DICKS. Madam Chair, I want to remind everyone that we are on the Defense appropriations bill. This is the Flake amendment, and we have cut approximately $15 billion from this defense bill. I understand that there is a lot of concern about the other items here, but I just wanted to make that point.

I yield to the gentleman from Florida if he has anything he wants to say at this point.

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

Madam Chair, America is at war. We have soldiers fighting, losing their lives, having serious injuries not only in Afghanistan but in Iraq and, before that, in Kosova and in Bosnia. We have known war for a long time, and cutting the defense budget was unheard of. Yet the subcommittee has been able to recommend $14.8 billion in a very short period of time that we don't think has any negative effect on the national defense.

The idea of the Flake amendment may be a good idea. The subcommittee would like to be able to analyze it to make sure that it doesn't have any kind of a negative effect. It may be, as we go through our process for this year, that we would include that, but the subcommittee would very much like to have an opportunity to review this recommendation by the Flake amendment.

Mr. SARBANES. Madam Chair, I move to strike the last word.

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

Mr. SARBANES. I wanted to speak to the underlying CR, H.R. 1.

Madam Chair, in particular I want to speak to the fact that the American people have been very clear in their understanding that what we need to do is rebuild the country and that we need to rebuild America. Yet everything that is being proposed by the Republicans in this continuing resolution undermines that goal.

Rebuilding America means rebuilding our infrastructure, and we can talk about that infrastructure in a number of different ways. We can talk about rebuilding and investing in our physical infrastructure. That's roads, bridges, tunnels, highways, and building up the strength of our physical infrastructure, which we all know we have to do. All you have to do is look at the newspaper or watch television, and you will see examples every day of the crumbling infrastructure out there. So we have got to commit to that, but the Republican budget would undermine that objective.

We have to rebuild the civic infrastructure of this country and keep it strong. What do I mean by the ''civic infrastructure''? I am talking about service programs like AmeriCorps and the Corporation for National and Community Service, which creates an infrastructure that says to those people who want to volunteer and serve their country—1,000 points of light—we are here to partner with you in doing that. Yet the Republican proposal would zero out that civic infrastructure.

It's about investing in human infrastructure and building up human capital. That's education and health care and job training and innovation and technology. That's what human capital and human infrastructure is about. Yet we can look through this budget and find examples of cutting those priorities as well.

How does that build up America? That tears America down. It doesn't build it up.

As for the last piece of this, if you're going to make America strong and keep it strong, you've got to preserve the natural resources of this country. I

looked at a couple of the numbers here in terms of what's being done that would hurt our environment under the proposal. I'll just mention a couple of them.

Cutting the Environmental Protection Agency by 29 percent, a $3 billion proposed cut. Now, how are you going to protect the environment if you cut by almost a third the agency whose mission it is to do that? That's essentially giving a free license to the polluters of America. That's an unconscionable proposal.

I come from Maryland. We care about the Chesapeake Bay in Maryland. It has been a national commitment to preserve this national treasure, the Chesapeake Bay. Last year, through an executive order, the President made it a priority. There are partnerships at the Federal, State and local levels and with the private sector to try to save and protect the Chesapeake Bay, but these proposals would undermine that.

Cutting over $1.7 billion from the Clean Water and Drinking Water State Revolving Funds. In Maryland, that would cost 1,000 jobs. This is an important source of financing for people to implement best practices to clean up the Chesapeake Bay. Why would we undermine that?

There are other elements with respect to our natural resources. We've got to enforce pollution standards. The EPA is in a position to do that, but not if we cut their funding. This would endanger rivers and streams that feed the Chesapeake Bay.

The last observation I would make, and this is sort of the overarching concern that I have, is that I really believe in the idea of citizen stewardship, in the idea that ordinary citizens step forward every day and decide they're going to commit themselves to cleaning up the environment. Our young people are committed to that, the next generation; but they want to see that the Federal Government is going to be a real partner in that effort. If we abdicate that responsibility, then there are going to be a lot of young people, a lot of ordinary citizens, who are going to get disillusioned in terms of their own commitment to cleaning up the environment.

We need to step forward. We need to stay strong and be a partner in protecting our environment; but what the Republicans have proposed in this continuing resolution would completely undermine that.

I yield back the balance of my time.

Ms. NORTON. Madam 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. Madam Chair, the underlying bill is a special insult to the Americans who voted for the new majority on the promise of jobs. They might forgive that the mjority does not know how to produce jobs or that they haven't produced jobs yet, but they will never understand a bill that will make history on the number of jobs it affirmatively destroys.

The deficit commission warned about cuts that are at the centerpiece of the majority's bill, cuts that don't distinguish between short-term and long-term deficits, between the job-producing role of government investment during an economic turndown and the needed savings to reduce the long-term deficit, which must go on simultaneously; but the majority loses its focus entirely with its obsession on snatching local authority, over local funds from the District of Columbia.

While the majority wants to make draconian cuts in most Federal programs, putting at high risk the economy itself, it simultaneously expands Federal power into the local funds and affairs of a local jurisdiction, the District of Columbia. Three riders in this bill are anti-self-government, having nothing to do with the underlying bill or the Federal Government.

□ 1720

Particularly cruel, apart from the home-rule violation, is the attempt to reimpose a provision that would keep the District of Columbia from spending its own local funds on needle exchange programs. If this is reimposed, a rider I got off during the last few years, it will cost lives and spread HIV, as it did for the prior 10 years.

But they're not through there. The majority takes a hard-line approach, even when I asked for and was denied the right to testify before the Judiciary Committee on yet another rider, a rider that would keep local District of Columbia funds from being spent on abortions for poor women. What business is it of any Member of this body how the District of Columbia spends its own money, which it raises from its own residents and businesses?

Mr. Speaker, they go further. They try to reestablish a voucher program in the District, ignoring a compromise reached last Congress to allow every child now with a private school voucher to remain in the program until graduation. It disregards the fact that the District has the largest public charter school alternative in the United States. Almost half of our children attend these schools. If the majority wants to give money for alternatives to public schools, then they've got to respect our choice.

Republican support for vouchers—only in the District of Columbia—exposes them for where they really stand on vouchers and school choice. There is wholesale support in this body for public charter schools. They will not bring a voucher bill for the Nation to the floor because polls and referenda in the States show there is zero national support for private school vouchers. Instead, Republicans single out the District and only the District, ignoring the city's own extraordinary, flowering public charter school program. Our choice, not someone else's who has nothing to do with us.

You cannot try on this floor to slash Federal power while dictating local policy and how local money should be spent. Those two don't go together.

Mr. COHEN. Madam Chairman, I move to strike the last word.

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

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

I could spend my time talking about the cuts to the Low Income Heating and Energy Program, LIHEAP, and that's important because there are many people in my district suffering through the worst winter in Memphis' recent history and one of the worst winters in the country's history that need help with their utility bills more than ever. And that's, I think, an awful thing when people are suffering from the inability to pay their utility bills that we're cutting LIHEAP.

I could talk about what we're doing to law enforcement, cutting the COPS program that puts police on the street and helps local government put new policemen on the street to protect our people, and cuts to State law enforcement spending.

I could talk about the many calls and letters I've gotten from people concerned about title X cuts that will affect 5,500 in my community, women that won't be able to get family planning services, which include cancer screenings, annual exams in my city.

I could talk about cuts to NPR, cuts to the National Institutes of Health, where they're looking for cures for cancer and Alzheimer's and diabetes and other illnesses that affect our populace which we need to cure as soon as possible. Or cuts to the FDA, $241 million to keep our food safe and preserve public health.

Or cuts to Social Security and Medicaid. A gentleman stopped me Saturday and said, please, you tell the people in Washington, don't mess with our Social Security and Medicaid, but there are great cuts there as well.

Or the $18 billion cut to transportation—and Memphis is a transportation hub with rails and roadways and runways and river transportation, and $18 billion in cuts to transportation is going to hurt the growth of our economy and sending goods to market.

I could talk about any of those items. I could talk about the cuts to legal services and the fact that more and more people need legal services in these economic times. The housing crisis hasn't left us, and people need representation.

I could talk about cuts to education in historically black colleges and universities and Head Start programs. How are we going to compete, which we are not doing well in science and math, with the Chinese and the Indians if we cut these programs? I could talk about any and all those programs.

But one thing I want to do is I want to read a column called ''Eat the Future,'' and Paul Krugman, a Nobel

Prize-winning economist, wrote this. So I just think it's worthy to listen and have it heard on this floor what Mr. Krugman said yesterday, Nobel Prize-winning economist.

''On Friday, House Republicans unveiled their proposal for immediate cuts in Federal spending. Characteristically, they failed to accompany the release with a catchy slogan. So I'd like to propose one: Eat the Future.

''I'll explain in a minute. First, let's talk about the dilemma the GOP faces.

''Republican leaders like to claim that the midterms gave them a mandate for sharp cuts in government spending. Some of us believe that the elections were less about spending than they were about persistent high unemployment, but whatever. The key point to understand is that while many voters say that they want lower spending, press the issue a bit further and it turns out that they only want to cut spending on other people.

''That's the lesson from a new survey by the Pew Research Center, in which Americans were asked whether they favored higher or lower spending in a variety of areas. It turns out that they want more, not less, spending on most things, including education and Medicare. They're evenly divided about spending on aid to the unemployed and—surprise—defense.

''The only thing they clearly want to cut is foreign aid, which most Americans believe, wrongly, accounts for a large share of the Federal budget.

''Pew also asked people how they would like to see the States close their budget deficits. Do they favor cuts in either education or health care, the main expenses States face? No. Do they favor tax increases? No. The only deficit-reduction measure with significant support was cuts in public-employee pensions—and even there the public was evenly divided.

''The moral is clear. Republicans don't have a mandate to cut spending; they have a mandate to repeal the laws of arithmetic.

''How can voters be so ill informed? In their defense, bear in mind that they have jobs, children to raise, parents to take care of. They don't have the time or the incentive to study the Federal budget, let alone State budgets . . . So they rely on what they hear from seemingly authoritative figures.

''And what they've been hearing ever since Ronald Reagan is their hard-earned dollars are going to waste, paying for vast armies of useless bureaucrats—payroll is only 5 percent of Federal spending''—and others.

The bottom line is they've been hearing lies about the Federal budget. They've been hearing lies about the Federal bureaucracy. PolitiFact said that the biggest lie in 2009 was death panels. In 2010, it was government takeover of health care. If the Republicans get PolitiFact's Lie of the Year this year, they will get the Irving Thalberg lifetime achievement award. I hope they don't get it.

Ms. HANABUSA. Madam Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HANABUSA. Madam Chair, I don't believe there's anyone in this body who doesn't believe we must get ahold of our budget. I don't believe that there's anyone in this body who doesn't feel that when we do that, we've got to keep in mind that we serve the people, and we also must keep in mind that the one thing that we all are here to do is not to make their lives worse but to try to make their lives better, and in addition to that, we are here to try to build that public confidence which is the only way we will see the rise in our economy.

Madam Chair, when I looked at the amendment, the thing that struck me the most is that in my district, there was a provision in here that zeros out what is called the Native Hawaiian Housing Block Grant. It goes to zero. It's at $13 million now. In that same section, it also zeros out the Department of Housing and Urban Development's Public and Indian Housing revitalization of severely distressed public housing. It zeros out the Department of Housing and Urban Development's public and Indian housing. It zeros out the Department of Housing and Urban Development's community planning and development brownfields redevelopment, just to name some of the programs that have been zeroed out.

□ 1730

Let me tell you about the program of native Hawaiians. This is a program that, in our difficult economic times, managed to build, managed to build roads, managed to build programs. This is a program that was leveraged, leveraged so we had construction projects going, so we had housing developments going, and we have zeroed them out, $13 million, zeroed them out.

When we start to look at the budget and we start to think about what we must cut, the one thing I would like to think that we put a lot of credence in is which one of these programs is being leveraged and doing what we want.

In addition to that, Madam Chair, look at community health systems. Everyone knows the Hawaiian Islands are islands. The only mode of transportation for our people between islands is expensive airfare. We don't have a ferry system. We definitely don't have roads that join our islands. It's airlines. For the underserved, they have to fly for health care. So community health systems, when we cut $1 billion out of that budget, $1 billion, imagine what that means for the provision of one of the most essential, essential parts of a person's life, the feeling of knowing that you have health care, and we have cut that out of the budget. It's not only Hawaii; it's elsewhere. But think about what that means.

And for small communities who rely on CDBG, the Community Development Block Grant program, we've cut it approximately $2.5 billion. Why? That is what gets services to the people. This is what we have.

We have already discussed the fact many times that we are cutting Head Start. There are 200,000 young kids who are not going to get that opportunity.

We are cutting the Pell Grants, and that, of course, is going to make a reduction of about $800 per middle class family.

These are all part of this amendment as well.

But for myself, as someone who represents this State that's gotten zeroed out on a program that has done exactly—exactly—what government wants to see done, which is to make jobs, to give opportunities, we have cut it. Now, why would we do that? That is because we have not taken into consideration or remembered what we are here to do. We are here to serve the people, Madam Chair.

I yield back the balance of my time.

Mr. CICILLINE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. I rise in support of this amendment but to oppose the underlying Republican continuing resolution.

The spending bill before us is born out of an ideology that cuts right to the heart of our values as a country, and our priorities, too. Because that is what a budget is supposed to reflect: our values and priorities as a nation. Our priorities are to strengthen the middle class, to reduce the deficit, and to create jobs.

And we can see very clearly where my colleagues on the other side of the aisle have placed their priorities. It's not in the well-being of our workforce, not in the effectiveness of our classrooms, not in the safety of our neighborhoods. The priorities of the majority party are not with the people who have worked hard all of their lives to earn a decent wage, buy a decent home, put their kids through school, and do what they can to keep their families and communities strong.

The priorities of my friends on the other side of the aisle lay with America's most successful: the hedge fund managers, Wall Street financiers, and the investment bankers. Our Republican colleagues are pushing a spending bill that is irresponsible and ignores the needs of a healing nation. It cuts jobs, threatens American innovation, and diminishes investments in rebuilding America. And to what extent? Well, I can tell you, as a former mayor, I have seen firsthand the consequences of what is being proposed. Some of the most egregious cuts come at the expense of our most vulnerable and some of the most immediate job creators and economic growth engines that I know of.

Our colleagues are gutting more than $340 million from the Community Service Block Grants and nearly $3 billion

from the Community Development Block Grant program. These are real dollars that are putting Americans back to work and helping small businesses in communities all across this Nation.

In addition, this budget slashes $1.6 billion in job training and cuts $120 million in alternative youth training that prepares kids for work in construction and other trades, critical skills that are necessary to help us make things again here in America.

Our colleagues, since assuming the majority last month, haven't offered one single piece of legislation that would create jobs. My friends on the other side of the aisle, at the same time that they are cutting billions of dollars in jobs programs that will help put Americans back to work, are continuing to support hundreds of billions of dollars in tax breaks to companies that are shipping our jobs overseas. While they cut 200,000 children from receiving early childhood education through Head Start, they are giving $43 billion in subsidies to the oil and gas companies.

This Republican proposal cuts Pell Grants for 9 million students, making it difficult and, for some, impossible to continue to go to college while at the same time continuing to give large agricultural corporations billions of dollars in Federal subsidies.

This is a question of priorities, and it's clear what the priorities of my friends on the other side of the aisle are. The Republicans are moving forward with a dangerous spending bill, one that continues to give rewards to the rich and literally guts the initiatives most meaningful to middle class families.

The work of reducing our deficit and controlling spending will be hard, to be sure. The fact of the matter is that we have to cut spending and we have to be serious about it, but we have to do it responsibly. We cannot cut what makes us competitive and what helps us to innovate, succeed in the global economy, and ultimately create jobs.

I know that the priorities that we have set are the priorities of getting people back to work. My friends, we owe it to the hardworking people of our Nation who are struggling to get by, who are playing by the rules but just waiting for someone to stand up for them rather than stand up for the rich guy on Wall Street. We owe it to America's hardworking people to have a serious and thoughtful debate with the hopes of producing a smart and sensible budget for our country. And that's why it's critical we ask our Republican friends: Just what are your priorities? Do we have the courage to stand with our country's greatest assets, our hardworking people? Or do we stand with the people who have enjoyed the most at the expense of everyone else?

America's future depends on harnessing the innovation, education, and entrepreneurship of our fellow Americans. This budget proposal undermines that opportunity, endangers our recovery, and makes our future less certain.

I yield back the balance of my time.

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

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

Mr. DICKS. Madam Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,840,427,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,344,264,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $275,484,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,291,027,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,454,624,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,963,839,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,068,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $464,581,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,867,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $502,653,000, to remain available until transferred: *Provided*, That the Secretary of the

Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,744,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $316,546,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,032,000, to remain available until September 30, 2012.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $522,512,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $217,561,000.

□ 1740

Mr. CONNOLLY of Virginia. Madam Chairman, I move to strike the last word.

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

Mr. CONNOLLY of Virginia. Madam Chair, I will not use 5 minutes.

The United States imports over 60 percent of all the oil we consume, most of which is used for vehicles. OPEC alone exports 2 billion barrels per year to the United States. At a cost of $90 per barrel, approximate current price, this represents a $180 billion tax that our oil dependence imposes on American consumers.

Some OPEC countries that profit from our oil dependence are listed by the State Department as sponsors of terrorism, Madam Chairman. Fortunately, we're using Clean Air Act amendments to reduce our dependence on foreign oil. In April, automakers joined auto workers and President Obama to announce a landmark fuel efficiency standard that will improve auto efficiency 30 percent by 2016. These standards will save Americans $3,000 per vehicle for each car purchased in 2016 or later and reduce our oil dependence by 77 billion gallons over the life of the vehicles produced between 2012 and 2016. This efficiency improvement will keep $9.9 billion from being sent to OPEC countries.

In section 1746 of this continuing resolution, the Republicans have proposed cutting off funding for implementation of the Clean Air Act, which is the law that has made these vehicle efficiency investments possible. Americans cannot afford, Madam Chairman, to send more money to Libya and Iran.

I urge my colleagues to reject this attack on the Clean Air Act.

I yield back.

The Acting CHAIR. The Clerk will continue to read.

The Clerk read as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,254,791,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,570,108,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,461,086,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,847,066,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications

and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,145,665,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Army, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

AMENDMENT NO. 87 OFFERED BY MR. POMPEO

Mr. POMPEO. 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:

Page 22, line 18, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 22, line 20, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 27, line 9, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 27, line 11, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 31, line 11, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 31, line 13, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 32, line 9, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 32, line 11, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 33, line 9, after the dollar amount, insert ''(reduced by $105,000,000)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $105,000,000)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $105,000,000)''.

Page 34, line 17, after the dollar amount, insert ''(reduced by $124,200,000)''.

Page 34, line 17, after the dollar amount, insert ''(reduced by $3,200,000)''.

Page 34, line 19, after the dollar amount, insert ''(reduced by $3,200,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $502,400,000)''.

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

Mr. POMPEO. Madam Chairman, let me begin by thanking Chairman ROGERS and Ranking Member DICKS for the hard work that they did on the Defense appropriations bill. It was yeoman's work in difficult and challenging fiscal times to present a defense budget that makes sense for America. And there is no one who's come to Congress as a Member of this new freshman class who believes more strongly in making sure we have a strong national defense. It's for that reason that I move to reduce spending in that budget by $502 million with the amendment that I am proposing. This $502 million is spread among various procurement and research and innovation programs, and it is money that was not requested by the Department of Defense. This $502 million could certainly go to some program that they had asked for, but it's in a place that used to be reserved for earmarks. There is no particular program to which this $502 million is attributed. It goes assertedly for innovation. But we all know that innovation occurs in the private sector. And that's what this new majority is about. It's wrong to add $500 million to our deficit for a series of programs with no particular purpose except for the needs of businesses that once survived on those very earmarks.

And so, while I am very pleased with the fact that this piece of legislation has removed earmarks and has moved us towards a great deal more transparency, I would urge my fellow Members to vote for this amendment so that we can continue to get rid of the very vestiges of earmarks that voters asked us to get rid of.

I yield back.

Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the amendment.

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

Mr. YOUNG of Florida. The amendment sounds good. But unlike the Flake amendment, which sounded good, and we'll learn more about it, that was a small amount of money. This is a half a billion dollars.

A lot of people are of the opinion that government has the answer to everything. Government doesn't even have the questions to everything, let alone the answers.

And how many people in this Chamber have any idea how much technology our warfighters are using today? Whether it's on the battlefield or whether it's in training, whatever it might be, how many people know how much was created by small business or large business?

American industry produces good ideas most of the time. And much of what we see on the battlefield today and in the Armed Services came about because of innovations from small business and big business. Who knows?

If somebody can tell me how much of those great systems that we create for our soldiers, how much of that came from innovation, how much of it came from the government, then I might change my mind.

But we don't know today. You give the committee an opportunity, we'll find out. We'll find out how much this innovative, the SBIR, how much it provides compared to industry, large and small. But today we don't know the answer. And for a half a billion dollars, we need to know the answer.

So I don't object to the gentleman offering the amendment, really. But I do object to the gentleman's amendment because we don't know what the effect of it would be. We'd like to find out, and we think we owe it to the Members of this House who are responsible for the national defense to find out for them.

I yield back.

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

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

Mr. DICKS. I rise in very strong opposition to this amendment. The amendment deletes $60 million from procurement and $502.4 million from research and development. The sum of this funding is for innovative research and procurement from small businesses and unsolicited proposals.

And the gentleman from Florida and myself, and the gentleman from California, we've been here a long time. We have seen time after time when weapon systems like Predator and ScanEagle, I mean, there's all kinds of things that have happened because of small businesses. And when we made a decision to cut out earmarks for for-profit companies, one of the things that our committee did on a bipartisan basis, with unanimity on both sides, was to say let's put some more money into this competitive program, the Small Business Innovation and Research Program, which is at NIH, and at a number of agencies, I think DOE has one. This is a way to bring small businesses into the Defense Department on a competitive basis. And they do things that the Department needs to have done.

So I rise with my chairman, Mr. YOUNG, in strong opposition to this amendment. This was done to try to help the small business sector still make the contribution in the future for innovative new defense technologies. It's a good program and one that we should support.

I yield back the balance of my time.

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

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

Mr. FLAKE. I won't take the 5 minutes. I just want to rise in strong support of this amendment. The gentleman is right; this was not asked for by the Department of Defense. And if we could save a half billion dollars, money that will not affect the war or the warfighter—but we see these kind of programs all the time. And it's more a way to generate economic activity than actually respond to any need. It assumes that the private sector out there, and small businesses aren't innovating on their own unless we ask them to do it.

□ 1750

Unless we specifically direct them or provide money for them to do it, they won't do it at all. That's just a false assumption.

So I commend the gentleman for bringing the amendment to the floor.

I yield to the gentleman from Kansas.

Mr. POMPEO. Madam Chair, I would just like to add that I came from that very sector, small business. Until 45 days ago, I was running one, and I understand how small business works.

What we don't need is government taking our money and handing it back to folks. What we need is to be left alone. We need smaller government. That's my core problem with the legislation for SBIRs. Government doesn't do a very good job of picking out which of those small businesses will be successful and which piece of technology will prove to be the one that will be good for our warfighters.

If it will shrink government, if it will reduce taxes, then those small businesses will be successful. They will provide those technologies, and they will take wonderful care of every one of our soldiers, sailors, airmen, and marines.

Mr. FLAKE. Reclaiming my time, I just want to say, in closing, the gentleman is exactly right. Any dollar that we provide in this program has to be taken from a small business or an individual through taxes. That is money that they can't use to innovate on their own. And to actually go out and to respond to an RFP or to respond to needs of the Defense Department or to contract with them, they can do that without us having the specific program for them. So I urge support for the amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I move to strike the last word.

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

Mr. FRANK of Massachusetts. I welcome this amendment.

I am struck when I hear some of my colleagues on the more conservative side, although this is not uniformly them, some on the conservative side are offering this amendment. We have this interesting dichotomy about whether or not the Federal Government can ever create jobs. In general, the conservative view is the Federal Government never creates jobs. In the military area, somehow there's an exception.

We are told here that there is a constructive relationship that can exist between small businesses and the military that we are told doesn't exist elsewhere; but the major reason for cutting this is we are, at this point, overextended militarily.

Of course, there is unanimity here that we want Americans to be the strongest Nation in the world. We are of course the strongest Nation in the world, and no one is second. We are overcommitted in a number of areas.

The military has become not the instrument of self-defense by the United States, but the instrument to protecting political influence, and protecting influence militarily is often inefficient so that reducing this spending, as reducing other forms of military spending, is essential if we are to begin to hold down the deficit.

Now, I am going to be talking tomorrow, and we're only talking in military terms of half a billion dollars. In terms of the defense budget, that appears to be relatively small, but it is more than enough than would be needed to fund the Security and Exchange Commission and the Commodities Futures Trading Commission at the full level they need to regulate derivatives and hedge funds.

We have a massive disproportion in which we overspend militarily far beyond what is needed to protect ourselves. Our military budget is the largest foreign aid program in the history of the world. It exists to provide subsidies to our wealthier allies who face no threat. And to the extent that we can reduce that, particularly in an area where the Defense Department itself did not even ask for the funds, we curb unnecessary spending.

As I said, tomorrow I will be offering an amendment to try to give the Securities and Exchange Commission the ability to regulate hedge funds, or at least to keep track of them. We will be trying to offer funding to protect consumers from credit card abuse and trying to provide funding to regulate derivatives.

Taken together, those three agencies are being cut by an amount smaller than one-half billion, and we will be told that we can't afford that. So I welcome the gentleman pointing out the inconsistency between those who say that the private sector should be left to its own and the public sector does not become the job creator here in this way, and I welcome also the chance to begin, as I will be supporting the amendment of the gentleman of Arizona, this massive disproportion in which we overspend militarily. And I say ''overspend,'' because it is far beyond what is needed for the legitimate defense of the United States. It has become a form of staking our political interests, and it comes at very great cost to virtually everything else we want to do, as well as constraining the deficit reduction.

I yield back the balance of my time.

Mr. MORAN. Madam Chair, I move to strike the requisite number of words.

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

Mr. MORAN. I rise in opposition to this amendment, in support of what the ranking member of the Appropriations Committee has said as well as Chairman YOUNG both of whom have substantial years of experience behind them.

Now, what Mr. FRANK has suggested has merit, but to support this amendment is a non sequitur to that argument. As for the gentleman from Arizona, at least he is consistent. As for the gentleman offering the amendment, well, let me try to explain why it is counterproductive. It defines the phrase ''penny wise and pound foolish.''

In fact, where we have made our greatest strides within the defense budget is in small business innovation. There are half a dozen very large defense contractors. They serve our country well. They take good ideas, they hire people, they develop them, they achieve major procurement contracts with the Defense Department. But, for the most part, they don't come up with the innovations. It's the small businesses throughout the country, that more often than not, come up with those innovations.

For example, the predator drone that has been the most successful weapon in Afghanistan was an earmark for small businesses with an innovative idea. An idea, incidentally, that was initially opposed by the Defense Dept. Much of our IED success in saving lives has come from small businesses.

Much of the simulation training that we provide our troops so they don't have to put their lives at risk, but rather can achieve the kind of training that gives them the skill set to represent us with such courage and effectiveness on the battlefield, that comes from small business innovation.

And what we are trying to do now is to put a relatively small sum of money together so that thousands of small businesses throughout the country can compete for those small grants.

Now, the fact is, as much as I respect the defense contractors, it is not necessarily in their interests to innovate, to come up with cost-cutting efficiencies, because it means that you have to reduce personnel and contract costs. Oftentimes, it exposes the fact that we're paying more than we need to for innovative approaches to securing our country. It is the small businesses of this country that really provide the ability for us to find the highest level of efficiency and effectiveness within our Defense Department.

For half a billion dollars, we will find more ways to save thousands of lives and we know we will save tens of billions of dollars in the long run. That's what this program is all about. It's a departure from the way we have done things. It's all about saving money, not relying upon Big Business or Big Government, but letting small businesses flourish who otherwise couldn't get the capital, wouldn't have the investors, couldn't pull the personnel together and pay them long enough to be able to adequately develop the potential of a great idea.

So this small pool of innovative research money will fund great ideas, ideas that make our troops safer, that enable us to let our dollars go further, and in fact enable our Nation to be far more secure. This is just the kind of program we ought to be funding more of in the Defense Department. That's why I would strongly urge defeat of this amendment.

□ 1800

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

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

Mr. DICKS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Kansas will be postponed.

The Clerk will read.

The Clerk read as follows:

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,170,868,000, to remain available for obligation until September 30, 2013.

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

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

Mr. GUTIERREZ. Madam Chair, I rise today to introduce my amendment to cut funding for the V–22, a hybrid helicopter/airplane that was in development for more than 25 years, cost the lives of 30 individuals before it ever saw combat, and still does not meet operational requirements in Iraq. Cost overruns have plagued the V–22 since its development. Initial estimates projected $40 million per plane. But today it has exploded to $120 million per plane—a threefold increase. This amendment would save $415 million for the remainder of fiscal year 2011 by cutting funding for the V–22 from the Air Force and Navy's aircraft procurement accounts.

In 2009, the GAO found that the Marine Corps received 105 V–22s. Of those, fewer than half—only 47—were considered combat deployable. But on any given day, there are an estimated 22—fewer than one in four—ready for any combat. This is largely due to unreliable parts and maintenance challenges. It was reported that 13 of the V–22's parts lasted only 30 percent of their life expectancy and six lasted less than 10 percent. In addition, the GAO found that the V–22 did not have weather radar and its ice protection system was unreliable. Not me. GAO. So that flying through icy conditions is prohibited on this plane. Can't do it. Icy conditions are often found in Afghanistan. Oddly enough, the V–22 also had problems in dusty conditions, which, coincidentally, also exist and is common in Afghanistan.

So I ask my colleagues, why do we continue to fund this boondoggle? The majority claims to have made some tough choices in this bill. Apparently this includes continuing to fund a plane that Dick Cheney called, a, quote, turkey and tried to kill four times when he was Secretary of Defense. It should also be noted that Dick Cheney did not often meet a defense program he didn't like, so this should be very telling to everyone here. In order to continue funding this plane, this Congress proposes steep cuts to be made on the backs of the most vulnerable citizens.

H.R. 1 puts the safety of American families at risk. The bill eliminates COPS hiring, a program that will put 1,330 fewer cops on our streets. The bill cuts the SAFER program, which means there are 2,400 fewer firefighters protecting our communities; so that we can build a plane that can't fly under icy conditions, can't fly when there's sand, and one out of four is ever used at any given time?

The majority has made the shortsighted choice to cut $1.3 billion from community health centers which, according to the CEO of the National Association of Community Health Centers, is equivalent to terminating health care to the entire population of Chicago, or to everyone living in the States of Wyoming, Vermont, North and South Dakota and Alaska combined. Why? For a plane that cannot fly when it's icy, which cannot fly when it's dusty. And where are we at? In a combat situation where we need it to do both things.

Look. If this weren't enough, the bill also eliminates title X funding which provides services for cancer screenings, annual exams, STD testing and contraceptives.

H.R. 1 would also cut $5 billion from Federal Pell Grants. In Illinois, this will reduce financial aid to 61,000 poor students. And as I had suggested earlier here today, maybe as Members of Congress, maybe because we are in the top 1 percent of wage earners in the United States of America, people of America understand we make $175,000, each and every one of us, and there are over 150 millionaires in this body, maybe we don't care. Maybe you can cut the Pell Grant program because you don't care whether kids get ahead and are able to go to college. But some of us should, especially those of us that have been blessed with the riches of wealth in this Nation and allowed to be able to serve in this body.

And so I simply say, Let the kids go to school. Let there be health care for the most vulnerable of Americans. And all we will be missing is this boondoggle of a hybrid helicopter that does not serve the purpose for which it was proposed.

I yield back the balance of my time.

Mr. MEEHAN. Mr. Chairman, I move to strike the last word and to speak in opposition to the amendment that was just proposed by the gentleman from Illinois.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR (Mr. THORNBERRY). The gentleman will state his inquiry.

Mr. YOUNG of Florida. Do we have an amendment before the House at the present time?

The Acting CHAIR. We do not.

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

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

Mr. MEEHAN. I appreciate the opportunity to speak on behalf of this very, very significant and important piece of military hardware, the V–22 Osprey. Notwithstanding the discussion in which the GAO has made a report, the fact of the matter is this is an instrument which has proven itself in the theater of war. Those who have been the most significant advocates for this very, very important airplane have been those who have used it in the theater of war, the United States Marine Corps. This has been used successfully in 14 different deployments, most recently in Iraq and Afghanistan, and has proven itself time and time again; proven itself to have the flexibility to be able to accommodate the new challenge that the Marines are facing in these dramatically challenging circumstances; the functionality to be able to respond quickly to moving troops, not just to insert most effectively in a time fashion but to be also able to get there as quickly as possible, in real-world combat situations that are changing as we speak.

Day and night raids. This is the instrument that the Air Force, Special Forces, and the Marines have identified as among the most important; the instrument that rushes to the front and medevacs the soldiers. I just visited Walter Reed just about a month ago, and the ability to get soldiers who are injured from the front lines back to the United States in time is remarkable. This is one of those instruments that allows them to do it. It's a technology which has been proven, not just in the battlefield but has also been proven by its performance. They have worked out the kinks. They have paid for it. This is the thing that the Marine Corps is asking for that's consistently within the boundaries of the existing defense budget. The soldiers on the front line are asking for the V–22 Osprey because it helps them do their job. We must stand in support of the soldiers who are doing the work defending our Nation most effectively. They are the ones who are proving that it works.

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

AMENDMENT NO. 63 OFFERED BY MR. GUTIERREZ

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 12, after the dollar amount, insert ''(reduced by $21,985,000)''.

Page 28, line 20, after the dollar amount, insert ''(reduced by $393,098,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $415,083,000)''.

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

Mr. GUTIERREZ. I have already used my 5 minutes prior, so I yield back the balance of my time.

Mr. COFFMAN of Colorado. I move to strike the requisite number of words.

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

□ 1810

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in opposition to the Gutierrez amendment.

The amendment offered by the gentleman from Illinois would do an across-the-board general reduction to the aircraft procurement accounts for the Navy and the Air Force. The total reduction at $405.1 million would be transferred to the spending reduction account.

Let me just say, he spoke to the V–22 aircraft that the United States Marine Corps uses today in Iraq and Afghanistan. Let me tell you, as a former infantry officer in the United States Marine Corps, I can't speak highly enough of the V–22 aircraft.

There is no replacement right now if that aircraft were suspended in service. The CH–46 aircraft was put in the fleet in 1964 and retired in 2004, and the CH–53, I believe, in 1966. These old air frames are retiring. They need to be replaced. The V–22 is an effective aircraft, serving our Marines in the field in places like Afghanistan and Iraq with the kind of effort that our troops deserve.

Mr. Chairman, I yield back.

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

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

Mr. DICKS. The amendment would remove $415 million total from Navy and Air Force procurement accounts. This funding would reduce the number of V–22 Ospreys from the DOD portion of the bill. The Osprey has proven itself under combat conditions to be safe, effective, survivable, and maintainable and is meeting all operational taskings. I have actually flown on the Osprey and I feel it is a very safe airplane. Today, flight-hours are increasing rapidly and will exceed 100,000 flight-hours in the first quarter of calendar year 2011. Forty-six percent of these hours have been flown in the last 2 years.

The first combat deployment was September 2007. From that time to the present, the V–22 has been in the following deployments: three deployments in support of Operation Iraqi Freedom, three deployments in support of Operation Enduring Freedom, and three Marine Expeditionary Unit deployments.

The Marine Corps has procured nearly two-thirds of the required fleet of aircraft, 250 out of a total of 360. The program is currently in the 4th year of a 5-year multiyear procurement, and we only give multiyear procurements on programs that we think are highly stable.

This is a proven aircraft, and I urge rejection of this amendment.

This is an important program, one that the Special Forces are going to use, and I think we have to be very careful. For the Marine Corps, this is one of their essential programs that they have strongly supported for many, many years, and it would be a devastating blow to them not to finish this procurement.

I yield back my time.

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

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

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Some of our Members have made some very eloquent statements why this is not a good amendment, so I am going to be very brief and just say very simply, this amendment could possibly have a serious adverse effect on the soldiers and the Marines who are operating in and around the mountains of Afghanistan who need what the V–22 can provide them. If it is not available, if it is not there, they could be in serious trouble.

So this is not a good amendment, and I don't think we should support it in any way.

I yield back the balance of my time.

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

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

Mr. QUIGLEY. Mr. Chairman, I rise to support the amendment introduced by my colleague from Illinois (Mr. GUTIERREZ). If we are truly serious about reducing our long-term deficits, we must look at the whole picture, a picture that includes defense. There can be no sacred cows or pork.

Today, defense spending, including security-related programs, comprises almost 20 percent of Federal spending, yet it is the only part of this budget that is exempt from the tough cuts facing all other Departments.

The Osprey is one of the most egregious examples of waste in the defense budget, yet DOD continues to request this costly, ineffective machine. And with due respect, the only threat this amendment poses if it doesn't pass, it could kill our own troops. Even worse, Congress continues to fund it.

The Osprey was originally created to allow Marines to carry troops and cargo faster, higher and farther than a traditional helicopter. Now the Osprey is 186 percent over budget, costs $100 million per unit to produce, it is not suited to fly safely in extreme heat, excessive sand or under fire, and, sadly, this aircraft has killed 30 Marines in accidents.

The Government Accountability Office recommended DOD reconsider procurement of the Osprey, and experts argue a helicopter could achieve many of the objectives of the Osprey at a much lower cost. Let's show our constituents we are serious about cutting the deficit by looking at all parts of the budget. Waste is waste; bloat is bloat. The fact that it comes under the Department of Defense doesn't change anything.

I urge adoption of this amendment because eliminating funding for procurement of a costly, inefficient and over-budget V–22 Osprey will prove to our constituents that we are serious about reducing spending. It will help realign our military strategy to meet today's needs, and it will save the taxpayers $415 million this year alone.

I yield back.

Mr. MORAN. Mr. Chair, I move to strike the requisite number of words.

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

Mr. MORAN. Mr. Chairman, I can understand why our colleagues from Illinois have offered this amendment. Assertions recently surfaced about the inability of the Osprey to operate in hot conditions, high altitudes or from U.S. Navy ships. But the fact is that these charges have been disproven repeatedly in daily operations. The fact is that the Osprey provides unparalleled flexibility for Marines and Air Force Special Forces in combat operations.

We have had 14 fully successful deployments to date. No aircraft in the U.S. inventory has been subjected to as extensive a series of live-fire testing as the V–22. It is the most survivable rotorcraft ever built for the Marine Corps and Air Force. When the enemy has been able to hit the V–22, the aircraft has absorbed the damage and returned to base without injuries to passengers or crew on every single occasion.

Many of the initial readiness challenges stem from deploying the aircraft into combat before a supply chain and depot maintenance infrastructure was adequately in place. The reason it cost more was that the Special Forces felt they needed to bring it into combat operation immediately because it was such a successful rotorcraft. They needed it for the safety and effectiveness of our troops.

The fact is that major studies from both government and industry have shown that the V–22 is more operationally effective and cost efficient than any helicopter alternative. It requires fewer aircraft, fewer personnel and support than conventional rotorcraft. That results in a reduced footprint and, what we all need to be concerned about, particularly in this context, a lower total life-cycle costs.

For that reason, I think that we ought to reject this amendment and enable the Defense Department to choose its own priorities for cost cutting, and certainly Secretary Gates is in the process of doing that.

I yield back.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,221,957,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $790,527,000, to remain available for obligation until September 30, 2013.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $1,721,969,000;

Carrier Replacement Program (AP), $908,313,000;

NSSN, $3,430,343,000;

NSSN (AP), $1,691,236,000;

CVN Refueling, $1,248,999,000;

CVN Refuelings (AP), $408,037,000;

DDG–1000 Program, $77,512,000;

DDG–51 Destroyer, $2,868,454,000;

DDG–51 Destroyer (AP), $47,984,000;

Littoral Combat Ship, $1,168,984,000;

Littoral Combat Ship (AP), $190,351,000;

LHA–R, $942,837,000;

Joint High Speed Vessel, $180,703,000;

Oceanographic Ships, $88,561,000;

LCAC Service Life Extension Program, $83,035,000;

Service Craft, $13,770,000; and

For outfitting, post delivery, conversions, and first destination transportation, $295,570,000.

In all: $15,366,658,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,804,963,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,236,436,000, to remain available for obligation until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,483,739,000, to remain available for obligation until September 30, 2013: *Provided*, That none of the funds provided in this Act for modification of C–17 aircraft, Global Hawk Unmanned Aerial Vehicle and F–22 aircraft may be obligated until all C–17, Global Hawk and F–22 contracts funded with prior year ''Aircraft Procurement, Air Force'' appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule: *Provided further*, That the Secretary of the Air Force shall expand the current HH–60 Operational Loss Replacement program to meet the approved HH–60 Recapitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,424,764,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $731,487,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,568,091,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the

military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,009,321,000, to remain available for obligation until September 30, 2013: *Provided,* That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $34,346,000, to remain available until expended.

□ 1820

AMENDMENT NO. 86 OFFERED BY MR. POMPEO

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 32, line 21, after the dollar amount, insert ''(reduced by $3,200,000)''.

Page 33, line 9, after the dollar amount, insert ''(reduced by $36,320,000)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $40,000,000)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $4,000,000)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $32,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $115,520,000)''.

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

Mr. POMPEO. Mr. Chairman, I rise to amend the Defense appropriations bill by cutting $115 million of additional funding. This $115 million is aimed at alternative energy inside the Defense Department appropriations budget. I will assure you that with the President having advocated in his budget for billions of dollars of alternative energy research, development, and other types of research, that we don't need $115 million of that in our Department of Defense budget.

This funding is wasteful, it's duplicative, and won't help our soldiers. It's in five different parts of the appropriations legislation in small amounts, and this is new money. It's above and beyond that which the President had requested.

We are not underfunding alternative energy research. Just this week, the Rand Corporation came out with a study talking about alternative energy research in the defense budget and they concluded it was not helping our soldiers, our sailors, our airmen, and our fighters.

So I would urge support of this amendment reducing by $115 million the deficit that our Nation faces.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment. The Defense Subcommittee has spent much time over the past 2 years looking into the effects of the services—all the services—to reduce their dependence on fossil fuel. The Department of Defense, which consumes 93 percent of all the fuel consumed by the U.S. Government, has made significant strides in reducing its consumption, but the associated logistics of moving fuel for vehicles, aircraft, forward operating bases remain massive and costly. It has also been shown that for every 24 fuel convoys in Afghanistan, an American soldier is wounded or killed.

The Defense Subcommittee has made a conscious and dedicated effort to advance the Department's efforts, searching for better ways to reduce consumption and alleviate the costly and complicated logistics. This amendment, however, would unnecessarily erase that progress and further the Department's dependence on fossil fuels. For this, and many other reasons, I urge a ''no'' vote on this amendment.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment.

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

Mr. DICKS. The amendment cuts $115.5 million in funding for development of alternative energy. The bill includes funding based in part on the Defense Science Board's February 2008 report on DOD energy strategy. The DSB report made numerous recommendations to improve DOD energy efficiency. In addition, the committee held a formal briefing with officials from the Military Services, the Defense Logistic Agency, and OSD to review energy efficiency and energy technology programs.

DOD is the largest single consumer of energy in the United States. In 2006, it spent $13.6 billion to buy 110 million barrels of petroleum fuel—about 300,000 barrels of oil each day—and 3.8 billion kilowatt hours of electricity. This represents about eight-tenths of 1 percent of total U.S. energy consumption and 78 percent of energy consumption by the Federal Government.

In combat operations such as Iraq and Afghanistan, moving fuel to deployed forces has proven to be a high-risk operation. Reducing operational fuel demand is the single best means to reduce that risk. However, the Defense Science Board concluded that DOD is not currently equipped to make decision on the most effective way to do so.

The DSB recommended increased investment in energy efficient and alternative energy technologies to a level commensurate with their operational and financial value. The Defense Science Board recommended that the Department of Defense invest in basic research to develop new fuel technologies that are too risky for private investments and to partner with private sector fuel users to leverage efforts and share burdens. The bill emphasizes funding these types of initiatives.

I strongly urge rejection of this amendment.

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

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

Mr. LYNCH. Mr. Chairman, I rise in opposition to the amendment.

I don't come here to argue that we don't have to make serious cuts and reduce our spending. I'm sure that we do—and we will. But I do find it remarkable that I stood in this place a matter of weeks ago and fought to have a small increase in taxes for millionaires that would have eased the burden that we face today, but the argument was made—and made loudly from my colleagues across the aisle—that we couldn't afford to make millionaires pay more taxes. We were talking about increasing the tax rate on amounts over $250,000 from 36 percent to 39 percent, and we were told that we could not do that.

Yet here we are today and we're talking about cutting low-income heating assistance for families in the Northeast in New England that are suffering from the worst winter in decades. We're talking about cutting WIC for single moms who are trying to raise kids. We're talking about cutting education and funds for kids.

It seems that our priorities are misplaced here. Save the tax cuts for the millionaires but cut everything for people who have nowhere else to turn. It's reverse Robin Hood. We're robbing from the poor to make sure the rich keep their tax cuts. I can't believe it. In that bill not many weeks ago—just a few weeks ago, we actually—I didn't, but those who voted for it did—cut $119 billion out of Social Security, but we kept those tax cuts for those millionaires.

With all due respect to my colleagues on the other side of the aisle from the tea party, I actually represent the city of Boston, the port of Boston. When you visit the Tea Party Memorial, that's in my district. Just for the record, I want to make sure people understand when the colonists at the tea party revolted, they threw the tea overboard. They didn't throw senior citizens overboard. They didn't throw kids overboard. They didn't throw young mothers on WIC overboard. We have a challenge before us about where our priorities are going to be going forward.

I'm proud to say that I grew up in the housing projects in south Boston. I'm not ashamed to say that we struggled

as a family when I was a kid. I'm too old to be a WIC baby; but if they had had it, I'm sure my family would have been on it. As my dad used to say, there were times in our family where we had to save up to be poor.

□ 1830

But we have a moral obligation here to get our priorities right. I hope that at some point in this process that ideology is set aside and that we really do tackle in a fair way the problems that this country faces. I've been here long enough to understand that fairness does not always carry the day in these debates.

Then you see the cuts to people who have nowhere else to turn. You see cuts to Social Security. There was $119 billion cut out of Social Security several weeks ago, and we diverted that out. I'm sure at some point we're going to hear that it's unsustainable, that Social Security is unsustainable, because we cut $119 billion out of it; but we've got seniors in this country who have nowhere else to turn. They're on fixed incomes.

We cut Social Security rather than ask millionaires to give a little bit more. I think that is not consistent with what this country is all about. I hope at some point that common sense and mutual interests on behalf of what's really important in this country do prevail in this Chamber, that ideology, both far right and far left, is tossed aside, and that we can actually get down to the business of moving this country forward.

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

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

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

Mr. BLUMENAUER. I rise in opposition to the amendment. I strongly support the comments from the gentlemen from New Jersey and the State of Washington. In fact, they understated the case.

Mr. Chairman, the United States Department of Defense is the largest consumer of energy in the world. These, I think, ill-advised efforts to undercut important research areas have significant implications, first and foremost, for the operational activities of the Department of Defense. The Iraq war was four times more energy intense than the first gulf war given what has happened in terms of changing tactics; and, frankly, the danger to our troops was understated. Those tankers might as well have great big bull's-eyes painted on them because they were targets for terrorists, and they put our soldiers at risk; and all of us represent States that lost people because of that vulnerability. It costs over $100 a gallon to deliver this fuel to the front.

I seriously hope that people take a deep breath and listen to the counsel of the people from the committee. This is a long-term threat to our men and women in the field. It is also a long-term threat to the budget of the Department of Defense. If you plot what their energy costs have been over time, it probably rivals only the cost of health care for our troops.

I would hope that we understand the opportunities here. As my friend from the State of Washington pointed out, it is research that isn't going to happen from the private sector. This is the sort of investment that government needs to make up front. It's the same thing that led to the development of the Internet.

It will have important economic benefits going forward because this will not be exclusively the province of the Department of Defense. The extent to which these technologies work and can be brought to scale, they will be developed by private companies. It will make a difference as to how we as Americans live, because, after all, we as a country waste more energy than anybody in the world.

This is a very serious point. I deeply appreciate the wise counsel of the committee leadership, and I strongly urge that this amendment be rejected.

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

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

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

Mr. BARTLETT. Last week, there was WikiLeaks activity that pointed out a huge problem that we in the world face. WikiLeaks released some confidential emails that indicated that the Saudis had only 60 percent of the oil that they had advertised they had. I think this is probably true of most of the OPEC countries that were incentivized to exaggerate their oil reserves when they were permitted to pump a percentage of the oil reserves.

Mr. Chairman, there is almost nobody now who doesn't agree that the world reached its maximum production of conventional oil in 2006. We've been stuck now for about 5 years at 84, 85 million barrels a day of oil. Increasingly, the difference between conventional oils, which are now falling off in production, and that 84, 85 million barrels a day is that it is made up by unconventional oil, like the heavy sour of Venezuela and the tar sands of Alberta, Canada.

Our military has been very wisely pursuing a goal that the rest of us should have been involved in. Maybe they read Hyman Rickover's speech from 1957 where he noted that, in the 8,000-year recorded history of man, the age of oil would be but a blip. He didn't know then how long it would last, but he said how long it lasted was important in only one regard—the longer it lasted, the more time we would have to plan an orderly transition to other sources of energy.

Of course we have done none of that in spite of the fact that we have known for 31 years with absolute certainty that we were going to get here today, because by 1980, we were already 10 years down the other side of Hubbert's peak as predicted by M. King Hubbert in 1956.

The military has been attuned to this problem much more than any other part of our society, and they have been very wisely pursuing alternative fuels because, as we wind down on the available fossil fuels, the world will ultimately, of course, move to alternative fuels. The military has several reasons for doing this. It is a very aggressive program, a very wise program; and I think that it would just be tragic if we were to eliminate the funds for this.

They increasingly need to move to alternatives for all of those reasons; and the rest of us need to move to alternatives for an additional reason, that they now are moving to alternatives that they can produce on site to reduce the long supply trails that create so many casualties over there.

They ought to have been doing this earlier. I am delighted they're doing it now, and I think it would be a national security tragedy if we were to deny them the funds to continue doing this.

Mr. Chairman, 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, I rise to speak in support of the amendment before this one, Congressman GUTIERREZ's amendment, to reduce funding for the V–22 Osprey.

This program has been highly troubled since its inception. In fact, it was almost canceled several times. As my friend Mr. GUTIERREZ noted, former Defense Secretary Cheney actually called for its cancellation several times. During its testing, the V–22 killed 30 people; and in April 2010, a V–22 crashed in Afghanistan, killing four more people. The GAO has noted that this plane has trouble flying over 8,000 feet or in extreme heat.

You know what? There's more.

This plane has a problem carrying troops, transporting cargo, and operating off naval vessels. No wonder the Pentagon wants to cancel the program in its entirety.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Washington.

Mr. DICKS. The Pentagon does not want to kill this program. I just want to make sure that you understand that, because this is one of the highest priorities for the Marine Corps, the Air Force and Special Operations. Most of the problems you're talking about have been taken care of.

Ms. WOOLSEY. All right. Thank you, Mr. Chairman. That is my understanding of what the Pentagon wanted to do, but I yield to your wisdom.

I do believe that canceling the V–22 and saving $10 billion to $12 billion over 10 years would be real fiscal savings.

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

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

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

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

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

□ 1840

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. 370 by Mr. FLAKE of Arizona.

Amendment No. 87 by Mr. POMPEO of Kansas.

Amendment No. 63 by Mr. GUTIERREZ of Illinois.

Amendment No. 86 by Mr. POMPEO of Kansas.

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

AMENDMENT NO. 370 OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 223, not voting 3, as follows:

[Roll No. 41]

AYES—207

Alexander
Amash
Baca
Bachmann
Baldwin
Barton (TX)
Bass (CA)
Bass (NH)
Berkley
Berman
Bishop (NY)
Blackburn
Bono Mack
Boswell
Boustany
Brady (TX)
Braley (IA)
Broun (GA)
Burgess
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Coble
Cohen
Cooper
Costa
Crowley
Cummings
Davis (IL)
DeFazio
DeLauro
Dent
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (TN)
Ellison
Ellmers
Engel
Eshoo
Fattah
Filner
Fitzpatrick
Flake
Flores
Fortenberry
Frank (MA)
Franks (AZ)
Garrett
Gibson
Gohmert
Goodlatte
Graves (GA)
Griffith (VA)
Grijalva
Guinta
Gutierrez
Hanna
Harman
Harris
Hayworth
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Himes
Hirono
Holt
Honda
Huelskamp
Huizenga (MI)
Hurt
Inslee
Jackson Lee (TX)
Jenkins
Johnson (IL)
Jones
Kaptur
Keating
Kind
Kucinich
Labrador
Landry
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Markey
Matheson
Matsui
McClintock
McCollum
McDermott
McGovern
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Olver
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Quayle
Quigley
Rahall
Rangel
Rehberg
Reichert
Richardson
Rogers (MI)
Rohrabacher
Rokita
Ross (AR)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Serrano
Shimkus
Shuler
Smith (NE)
Speier
Stark
Stearns
Stutzman
Sutton
Terry
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Walberg
Walsh (IL)
Waxman
Weiner
Welch
Wilson (FL)
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)

NOES—223

Ackerman
Adams
Aderholt
Akin
Altmire
Andrews
Austria
Bachus
Barletta
Barrow
Bartlett
Becerra
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blumenauer
Bonner
Boren
Brady (PA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cleaver
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeGette
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dreier
Duncan (SC)
Edwards
Emerson
Farenthold
Farr
Fincher
Fleischmann
Fleming
Forbes
Foxx
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Gosar
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guthrie
Hall
Hanabusa
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Higgins
Hinchey
Hinojosa
Holden
Hoyer
Hultgren
Hunter
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Maloney
Marchant
Marino
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Miller (NC)
Moran
Murphy (PA)
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Posey
Price (GA)
Price (NC)
Reed
Renacci
Reyes
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Scott (VA)
Scott, David
Sessions
Sewell
Sherman
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stivers
Sullivan
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Young (FL)
Young (IN)

NOT VOTING—3

Giffords
Lewis (GA)
Waters

□ 1908

Messrs. GRIFFIN of Arkansas, ROTHMAN of New Jersey, GOSAR, Mrs. NOEM, Messrs. ROGERS of Alabama, ALTMIRE, OLSON, Ms. EDWARDS, Messrs. LATHAM, BECERRA and HINOJOSA changed their vote from ''aye'' to ''no.''

Messrs. CLARKE of Michigan, CARDOZA, ROSS of Arkansas, TIERNEY, NEAL, ROGERS of Michigan, ALEXANDER, COHEN, LANDRY, FATTAH, INSLEE, CASSIDY, Ms. TSONGAS, Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mrs. BACHMANN, Mrs. MILLER of Michigan, Mr. RYAN of Ohio, Mr. THOMPSON of California, Ms. MATSUI, Ms. SUTTON, Messrs. ENGEL, FORTENBERRY, MILLER of Florida, Ms. SPEIER, Ms. DELAURO, Messrs. ELLISON, MURPHY of Connecticut and ROKITA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 87 OFFERED BY MR. POMPEO

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 72, noes 358, not voting 3, as follows:

[Roll No. 42]

AYES—72

Alexander
Amash
Bass (NH)
Blackburn
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Chabot
Coble
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Fitzpatrick
Flake
Frank (MA)
Gardner
Garrett

Gibson
Goodlatte
Gowdy
Graves (GA)
Griffith (VA)
Heller
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hurt
Jenkins
Johnson (IL)
Labrador
Lummis
Mack
Marchant
McCaul
McClintock
McKinley
Miller (FL)
Miller (MI)
Mulvaney
Myrick
Neugebauer
Paul
Pence
Petri
Pitts
Pompeo
Quayle
Rehberg
Ribble
Royce
Ryan (WI)
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Stearns
Stutzman
Upton
Walsh (IL)
Westmoreland
Whitfield
Woodall
Yoder
Young (IN)

NOES—358

Ackerman
Adams
Aderholt
Akin
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Weiner
Welch
West
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—3

Giffords
Lewis (GA)
Waters

□ 1913

Messrs. LYNCH and WEINER changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 63 OFFERED BY MR. GUTIERREZ

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 105, noes 326, not voting 2, as follows:

[Roll No. 43]

AYES—105

Amash
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Blumenauer
Bono Mack
Boswell
Braley (IA)
Campbell
Capuano
Cardoza
Castor (FL)
Chabot
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Cohen
Conyers
Cooper
Costa
Deutch
Dingell
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Heller
Hinchey
Hirono
Holt
Honda
Jackson (IL)
Keating
Kildee
Kind
Kucinich
Lee (CA)
Lofgren, Zoe
Lummis
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Moore
Myrick
Nadler
Neal
Olver
Pallone
Paul
Payne
Perlmutter
Peters
Petri
Pingree (ME)
Polis
Quigley
Rahall
Rangel
Richmond
Rohrabacher
Roybal-Allard
Royce
Sánchez, Linda T.
Sarbanes
Schakowsky
Schrader
Sensenbrenner
Serrano
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Towns
Upton
Velázquez
Walden
Walz (MN)
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOES—326

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chaffetz
Chandler
Cicilline
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson

Owens
Palazzo
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner
Van Hollen
Visclosky
Walberg
Walsh (IL)
Wasserman Schultz
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—2

Giffords
Lewis (GA)

□ 1918

Ms. LORETTA SANCHEZ of California changed her vote from ''aye'' to ''no.''

Messrs. CLEAVER, RICHMOND, and DEUTCH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 86 OFFERED BY MR. POMPEO

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 109, noes 320, not voting 4, as follows:

[Roll No. 44]

AYES—109

Adams
Altmire
Amash
Bachus
Barton (TX)
Benishek
Bishop (UT)
Blackburn
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Bucshon
Burgess
Burton (IN)
Camp
Campbell
Cassidy
Chabot
Chaffetz
Coble
Conaway
Costello
Dent
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Flake
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Griffith (VA)
Guinta
Hall
Harris
Hayworth
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Labrador
Landry
Lankford
Lummis
Mack
Manzullo
McClintock
McKinley
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Myrick
Neugebauer
Nugent
Nunes
Olson
Paul
Pence
Peters
Pitts
Platts
Poe (TX)
Pompeo
Posey
Quayle
Reed
Renacci
Ribble
Rokita
Royce
Ryan (WI)
Scalise
Schakowsky
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Southerland
Stearns
Stutzman
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
Whitfield
Wilson (SC)
Woodall
Yoder
Young (AK)
Young (IN)

NOES—320

Ackerman
Aderholt
Akin
Alexander
Andrews
Austria
Baca
Bachmann
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Buerkle
Butterfield
Calvert
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hanabusa
Hanna
Harman
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nunnelee
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peterson
Petri
Pingree (ME)
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
West
Westmoreland
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—4

Giffords
King (IA)
Lewis (GA)
Welch

□ 1924

Mrs. MCMORRIS RODGERS changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. FLEISCHMANN) assumed the chair.

MESSAGE FROM THE SENATE

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

H.R. 514. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The SPEAKER pro tempore. The Committee will resume its sitting.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The Committee resumed its sitting.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,710,998,000, to remain available for obligation until September 30, 2012.

AMENDMENT NO. 162 OFFERED BY MR. QUIGLEY

Mr. QUIGLEY. 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:

Page 33, line 9, after the dollar amount, insert ''(reduced by $971,099,800)''.

Page 33, line 16, after the dollar amount, insert ''(reduced by $1,796,130,300)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $2,674, 240,500)''.

Page 34, line 17, after the dollar amount, insert ''(reduced by $2,079,741,200)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $7,521,211,800)''.

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

Mr. QUIGLEY. Mr. Chairman, my amendment would reduce research and development spending at the Department of Defense by 10 percent. First inclination, we all know research and development is a good thing, but not when it begets wasteful spending. The continuing resolution before us makes deep cuts in non-defense discretionary spending. If we are truly serious about reducing our long-term deficits, we must look at the whole picture—and that picture includes defense.

Non-defense discretionary comprises approximately 15 percent of Federal spending. Meanwhile, defense spending comprises 20 percent of Federal spending. We cannot ignore one-fifth of the budget. As Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff has said, ''Our national debt is our biggest national security threat.''

My amendment would cut a modest 10 percent from the Department of Defense's research and development budget. DOD's R&D spending has experienced more spending growth since 2001 than any other major DOD appropriation category. DOD's research, development, testing and evaluation budget has increased 63 percent over the last 10 years, rising from $49.2 billion in FY 2001 to $80.2 billion in FY 2010. This is 33 percent more than the Cold War peak in real terms, even though today we face no traditional adversary comparable to the Soviet Union. Further, in FY 2009, R&D spending exceeded China's entire defense budget, the world's second largest, by $10.5 billion.

Surely as we look for places to balance the budget and in light of the vast superiority of our R&D budget, we can afford to reduce spending by 10 percent.

□ 1930

A number of fiscal commissions and watchdog groups agree that DOD research and development should be cut and proposed a number of proposals to reduce this development. The Sustainable Defense Task Force, a panel of defense experts from across the political spectrum, recently recommended requiring DOD to set its priorities and reduce R&D spending by $5 billion per year over 10 years. Additionally, the Cato Institute and the Task Force for a Unified Security Budget agree research and development could be significantly improved without harming security in order to achieve savings.

The Fiscal Commission and the Bipartisan Policy Center have also put forward proposals to reduce research and development costs. The Fiscal Commission proposes reducing DOD's R&D budget by 10 percent, for a savings of $7 billion in 2015. They pointed out this reduction would leave DOD at a level above the peak of the Reagan years in real dollars.

The Fiscal Commission cites several ongoing projects that could be reduced or even canceled in order to reduce R&D costs. These programs include the Marine Corps version of the F–35, which has been put on a 2-year probation period by Secretary Gates for continued technical problems, cost overruns, and delays.

The Bipartisan Policy Center offers a similar plan, calling for reduced funding of R&D proportional to the reduction size of forces, or 18.5 percent. Reduction in R&D would be possible, argues the Bipartisan Policy Center, as we withdraw from Iraq and Afghanistan and reduce our forces abroad. Such a reduction in R&D will impose greater discipline in research investments while continuing to budget significantly more resources than any other country's R&D. A cut in our defense R&D is also enabled by new security threats we face.

Secretary Gates has called for a reorientation of our national security strategy, with a greater focus on counterinsurgency warfare rather than traditional warfare. This reorientation calls for investment in intelligence gathering, devices to sense improvised explosive devices, and investments in lower cost machines such as drones, and will allow us to move away from the more expensive development of major weapons systems.

We must reduce our deficit and we must reduce our spending, but in doing so we must put everything on the table and cut anywhere where waste exists.

Mr. Chairman, there is a universe of thought that less government is best and that government can do almost nothing right. That thought ends at the Department of Defense. There are those who believe they can do no wrong. They have the Department of Defense blinders on, which blind them from the fact that if we are going to make these cuts and we are going to face the very real threats that this debt and deficits will create for us, we have to cut across all lines.

I yield back.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. YOUNG of Florida. I would say to the House, in the $14.8 billion that the subcommittee recommended which is in this bill, a reduction in the defense budget, a very large amount of that was reducing the research and development program. But you can't reduce research and development too much.

I don't care what the best weapons system you have is or that you are planning on having or that you have in the process, in the conceptual stage even. It never gets to where the soldier and the sailor and the airman and the marine needs it without research and development that makes it possible and feasible to build it and deploy it.

We have already cut a substantial amount out of R&D. We can't put a soldier on the battlefield, and if his system that he is working with doesn't work, we can't recall it like you can an automobile or a medicine or pill or something like that. It has got to work. I don't want to see an American trooper on the front line, whether he is on the ground, whether he is in the air, whether he is on the sea, whether he is under the sea, that has a failed system because we failed to properly research it during the development stage.

So I understand that there are some who would cut defense just to cut defense. If you are going to reduce the defense budget, there ought to be a good reason. There is not a good reason for reducing this account. We have already reduced the Defense Department $14.8 billion, and I just hope that nobody is tempted to vote for this just because it is a cut.

I yield back.

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

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

Mr. MORAN. Mr. Chairman, similar to the Small Business Innovation Research, this is actually one of the very most important things we can be doing within the defense budget, not just for national security, but equally for our national economy.

This is the line item that funded the Internet. The whole concept of the Internet came from DARPA, the Defense Advanced Research Projects Agency, which is funded in this category of the defense budget RDT&E, Research, Development, Testing, and Evaluation. Imagine what the Internet has meant to the American economy, let alone the world. Look what just happened in Egypt, ultimately because of the Internet.

The GPS system that we have in our vehicles, we take it for granted now. Where did it come from? The RDT&E account in the Defense Department. This is what we want to cut out? We can't afford to.

The unmanned aerial vehicles, the drones, the most effective warfighting weapon we have right now, a weapon that doesn't put our soldiers' lives at risk but is maximally effective at targeting the enemy, RDT&E. Defense research.

Precision targeting was a result of research innovation within this account. That is what gives us our cutting edge. That is why we have the most effective defense capability in the world. But it is also one of the reasons

why we have the strongest economy in the world. There is no other area of research that means as much to this economy, and, frankly, it means a great deal to the entire world's economy.

The National Institutes of Health, we do wonderful research there, but, notwithstanding the lives we save, the spinoff to the private sector is not as extensive as the spinoff from the research we do within the Defense Department.

I guess it is a good thing we get these amendments because it gives us an opportunity to explain to the American people, particularly the taxpayer, what they are getting for their money, where these ideas come from. Many of them come from the Defense Department, and it is because of the investment we have made in research, development, testing, and evaluation.

So I obviously would urge rejection of this amendment.

I yield back my time.

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

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,961,303,000, to remain available for obligation until September 30, 2012: *Provided,* That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further,* That funds appropriated in this paragraph shall be available for the Cobra Judy program.

AMENDMENT NO. 2 OFFERED BY MR. ROONEY

Mr. ROONEY. 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:

Page 33, line 16, after the dollar amount, insert ''(reduced by $225,000,000)''.

Page 34, line 6, after the dollar amount, insert ''(reduced by $225,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $450,000,000)''.

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

Mr. ROONEY. Mr. Chairman, I rise today in support of my amendment striking funding for an extra engine for the F–35 fighter jet to immediately save the American taxpayers $450 million. It is dubious why Congress continues to fund a program that the Air Force, the Navy, the Marine Corps, and the Department of Defense adamantly state they do not want. Just today, Defense Secretary Robert Gates called the program ''an unnecessary and extravagant expense'' and stated that this money is needed for higher priority defense efforts.

□ 1940

As we decide which cuts to make in our defense, ones that won't hurt our troops today, this should be at the top of the list. Mr. Chairman, the American people sent us here to change the way that Washington works. This amendment is a perfect opportunity to show your constituents that business as usual in Washington is over. I urge my colleagues to follow through with their promises, to listen to the voters as to why they sent us here, and to vote to strike the funding for this expensive and unnecessary program.

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

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

Mr. BARTLETT. During the debate to strike funding for the F–35 competitive engine you're likely to hear many statements that just don't square with the facts in the program. Just today, I have heard that it has been stated that the primary engine for the F–35 aircraft has, in one case, 200,000 flight test hours; another statement said 20,000 test hours. The reality is the F–35 primary engine has, as of the end of 2010, just 680 flight test hours and has 90 percent of its flight testing to go.

You're also likely to hear that there are almost 30 U.S. military aircraft that operate with a sole source engine. That's interesting. The F–35 aircraft is a single engine aircraft. No fighter aircraft engine has ever been required to do what the F–35 engine is required to do—provide powered flight and also power a lift fan for the short takeoff and vertical-landing F–35B. In fact, this challenging act of physics has just resulted in the F–35B being put on ''probation'' by the Secretary of Defense, requiring redesign of the F–35B unique engine components. The current estimate to complete development of the F135 primary engine has been extended several years and the estimated cost to complete the development program is 450 percent above the February, 2008, estimated completion cost.

In fact, only two U.S. operational aircraft are single engine aircraft—the Air Force F–16 and the Marine Corps AV–8B. The F–35 is scheduled to replace those aircraft and will not be operational until at least 2016. The F–16 was the first aircraft to use an alternate engine, beginning in the mid-1980s, and still does so today. Accident rates have trended from 14 mishaps per 100,000 flight hours in 1980 with the Pratt & Whitney engine, when the alternate engine program was first funded, to less than just 2 mishaps per 100,000 flight hours in 2009 for both the Pratt & Whitney and the GE engines. A review of the AV–8B accident data last year indicated an accident rate six times that of the other Navy fighter aircraft, the F–18, and over 3½ times the rate of the F–16. The AV–8B will be replaced by F–35B. So while the alternative engine F–16 has benefited from competition, with an accident rate having declined by a factor of seven, the AV–8B has an accident rate 3½ times that of the F–16.

Some will cite that the F136—that's the competitive engine—will require $2.9 billion over 6 years to make it competition ready. It's interesting to note that the cost increase in the contract for the current primary engine, the F–35, is $3.4 billion, and that does not include other government costs, independent research and development, and component improvement program funding. The entire remaining development of the F–35 competitive engine could have been funded with the overrun to date in the F–35 primary engine. Further, the GAO has found that key assumptions in the cost to go for the F–35 competitive engine were unnecessarily pessimistic based on historic experience with the original alternate engine program.

One of our colleagues has said that the F–35 primary engine is ''5 to 7 years ahead of the F136 alternate engine in development.'' This is not the case at all. First, the acquisition strategy for the F–35 competitive engine called for it to begin 4 years after the primary engine. The Pentagon told us last April that the competitive engine was only 2 to 3 months behind schedule of the original plan. At the same time the Pentagon notified the committee that the F135 primary engine was 24 months behind the schedule set in the original October, 2001, contract. In other words, had both engines begun at the same time, the alternative engine would now be almost 2 years ahead of the primary engine.

I don't know why there's such confusion over the facts related to this issue. Our committee has followed this issue for over 15 years, and we ask you to support the F–35 competitive engine program as an important element to controlling F–35 program costs and future force readiness. The GAO has looked at the competitive engine programs. They have noted that historically the competitive engine always does two things: it makes the engines cheaper and it makes them better. Notice the accident rate that I noted earlier.

Furthermore, this new aircraft is supposed to be ultimately 95 percent of all of the aircraft in all of our services. Can you imagine what would happen if there was a problem with the engine and we had to stand down. We would have essentially no fighter aircraft in any of our services. It is essential we continue with the alternative engine—and I hope not just to continue its development, to make the primary engine better and cheaper, but to provide a second engine for duplication.

I yield back the balance of my time.

Mr. COFFMAN of Colorado. Mr. Chairman, I move to strike the last word.

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

Mr. COFFMAN of Colorado. Mr. Chairman, it is time to end the Joint

Strike Fighter second engine mistake. In 2001, the GE engine lost in procurement competition to the one designed by Pratt & Whitney. A sole source development contract was signed in 2005. But since 1997, Congress has provided for a Joint Strike Fighter alternative engine program. This continuing resolution includes $450 million for the alternate engine in the Joint Strike Fighter.

According to the Pentagon, the second engine's cost is close to $2.9 billion. The Department of Defense is clear: in their view, our military and the taxpayers are best served by not pursuing a second engine. There are more pressing Department of Defense priorities. There is just no guarantee that having two engines will create enough long-term savings to outweigh the near-term costs of nearly $3 billion.

The risk from a single engine is reasonable and consistent with past acquisitions. A single engine is not a new approach and does not create dangerous levels of risk. We currently have two current aircraft programs, the F–22 and the F–18, which both utilize a single engine provider. Additional costs and the burden of maintaining two logistical systems are not offset by the potential savings generated through competition.

We are not making procurement decisions in a vacuum. If we had all the money in the world, maybe an alternate engine would be a good idea. But we don't. We have a deficit of $1.5 trillion and a debt of $14 trillion, and all our funding choices must—must—acknowledge that.

I urge support for the Rooney amendment.

I yield back the balance of my time.

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

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

Mr. MORAN. Mr. Chairman, I can understand that there are a lot of jobs at stake, there's politics, there's regional economies, and so on, to be considered in this issue. I don't particularly have a dog in the hunt, but I'd like to share with you why I disagree with the amendment, why I think it's in the national interest to have an alternative engine.

The experience that we had in the 1980s with the F–16 engine, it seems to me, should inform this debate. We had a sole source contract, basically; with the same manufacturer to build a single engine for the F–16. It was way over budget and outside of—any reasonable production schedule. Production was substantially delayed. And we had little leverage until we brought in an alternative contractor. We brought in competition. All of a sudden we got right on schedule and on budget.

I think this situation is analogous. We're talking about a $100 billion contract for the principal jet fighter we're going to have for the next generation. And we have one engine manufacturer that we're going to be reliant upon. It's also going to be one of our most substantial exports to other militaries around the world. It's going to be a very substantial source of jobs and revenue, and in fact, I have to say, military dominance.

□ 1950

What we are talking about is having competition to ensure that we get the best bang for the buck for the taxpayers. In fact, the Government Accountability Office has estimated, over the long run, we will save money through this competition. That's why the majorities of the Armed Services Committee and the Defense Appropriations Committee have decided, after a great deal of deliberation, that we need competition in this program.

If it were not such a major program, if it were not so expensive—a $100 billion sole-source contract—maybe it wouldn't have mattered, but it was basically the consensus of the authorizing and appropriations committees that we should look to two manufacturers to compete against each other and to give the American taxpayer the greatest bang for the buck in producing the most effective and most efficient jet fighter in the world.

I think we all agree that we believe in the principle of competition. When you have monopoly control—invariably, you slack off a little bit. It's okay to bump your numbers up a little bit, perhaps. But when you have to compete with somebody else, you're always looking at the bottom line, always wanting a higher quality, a less expensive product. That's what this debate is all about. It's about a basic fundamental principle of the American economy—competition. For that reason, I would oppose the amendment.

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

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

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

Mr. AKIN. Mr. Chairman, this is a debate and a discussion that has been going on for some period of time. As has been noted before, there are many of us who serve on the Armed Services Committee who have a little different view than does the Pentagon on this subject.

So what are the benefits of the second engine? Several of those have been mentioned.

First of all, it is the sense of security. You've got basically an aircraft now that is going to be serving the Marine Corps, the Navy, and the Air Force. All of our services will be dependent on this one aircraft, which is the Joint Strike Fighter. That particular Joint Strike Fighter has one engine. Obviously, if you want it to work well, the engine has to run right.

The Armed Services Committees have taken a look at this, and those with a few more whiskers here understand the problem that came along on the F–16, where we had an engine manufacturer that couldn't get the engine done, and the whole airframe was at risk. In this case, you have the airframe for the Marine Corps, the Navy, and the Air Force, so this Congress wisely decided that we're going to have two engines.

First of all, from a security point of view, what this allows us to do is to make sure that we have an engine that is on time and on delivery. Certainly, the competition is another good point. You save a lot of money. If you've got two different contractors bidding against each other, we're going to get a good price on the engines, and that's going to be important, particularly year in and year out.

Now, there are a couple of other things that have not been mentioned that I've heard this evening. One of them is that the second engine also has 10 to 15 percent more thrust. What does that mean?

Well, it's interesting. If you happen to be a Marine Corps guy, the marine version of this is called a STOVL. It has to take off from just sitting on a deck, and it takes off straight up. That takes a lot of thrust. The first engine is absolutely maxed out, and what we see over time is we want to put more stuff in our airplanes. When you do that, it gets heavier, and you need more thrust. The second engine offers that 10 to 15 percent more thrust.

I don't know if there is a financial consideration to define what that is worth, but that extra 10 or 15 percent could make the difference of a stable aircraft that could carry some particular additional piece of equipment that we may need in the future.

The other point that I've not heard made and is actually kind of new to us is that these engines are big suckers. They are very, very big turbines, and they have a tremendous amount of power that they're generating.

Now, if we've got this one turbine that works for the Marine Corps, for the Navy and the Air Force, what would happen if we were to use that turbine in other applications? You'd get all the more benefit of having fewer parts and having interchangeability. These engines are bolt-for-bolt interchangeable.

So what happens when we start to look at the design for a future deep strike bomber? One of the questions on that will be: How many engines do you need? Is it going to be a four-engine bomber or a two-engine? Four is a lot more expensive.

What happens if you could get the power of two engines into one and make it a two-engine bomber and use the same engines that are going into JSFs? So now you've got a universal engine working for a number of platforms. There is a whole lot of simplicity and cost savings for that type of thing.

If we're going to put our eggs in one basket, we want to make sure we've

got at least two people and that we have the competition, the capability of using this engine in other ways, and the additional thrust for the second engine.

I would recommend a ''no'' vote on this amendment.

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

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

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCINTYRE. Mr. Chairman, as a ranking subcommittee member of the House Armed Services Committee and as a strong supporter of the Joint Strike Fighter Competitive Engine Program, I rise today in opposition to this amendment for three basic reasons.

First, the competitive engine program will save billions in taxpayer dollars. Second, it will create thousands of jobs. Third, it is imperative to our national security. I think all three of these are issues that all of us share a bipartisan concern about.

I am pleased, in fact, to join both the Armed Services Committee chairman and the ranking member of the full committee as well as many of my colleagues from both sides of the aisle, Democratic and Republican, in supporting this competitive program for the alternative engine.

First, contrary to what you may have heard, the competitive engine program is about saving billions of dollars in taxpayer money. Competition does drive down costs, it does raise quality, and ensures responsiveness from the manufacturers.

With the JSF program being the largest defense program in our Nation's history, we have to make sure that we have that competition to get the best quality and the lowest price. Striking funding for a competitive engine will give a 30-year $100 billion monopoly to a sole contractor. Funding the F136 engine, however, will allow two companies to compete head to head, resulting in the best price and the best engine. In fact, GAO studies have indicated that competition from the F136 engine will actually save taxpayers $21 billion over the life of the Joint Strike Fighter program.

Second, the competitive engine program is about saving jobs. Currently, there are 2,500 U.S. jobs supporting the development of the alternative engine. Once full production occurs, the number will rise to 4,000.

Third, the competitive engine program is about national security. Without a competitive engine, U.S. and allied forces will be dependent entirely upon one engine for 90 percent of our fighter jet fleets. One small problem could ground the entire fleet, which is something that none of us would want.

This program is not about favoring one particular contractor over another. It is about having strong bipartisan support for competition, for creating jobs, for national security, and for saving taxpayer money. In fact, this was demonstrated when this was voted on last year when we had 116 Republicans and 115 Democrats—that's about as even as you can get—vote for the funding of the alternative competitive program.

For these reasons, I strongly oppose this amendment and rise in support of saving $21 billion in taxpayer money, of creating jobs, and of ensuring our national security through the alternative engine competitive program.

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

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

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

Mr. HUNTER. Mr. Chairman, I stand in opposition to this amendment for a few reasons, not any as eloquent as the ones that have already been stated but for some fairly simple reasons, I think.

Number one, what if one of us here, one of us Members, a Congressman, earmarked a $100 billion project today? If it were one of us who did this, who said that we're going to give this one job worth $100 billion to one company, I think there would be an outcry from all over. We don't do that anymore, and there's a reason we don't do it anymore: Because it leads to corruption, and it leads to people doing things that they should not be doing. We shouldn't give the DOD the same—let's call it—temptations to have to give a $100 billion contract to one company.

□ 2000

Number two, competition. It's interesting now to see how things have switched where you have folks that have been talking about competition when it comes to health care, competition when it comes to business now saying that competition's going to bring quality down and bring costs up. That's not what competition does, Mr. Chairman. What competition does is bring quality up and bring costs down. I think there is definitely bipartisan agreement on that.

And number three, I served in Afghanistan on my third tour and, when I was over there about midway through in 2007, an F–18 went down. It went down here stateside, and the reason it went down is it had a cracked wing, and what we didn't know at that time is if that was an inherent flaw in the F–18 structure. So what we did in Afghanistan is we shut down all F–18 flights. In fact, the world over, F–18 flights were shut down until we could figure out if this problem was inherent in all F–18s or if it was just one problem for that one particular F–18.

If this happens with the F–35, with just one engine, we're going to ground the free world's new jet. That's what will be grounded, because the F–35 is being sold to other countries. It's being used by all of our services except for the Army, and if it goes down and we have to stop flight for it, it could put people in harm's way. That's why this is, frankly, not a money issue or a jobs issue. This is an issue of operational risk. You should have a backup engine for the main engine for the main fighter for this Nation and other nations going forward.

So with that, Mr. Chairman, I oppose this amendment.

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

The Acting CHAIR (Mr. CONAWAY). The gentleman from New Jersey is recognized for 5 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank you for the opportunity to participate in this debate.

Mr. Chairman, I don't have a dog in this fight. Neither of the two fine companies that are arguing over this has jobs in my district that I'm aware of. I'm involved in this argument because I have thousands of service personnel who serve our country, and I have hundreds of thousands of taxpayers who pay for the government of our country, and I am convinced that the right answer for our service personnel and for our taxpayers is to oppose this amendment.

We have heard many good reasons. I think the ones that stand out the most are these. As the Chair well knows, he and I were given the privilege and responsibility of looking at defense procurement across the board over the course of the last 3 or 4 years. Something very rare happened when the gentleman in the chair and I worked on this. We produced two pieces of legislation that passed the House, essentially unanimously. And in that process of Democrat and Republican working together, we learned something very disturbing, and that was that, in major weapons systems, costs had skyrocketed by $296 billion over what they were supposed to cost, and the delay in fielding these systems had gone from an average of 16 months behind to 22 months behind. That was very unwelcome news.

In the course of conducting that analysis, we also learned something that I think most Americans know intuitively. When you have more choice and you have more competition, you get a better result. I think most of us, when we've had to buy a household appliance or a car, go out and get a couple of quotes. We have people compete against each other so we get the best deal. That very commonsense concept is the core argument in front of us this evening. And I think the burden would be on those who say we shouldn't have competition and those who say that the status quo would be okay if we had only one contractor.

Now, the other point I want to make beyond money is about the operational capacity of our Armed Forces. The United States enjoys the blessing of

military superiority this evening I think for two essential reasons. The first and most important one is the quality of the young men and women who volunteer to serve us. Without question, that's the most important reason. But the second, I believe, is our superiority in the air, our ability in any corner of the globe to establish dominance over the battle space by virtue of the quality of our air assets.

The operability of those air assets, as Mr. HUNTER just mentioned a few minutes ago, is at risk if we are dependent upon one supply chain, one manufacturing process, one set of parts, and one set of solutions to a problem. You always want to have a plan B. This would be a difficult call if having that plan B operationally cost us more money, but it isn't a difficult call because the opposite is true. Having the plan B, having the option, saves money for the American taxpayer. The GAO has estimated about $21 billion over time because of the merits and benefits of choice and competition.

We have two fine enterprises involved with these engines, and I think what we ought to do is create a system where each flourishes, not because of the benefits of the job creation that will occur—although that's certainly a welcome benefit—but because operationally, this is the best way to support those who serve us. This is the best way to avoid putting them at risk because of operational defects and because the benefits and merits of competition over time will reduce pressure on our taxpayers to the tune of $21 billion.

I thank the Chair for his collegial work on this subject, and I would urge Members to defeat this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. CONAWAY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 514, EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–14) on the resolution (H. Res. 93) providing for consideration of the Senate amendment to the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, which was referred to the House Calendar and ordered to be printed.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

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

□ 2008

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 2, offered by the gentleman from Florida (Mr. ROONEY), was pending.

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

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

Mr. CHABOT. I rise in opposition to the gentleman's amendment.

Mr. Chairman, as we debate the funding of a competing engine for the Joint Strike Fighter Program, there are a few key points that we should keep in mind.

First, competition has long been the best way to control costs on large defense programs, and competition is the centerpiece of acquisition reform. By funding competing engines for the Joint Strike Fighter, we can save $21 billion. Let me repeat that, $21 billion savings in taxpayer money over time according to the Government Accountability Office.

□ 2010

Beyond the GAO's projections, our recent history demonstrates that competition also leads to a more efficient process, quicker innovation, and better contractor responsiveness. Recently, the Quadrennial Defense Review Independent Panel concluded, ''History has shown that the only reliable source of price reduction through the life of a program is competition between dual sources.'' Additionally, the absence of competition makes it harder to address the issues that inevitably arise in connection with sophisticated and critical technology, such as jet engines.

Mr. Chairman, we are seeing such issues on the lead engine for the Joint Strike Fighter. Pratt & Whitney was designated to power the JSF aircraft under the theory that it could effectively derive an engine from its engine for the F–22. Unfortunately, it wasn't as easy as they had anticipated. As a result, the lead engine for the Joint Strike Fighter is now billions of dollars over budget and, worse, struggling to perform the critical functional requirements for the aircraft.

I quote directly from the GAO report from March 2010: ''The Pratt engine is now estimated to cost about $7.3 billion, a 50 percent increase over the original contract award. The total projected cost increased $800 million in 2008. Engine development cost increases primarily resulted from higher costs for labor and materials, supplier problems, and the rework needed to correct deficiencies with an engine blade during redesign. Engine test problems have also slowed development.''

The GAO further confirmed an additional total project cost increase of $1.2 billion in 2010 alone to cover higher than expected engine costs, tooling, and other items. And on February 11, 2011, yet another cost overrun on the lead engine was announced, this time totaling at least $1 billion, bringing total cost overruns on the lead engine to an astounding $3.5 billion today.

The Department of Defense says we don't need a second engine, but these issues won't fix themselves. Only competition will help control costs and create a better, more efficient process. I ask you, How can we afford not to invest in a competing engine? Bottom line, having the engine makers fight head-to-head will give us a far more capable, more cost effective Joint Strike Fighter.

I yield back the balance of my time.

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

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

Mr. COURTNEY. Mr. Chair, I rise in support of the gentleman from Florida's amendment. And as a fellow member of the House Armed Services Committee, I just want to share at least some of the ad nauseam length of input that we have had at the Armed Services Committee over the last 2 or 3 years talking about this issue.

We have had the benefit of hearing from the warfighters, the heads of the various branches that are dealing with this program, whether it's the Marines, the Navy, the Air Force, and they have repeatedly, over the last 2 or 3 years, stated that there is no justification for this wasteful spending which, again, both the President and the Secretary of Defense have also supported.

On the Seapower Subcommittee, which I serve on, Admiral Roughead, the CNO, head of the Navy, talked about the disastrous operational impact that having two engines would have in terms of our aircraft carriers. As he stated: ''One can look at a carrier and see a very large ship, but when

that ship is deployed, we have things packed in almost every nook and cranny in order to provide that reliability and responsiveness. So having to stock two different types of engines is just not practical for us.''

It would be totally unrealistic to have a situation where the F–35B and the F–35C, which are the planes which will land on our aircraft carriers, have to fly in with two separate engines that would require two separate systems of maintenance and repair. And the notion which was stated earlier by one of the prior speakers that they are somehow interchangeable—well, if we're going to have interchangeability, then we may as well just have one engine system which is, in fact, what we have today in terms of the F–18 Super Hornets which land on aircraft carriers every day of the year. It is one engine supplier which provides the engines for those Super Hornets, GE, and good for them. And as Admiral Roughead said, he really doesn't care which engine it is, but the Navy needs to have only one system in order for them to be operational on the 11 aircraft carriers that today make up a key component of our national defense.

One person on the committee sort of suggested the fact that, well, maybe a way to solve that problem would be to have GE aircraft carriers and Pratt & Whitney aircraft carriers which, again, kind of I think highlights the absurdity of the notion that you are going to have two separate engine systems on these vessels on which every square inch is precious.

Mr. Chair, we have heard a lot of talk about competition. I'm sure there is going to be lots of rebuttal about the fact that there was a competition which led into the selection of the Pratt & Whitney engine. But what I would just end with is that competition is one thing; redundancy and waste is another.

We do not have two of everything in terms of our procurement systems. We did not have two engines for Blackhawk helicopters. We did not have two engines for F–18s or our ships. We don't have two nuclear reactor systems for our submarines, for our aircraft carriers. We don't have two separate engines for our destroyers.

The fact of the matter is you have to make decisions sometimes in order to achieve efficiency, and that's where we are today with the F–35 program. The notion that we are going to add $3 billion to production costs by having a separate alternate engine and all of the rippling effects of operational headaches which Admiral Roughead eloquently described before the Armed Services Committee is just not something that our military can afford today.

We have reached a tipping point in terms of our military budgets. We have got to focus on effective, efficient use of resources to help the warfighter and to advance our national security. And having a bloated, wasteful system of an alternate engine, which is the way The Washington Post described this program, is not the way to achieve that goal.

I strongly support this amendment and urge my colleagues to pass this amendment for a cost-effective, efficient use of our resources for our national defense.

I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Chair, I move to strike the last word.

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

Mrs. SCHMIDT. Mr. Chair, I rise today to strongly urge my colleagues to vote ''no'' on this amendment. This is the wrong way to go at our critical hour of need. Congress has consistently provided funding for the development of the alternative engine because Congress knows full well the benefits of competition in weapons acquisition and procurement.

Last session, we passed the Weapons Systems Acquisition Reform Act of 2009, 411–0 in favor, and, in fact, our Senate colleagues agreed with 95–0. If there is such overwhelming bipartisan agreement in both Chambers on the need for competition in weapons systems acquisition, then why are we taking a vote to eliminate competition for the propulsion system that is going to power 95 percent of our tactical fighter fleet over the next 40 years?

Section 202 of the Weapons Systems Acquisition Reform Act clearly states, ''The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes measures to ensure competition throughout the life cycle of such program.''

The Joint Strike Fighter is the Department of Defense's largest procurement program. The Department of Defense plan calls for acquiring nearly 2,500 Joint Strike Fighters. Hundreds of additional F–35s were expected to be purchased by U.S. allies. If the propulsion system that powers nearly 3,000 tactical jet fighters is not a major defense acquisition, then I'm not sure what qualifies.

Passing this amendment will hand Pratt & Whitney a $100 billion monopoly on a 30-year contract that has never been competitively bid. Proponents of this amendment will argue that Pratt & Whitney won the engine competition when Lockheed was awarded the contract to develop a Joint Strike Fighter. Not so fast.

Last May, Mr. John Roth, from the Office of the Under Secretary of Defense Comptroller, and Mr. Mike Sullivan, the Director of Acquisition and Sourcing Management at the GAO, both testified before the House Oversight and Government Reform's Subcommittee on National Security and Foreign Affairs that the competition was done at the contractor level and that the engines were never actually competed.

The point of all this, Mr. Chair, is that the engine competition never occurred, and it is disingenuous to argue that Pratt & Whitney has already won. The fact is that providing funds for the competitive alternate engine will ultimately drive down costs, improve product quality and contractor responsiveness, drive technological innovation, and ensure that taxpayer dollars are not wasted.

□ 2020

History shows that competing engines can result in significant long-term savings. The ''Great Engine War'' saved the F16 program 21 percent in overall costs according to the 2007 GAO report. This represents $20 billion in savings for the lifetime of the Joint Strike Fighter Engine program.

Additionally, the alternative engine team represented by GE and Rolls-Royce offered the Department of Defense a fixed-priced contract. Their offer saves $1 billion in the first 5 years and puts cost overruns at the risk of the contractor. This is an unprecedented move in major defense acquisition.

Finally, providing for a competitive alternate engine will serve as a hedge against operational risk and ensure that a fighter that makes up 95 percent of our tactical fleet is not grounded due to engine failures.

Fully funding the alternative engine is not only prudent risk management, but an acknowledgment of the fundamental responsibility that Congress has to protect and provide the most reliable equipment to our men and women in uniform.

Mr. Chairman, I urge my colleagues to vote ''no'' on this ill-guided amendment. It will not save taxpayers money in the long run. I'm not even sure it's really going to save them money in the short run.

I yield back my time.

Mr. LARSON of Connecticut. I move to strike the last word.

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

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of the amendment by TOM ROONEY of Florida. Let me commend my colleague from Florida, first and foremost, and those that have joined him in this amendment.

At the President's State of the Union message there was a symbolic gesture in this Chamber for us to sit together, and we did. And we talked about the camaraderie and the need to reach out and work together.

I applaud my colleague for his strong stance and his willingness to work bipartisanly to do what the Navy, the Air Force, the Marines, the Secretary of Defense, the Bush administration and the Obama administration have asked Congress to do: end this wasteful, duplicative spending.

There are new Members that have come to Congress on both sides with new zeal and the ability to perhaps look outside the beltway at what people have to experience on a regular

basis, and they scratch their heads in awe of what seems to be a commonsense proposal by the Bush administration, by the Obama administration, by the Air Force, by the Marines, and by the Navy, and that's to end this wasteful spending.

We've heard great talk about competition. My God, I'm all for competition. I don't think there isn't a person who isn't for competition. Two engines, why not three? Why not four? It would be better overall for our industrial base.

But the people on the committee know the hard truth, as do all Americans. We've seen it. I fault no one for support of the interest of their State or their district or their employees, but let's be honest about this. We're going to have to make priorities. I've witnessed it in the C–17 and the F–22. And there comes a time when you recognize that we need these precious dollars. There has to be cuts. Both sides have acknowledged, and again I want to compliment my colleagues on the other side for the zeal that they have come here with to say, listen, the Pentagon isn't sacrosanct either, and we have to make these cuts.

And here's the Secretary of Defense pleading yesterday at a conference saying, please, the Navy, the Marines, the Air Force do not want this engine.

Look, competition is great, but let's look at some of the facts here that have been cited as well. If you have 86 percent of the market currently, and you're seeking to get 92 percent of it, where does competition lie? With a company that has 86 percent? I don't think so.

And I think anyone who looks at this from a commonsense perspective comes to that understanding, comes to that difficult decision that has to be made with respect to the Nation's deficit.

Now, Mr. ROONEY has proposed that this money go directly into a lock box to deal with the Nation's deficit. There are a lot of good proposals where to use money, but that's what he's proposed. I submit, as a Democrat who would like to see the money going to COPS funding, to make sure that LIHEAP funding gets there, that these are the kinds of compromises and decisions that we have to make. And this is what's right for the country. We have to address this deficit.

And if we have our leadership, the Bush administration, and their Pentagon, the Obama administration, you heard JOE COURTNEY talk about Admiral Roughead again saying today the absurdity involved in this argument.

It doesn't matter what company. What matters is this country. I strongly support his amendment.

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

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

Mr. DOLD. Mr. Chairman, I rise today in support of the amendment. At a time when we're running at $1.48 trillion deficits, the President's budget actually talks about a $1.6 trillion deficit. We're looking at debts of $14 trillion.

We have to tighten our belt. There is no question about it. The American public's doing it. We've asked the American families and businesses across the land to tighten their belts in order to get by. The Federal Government should be no different.

Now, we are very strong on defense. We want to make sure that those that are in harm's way have everything at their disposal to make sure that they can do the task that we've asked them to do. This, however is the program that the Department of Defense, the Secretary of Defense has said we don't need it, we don't want it. We need to make sure that we are cutting back across the board in terms of all different Departments. We need to go into every single one and say, where are the areas that we can cut back? Where is there duplication? Where are there areas that we can find that we don't need to spend today? This is a program that will save the American taxpayer $3 billion.

Now, we admit, competition is good. But why not three engines? Why not four engines? The reason why, as someone said, is we can't afford it. We can't afford two right now. We want to make sure that the engine that's out there, the one that has been awarded by the Department of Defense, has the opportunity to move forward. It is the base for the F–22. It certainly has proved itself in terms of a base engine. They're making improvements, but this is an engine that they've invested over 20,000 flight hours in. This is something that is going to move forward. The question is, are we going to fund an additional engine?

I think that we need to talk about saving dollars, saving $3 billion when both the Bush administration, the current administration right now, and the Department of Defense, the Secretary of Defense—and when was the last time you heard any of the Secretaries advocating that we don't need this money?

□ 2030

This is probably a very historic moment. They are absolutely, 100 percent looking out for the safety of those that wear the uniform.

I am going to urge my colleagues that we have to step forward, we have to cut back on areas, and this is an area that the Secretary of Defense has said we need to cut back on. I am going to urge you to vote ''yes'' in favor of this amendment.

I yield back the balance of my time.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

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

Mr. MURPHY of Connecticut. I rise in strong support of the amendment from the gentleman from Florida.

Cutting spending is not easy, but this one should be. I think the gentleman hit it right on the head. You are talking about the Department of Defense, the Secretary of Defense, the President, the generals who command the field all recommending against the development of a second engine. We should listen.

Now, we have heard a lot of discussion tonight, as we have when we've debated this issue in the past, about the dual issues of both quality and cost. But if this was really about the issues of both quality and cost, then we wouldn't just be talking about building a second engine. We would be talking about building a second plane; we would be talking about building a second aircraft carrier.

But as Representative COURTNEY so eloquently stated, the reason that we aren't talking about competitive bidding for a second plane, the reason why we aren't talking about two or three different aircraft carriers is that our generals, our military professionals have told us over and over again that it would be a tactical and operational nightmare to have a diversity of operational platforms with respect to these large operating systems.

This isn't about quality in the end, because the Army, the Navy, the Secretary of Defense tell us that it's not about quality.

If this was really about quality and cost, then we would have actual real competition. But we're not going to have real actual competition. What we know about these competitive bidding arrangements is that there is an explicit or implicit floor in the amount of business that you get. So whichever one of these engines is the inferior engine or the more costly engine is going to, on average, get about 40 percent of the business on an annual basis. That's not real competition.

If we want to talk about real competition, then there has to be real winners and losers here. That's not what is going on in the proposal before us. And if this was really about quality and cost, then we wouldn't have two other tactical aircraft programs that have a single engine and also have a near spotless record of performance and cost control.

We know how this works in other major aircraft acquisition programs. Single engines work. They have worked.

I think in the end, though, this is really just about who we listen to. I have great respect for the Members of this Congress who have served for years on the Armed Services Committee; but I think that when we get such unanimity of opinion, such uniformness of opinion from our military generals, from the Department of Defense, and the men and women who are going to be flying these planes, we should listen.

We should listen because it's the right thing to do for them, and we should listen because $3 billion isn't

easy to cut out of the budget. But it's a lot easier when we have the people that are going to be handling the aircraft and the equipment telling us it's the right thing to do. I rise in support of the amendment.

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

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

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

This amendment is contrary to the interests of taxpayers and our military. It is not a cost-saving amendment. It is an anti-competition amendment. Therefore, it will cost us more money in the long run.

It is recognized that the Department of Defense suffers from a lack of competition and acquisition process. Sole-source contracts already account for $140 billion, or 38 percent, of the $366 billion that DOD spent on contracts in fiscal year 2010.

We know from experience that competing the engine on the F–35 is likely to both save money and improve the performance on both engines. It's not me saying that; the GAO and DOD's own internal studies have said it.

DOD says it will cost $2.9 billion to develop an alternative engine, although GAO says it may be much less. The F–35 will cost about $100 billion. GAO's analysis suggests a savings of about 20 percent in procurement, with an additional savings over the life cycle of the programs. The alternative engine would more than pay for itself in future savings, even putting aside the potential benefits in performance.

The power of our tactical Air Force is utterly dependent on the success of the F–35 program. The total cost is approaching $400 billion. The air frame and the engine portions of the program have been riddled with cost growth throughout the development effort.

Are we to say that it is unreasonable to spend $450 million to ensure that our fighter pilots have the best aircraft and the best engine possible? I'm convinced that competition will make both engine variants of the F–35 better.

And why do we think DOD can stand on a principle that has been proven over and over again in the marketplace? Competition leads to lower cost and better performance. Our fighters deserve this.

The DOD's position against this engine has been shown to be faulty on analysis and driven only by short-term budget considerations. The independent QDR review panel last year stated: ''History has shown that the only reliable source of price reduction throughout the life of a program is competition between dual sources.''

This amendment ignores that history. It will not save money and risks the combat effectiveness of our Air Force. Mr. Speaker, I oppose the amendment.

I yield back the balance of my time.

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

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

Mr. DEFAZIO. Only inside the Washington, D.C. beltway could we be having this debate.

The taxpayers are demanding that we tighten our belts and save money. The Pentagon says, let's go ahead with the single engine procurement, which resulted from a competition, which is a quality engine.

Now, if that engine has problems, someone at the Pentagon should be fired. If there was problems with the original competition, a lot of people at the Pentagon should be fired. And maybe we ought to look at overhauling the procurement process.

But to say now, well, we've got a good engine. They want a competition. But we've got another company that really wishes it had won the competition but didn't win the competition, and now they still want to build an engine and the taxpayers should subsidize it, Which is what this is all about. It only costs $2.9 billion for them to develop an alternative engine. Only $2.9 billion. Inside the Washington, D.C. beltway that's not real money.

I guess the joke is, inside the Washington, D.C. beltway, how many jet engines does it take to fly a single engine fighter? Now, most Americans would think, well, that's probably not a joke, and it would be one. Right? No. It's two.

Now, if we need two on the ground, maybe we need two in the air. Maybe we ought to redesign the plane and put two engines in the tail, one from one company and one from the other. In case one flames out, we've got one left at least to bring the plane back. I mean, if we're so worried about reliability, maybe we just ought to start all over again. Come on, guys. Let's not be ridiculous here.

Two supply chains. Two sets of mechanics. Two sets of spare parts. Oh, wait a minute. This plane broke down over here and the mechanic there and the spare parts are for the other one. Oh, we've got to keep them sorted out by which engine they've got, where they are, where they'll fly in the world, what mission they'll go on, which mechanics we send, which supply chain we send for it.

No, this is not going to save money. This is not going to save money. If you did a crappy procurement, then fix it; but don't say let's do another procurement in the way the Pentagon always does things, which will inevitably be another cost overrun procurement.

So it won't only cost $2.9 billion to develop the alternative engine. We'll hear 6 months from now, a year from now, Oh, well, we thought we could develop an alternative for 2.9, but it will be 10. But don't worry. It will still bring down the overall cost.

Support this amendment. Support common sense. Stand up for the taxpayers, and stand up for the military which says we don't need a second engine for this plane. They are the guys who fly them.

□ 2040

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

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

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 127, line 17, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,742,405,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,797,412,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, $3,200,000 shall only be available for program management and oversight of innovative research and development.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,434,536,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to

maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,474,866,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $31,382,198,000; of which $29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to $16,212,121,000 may be available for contracts entered into under the TRICARE program; of which $534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which $1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,467,307,000, of which $1,067,364,000 shall be for operation and maintenance, of which no less than $111,178,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $35,130,000 for activities on military installations and $76,048,000, to remain available until September 30, 2012, to assist State and local governments; $7,132,000 shall be for procurement, to remain available until September 30, 2013; and $392,811,000, to remain available until September 30, 2012, shall be for research, development, test and evaluation, of which $385,868,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $306,794,000, of which $305,794,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2013, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $292,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $649,732,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8008. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Navy MH–60R/S Helicopter Systems.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $30,374,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $27,048,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,424,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $902,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2011 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2011, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $86,300,000;

''Other Procurement, Army, 2009/2011'', $147,600,000;

''Aircraft Procurement, Navy, 2009/2011'', $26,100,000;

''Aircraft Procurement, Air Force, 2009/2011'', $116,900,000;

''Aircraft Procurement, Army, 2010/2012'', $14,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $36,000,000;

''Missile Procurement, Army, 2010/2012'', $9,171,000;

''Aircraft Procurement, Navy, 2010/2012'', $184,847,000;

''Procurement of Ammunition, Navy and Marine Corps, 2010/2012'', $11,576,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2010/2014'': DDG–51 Destroyer, $22,000,000;

''Other Procurement, Navy, 2010/2012'', $9,042,000;

''Aircraft Procurement, Air Force, 2010/2012'', $151,300,000;

''Other Procurement, Air Force, 2010/2012'', $36,600,000;

''Research, Development, Test and Evaluation, Army, 2010/2011'', $53,500,000;

''Research, Development, Test and Evaluation, Air Force, 2010/2011'', $198,600,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2010/2011'', $10,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and

recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military

installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

SEC. 8072. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, $84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which $12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8074. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8075. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8076. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 8077. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8078. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8079. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $24,000,000 to the Red Cross; $1,200,000 to the Special Olympics; and $20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided*

further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further,* That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, $7,080,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8093. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8094. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8095. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8096. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8097. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8098. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8099. The amounts appropriated in title II of this Act are hereby reduced by $1,983,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: (1) From ''Operation and Maintenance, Army'', $700,000,000; and (2) From ''Operation and Maintenance, Defense-Wide'', $1,283,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8100. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8102. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8103. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 unless the contractor agrees not to:

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment,

that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability Office shall submit a report to the Congress evaluating the effect that the requirements of this section have had on national security, including recommendations, if any, for changes to these requirements.

SEC. 8105. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been satisfactorily completed.

SEC. 8106. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, $50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. In addition to funds made available elsewhere in this Act, there is hereby appropriated $538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8110. (a) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Navy'', not less than $2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(b) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Air Force'', not less than $2,000,000 shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10 section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts provided elsewhere in this Act, there is appropriated

$250,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8112. In addition to amounts provided elsewhere in this Act, there is appropriated $300,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8113. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1871) is amended by striking ''1 year'' both places it appears and inserting ''2 years''.

SEC. 8114. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8115. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8116. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, $20,000,000, is appropriated to the Department of Defense for ''Operation and Maintenance, Defense-Wide'' for energy security pilot projects under subsection (a).

SEC. 8117. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8118. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing and rotor wing firefighting assets needed to produce an effective aviation resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C–130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as ''MAFFS''), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

(3) A description of the costs of the operation, maintenance, and sustainment of a fixed and rotor wing aviation fleet, including a C–130J/MAFFS II in an Air National Guard tactical airlift unit construct of 4, 6, or 8 C–130Js per unit starting in fiscal year 2012, projected out through fiscal year 2020. Such description shall include the projected costs associated with each of the following through fiscal year 2020:

(A) Crew ratio based on 4, 6, or 8 C–130J Air National Guard unit construct and requirement for full-time equivalent crews.

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C–130J in its MAFFS capacity supporting the United States Forest Service.

(D) Yearly flying hour model and cost for use of a C–130J in its capacity supporting Air National Guard tactical airlift training.

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C–130Js.

(4) Proposed program management, utilization, and cost share arrangements for the aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

SEC. 8119. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about February 16, 2011, by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a Report of the Committee on Appropriations.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $48,912,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $27,002,000: *Provided*,

That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $853,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $59,212,782,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds provided under this heading:

(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom; and

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $203,807,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $497,849,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $417,983,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Afghanistan Infrastructure Fund''. For the ''Afghanistan Infrastructure Fund'', $400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the

Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AMENDMENT NO. 95 OFFERED BY MR. JONES

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 127, line 23, after the dollar amount, insert ''(reduced by $400,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $400,000,000)''.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONES. Mr. Chairman, this amendment removes the new $400 million Afghan Infrastructure Fund and it would be returned to the spending reduction account.

I bring this amendment to the floor because of the frustration of the American people. Here we are trying to find $400 million to put in an infrastructure fund for Afghanistan, which is going to be borrowed money from the Chinese to begin with. It's not even Uncle Sam's money. And then in addition to that, we're propping up a corrupt, dishonest government headed by President Karzai. At this time in America's history when we are having these debates tonight that I've heard all day long with the frustration of the Members of Congress from both parties that here we cannot even balance the budget of this country and we're trying to find this money to go to the infrastructure of Afghanistan and we're going to say to the American people, we can't help you with your infrastructure needs in your counties, in your towns, in your cities, it makes absolutely no sense to me, and more important than me is to the American people.

I would also like to mention that the Afghan Infrastructure Fund would help create another ''bridge to nowhere.'' It's going to be money that cannot even be accounted for the majority of the time, and I make mention of that for this reason. The recent Special Inspector General for Afghanistan Reconstruction report released on January 30, 2011, cited significant fraud, waste and abuse with Afghanistan reconstruction funds.

I do not know why in the world we cannot make the statement to the American people that we're going to see that the $400 million going to a dishonest, dysfunctional government overseas cannot be returned to help reduce the debt and deficit of this country or even returned to the cities and counties throughout the country of America.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. FRELINGHUYSEN. Eliminating the $400 million Afghanistan Infrastructure Fund is ill-conceived and unwise. This fund provides funding for high-priority, large-scale infrastructure programs in support of the civil-military campaign in Afghanistan. These projects are critical to convincing the Afghan population to reject the insurgency and side with the Afghan Government. This in turn significantly reduces the threat to our troops and quickens the security transition process, which we all seek.

Not only is this funding a top priority of the Secretaries of State and Defense, it is also a top priority of General David Petraeus. This fund is so directly related to the safety and security of our troops that it needs to be preserved, and thus I urge a ''no'' vote on the amendment.

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

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

Mr. DICKS. The amendment would eliminate all funding in the bill for the Afghan Infrastructure Fund—a total of $400 million. Establishing the fund at this level of funding was done at the request of the Secretary of Defense and the Secretary of State in a joint letter to the congressional defense committees in November 2010.

The funding was not added to the bill. It was derived by reducing the amount available for the Commanders Emergency Response Program. DOD requested that funding for this account be obtained in this manner. The Departments of Defense and State view this fund as essential to completing large scale infrastructure projects in Afghanistan, such as electrical power generation. Such projects provide the means for economic activity which will help to reduce risk for U.S. troops and help improve security in Afghanistan.

I urge rejection of this amendment.

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

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

Mr. THORNBERRY. Mr. Chairman, the reason we have troops in Afghanistan is to prevent Afghanistan from again becoming a sanctuary from which terrorists will launch attacks against us. For us to one day be able to withdraw our troops from Afghanistan, the Afghan people have to be able to stand on their own two feet, and this fund is designed to help them do that.

The people there have to be able to resist the Taliban, al Qaeda and other groups that want to undermine their security and use Afghanistan once again as a terrorist base. This program, as has been mentioned, is a very high priority of our own military commander in Afghanistan, General Petraeus. Part of the reason it's one of his priorities is, as the gentleman from New Jersey said, this helps keep our own troops safe. When we are able to work with the Afghan people and develop the country, our troops in the country have a less danger opposing them. It is less likely that they will suffer some of the problems from the indigent population.

But the second reason General Petraeus believes this is very important is that it's an integral part of his counterinsurgency campaign plan. So to withdraw this money at this point makes his job more difficult and increases the danger to our troops. I don't think that makes sense at any level.

The other point I would make is this: As the gentleman from Washington said, this was a request from the Secretary of State and Secretary of Defense for a fund that both agencies would work on. One of these days this government is going to have to get to interagency funds so that you don't have the State Department working on one hand, the Defense Department on another, other agencies doing their own thing. We have to have a combined effort, and this fund is at least a step in that direction. The interagency nature of it helps to prevent waste, abuse and misuse of these funds because you do have the extra oversight on its use. But I think the key point is—this is a question of our national security to help the Afghans stand on their own two feet, and I believe the amendment should be rejected.

I yield back the balance of my time.

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

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

Mr. HUNTER. Thank you, Mr. Chairman.

First, I believe my friend from North Carolina does have the best intentions at heart. I believe he is doing this for the right reason. He wants to get out of

Afghanistan and he believes that Afghanistan is a very corrupt country with very corrupt leadership. The problem is, is that things in this world aren't perfect. I served for 6 months in the Marine Corps in Afghanistan in 2007. I didn't do anything of significance, but when I was there I saw what really turned the people of Afghanistan towards America, what made them turn around, what made them change their mind. It wasn't us killing people who cause us to stay up at night and worry about them. That's what we're worried about. What the Afghans are worried about is, will they have electricity? Can they drive on the roads? Can they put fruit in their Mack truck and drive it 20 miles and sell it at the next town? Do their lights work? Is their trash getting picked up? Is their sewer getting cleaned out? General Petraeus understands this is counterinsurgency. That's what counterinsurgency means.

□ 2050

I want to get out of Afghanistan, too. It is an expensive war in blood and treasure, but it is a war that was not started by us. It was started by two airplanes flying into two towers. And 9/11 has cost us more than Afghanistan ever will in what it has done to this Nation, making us second guess who our friends are, sending us to Afghanistan.

I would ask my friend from North Carolina this, and I am going to yield the balance of my time to my friend from North Carolina: If we are not the ones helping out the Afghan people, I will tell you who it is going to be—the Taliban. The Taliban are the bankers of Afghanistan. They have drug money and they use it to loan to the locals in Afghanistan. So if we don't help them out, if we don't become their friends, if we don't befriend the people, the counterinsurgency doesn't work.

I think that my friend, if he knew that we would leave quicker, we would leave Afghanistan in victory quicker by keeping this money there, I think he would withdraw his amendment.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman for yielding.

I would say if I thought Karzai was an honest man that would appreciate the American taxpayers' money, I would feel differently, quite frankly. But I realize it is a corrupt government. I wish that what you say was so. And I trust you. I have great respect for you as well, but we are dealing with a dishonest, dysfunctional government.

When Karzai was quoted in The Washington Post in December saying, ''I have three enemies, one being America, one being the Taliban, one being the international community, and if I had to choose one of these as a friend, I would choose the Taliban,'' this is why I wanted to speak tonight, to bring this forward and let the Members vote this up or down. That is fine with me.

The point is this is money we could be using right here in this country. If I thought Karzai was an honest broker, I would probably not even offer the amendment.

Mr. HUNTER. Reclaiming my time, this is an interagency fund, DOD, State Department, USAID, different American agencies. They are going to be the ones distributing this money. I doubt Karzai ever sees this money, as it would go straight to contractors, either Afghan or from here, from the U.S., or other countries.

I yield to the gentleman.

Mr. JONES. My answer to that would be that I would hope that this would prove to be true. But the problem is we always know that when you have got a dysfunctional government, you have got a dishonest man, it might be intended to go this way, but too many times it does not.

I would honestly say to you that I offer this amendment on behalf of the American people, because they can't fix their streets, they can't fix their roads. And, by God, it is only $400 million, but to a lot of people in my district, that is a lot of money going to a dishonest leader of a country in Afghanistan.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, $400 million is a lot of money, and Americans do need that money. But I would answer that with this: The men and women that have given their lives over in Afghanistan, the men and women, as you well know, representing Camp Lejeune and all of those marines, the men and women that have given their time and their blood for this country I think deserve to be backed up by us by saying we are going to give the money to your boss, General Petraeus, so we can win the war and leave victoriously, and I think that is what I think this $400 million does.

With that, I oppose the gentleman's amendment.

Mr. CONYERS. Mr. Chair, I rise in strong support of the amendment offered by my friend, Mr. JONES of North Carolina. This amendment would cut $400 million in funding for the Afghanistan Infrastructure Fund. I support this cut not because I am opposed to providing humanitarian aid to other countries. To the contrary, I am very supportive of helping improve living conditions and human rights in countries around the world by investing in infrastructure. However, I have strong concerns about this important work being directed by our armed forces because it raises the specter of the ''militarization'' of our foreign aid, which can often place troops, aid workers, and the civilian population at risk.

In a January 2010 report, eight international agencies expressed their concern that the militarization of aid in Afghanistan is putting ordinary Afghans at risk when they build schools and clinics, which then become targets of insurgents.

Additionally, many agencies say that these ''quick impact'' projects do not contribute to sustainable development, but instead are used as a good will building exercise by military forces engaged in a failing counterinsurgency strategy.

Under the current system, distribution of aid is heavily biased in favor of areas where the troop presence is strongest rather than distributed according to need. The needs of people in more secure areas and vulnerable populations, particularly Afghans displaced by the conflict and other factors as well as returnees, are being overlooked. We need to rethink our country's militarized approach to aid and shift our focus towards a long-term aid strategy based on meeting the real needs of Afghans.

As a first step in this process, I encourage my colleagues to support this amendment.

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to $15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13

(111th Congress), the concurrent resolution on the budget for fiscal year 2010.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AMENDMENT NO. 237 OFFERED BY MR. HOLT

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 131, line 24, after the dollar amount, insert ''(reduced by $1,500,000,000)''.

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

Mr. HOLT. Mr. Chairman, I offer an amendment to eliminate the $1.5 billion in funding for the Iraqi Security Forces Fund.

If we are going to be cutting Pell Grants and energy research and heating assistance for families here in the United States, we certainly should take a hard look at Pentagon spending as well. Would taxpayers want their dollars to go to pay for Iraqi police on the streets of Baghdad when we are cutting funding for police in Trenton, New Jersey, and other cities and towns across our Nation? I want my colleagues to understand what the authors of H.R. 1 are proposing here today. It is about choices.

My colleagues, I am sure, could present a good justification for funding Iraq Security Forces. I certainly want to see the people of Iraq living in peace and freedom, free from harm, either domestic or foreign harm. However, the Government of Iraq has ample revenue from oil sales to pay for Iraq security. In contrast, our country faces not only a budget deficit, but critical unmet domestic needs, and this legislation before us today makes many, many unwise cuts.

H.R. 1 calls for spending $1.5 billion in taxpayer money to pay for foreign police officers in Iraq while simultaneously cutting $300 million for the highly successful COPS program here at home. The COPS program is vital. Our local police departments count on it to help them hire additional officers to combat crime in our communities and to provide true community policing. The contrast couldn't be more stark and absurd; have American taxpayers foot the bill for police in Baghdad but not for police in America.

H.R. 1 showcases the misguided priorities of the new majority. What are they thinking?

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to my colleague from New Jersey's amendment.

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

Mr. FRELINGHUYSEN. The Iraqi Security Forces Fund is required to enable the Iraqi Security Forces to reach minimum essential capabilities. These capabilities will allow those forces to maintain internal security with police forces in the lead and defense forces in support while building foundational capabilities for the Iraqi military forces to provide external defense prior to U.S. forces' departure on 31 December 2011.

This is our Nation's commitment, our President's commitment, our Commander-in-Chief's commitment. It is a bipartisan commitment. It is more than just this majority's commitment to see the departure of our U.S. forces in that time frame.

This Iraqi Security Forces Fund funds the following five categories:

Equipment purchases and transportation of equipment, weapons, ammunition, vehicles, communications gear and spare parts;

Infrastructure projects such as construction and improvements of police stations, military bases, training centers, maintenance facilities, and border enforcement facilities, among other infrastructure;

Training and operations projects and programs such as training school and maintenance facilities, vehicles for training centers, and training of security forces;

Sustainment of security forces through maintenance programs, human resources, information management systems, support service, and medical services;

Other activities such as detainee operations, disarmament, demobilization, and reintegration.

These are essential to speed our departure from Afghanistan. So, Mr. Chairman, I urge my colleagues to vote ''no'' on Mr. HOLT's amendment.

I yield back the balance of my time.

□ 2100

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

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

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

The Clerk will read.

The Clerk read as follows:

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $2,720,138,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,269,549,000, to remain

available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $90,502,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,589,119,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,991,955,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $1,262,499,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $850,000,000, to remain available for obligation until September 30, 2013, of which $250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,422,092,000, of which

$1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which $24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2011.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $500,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That projects (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Iraq and Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from

other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9011. Of the funds appropriated by this Act for the Office of the Director of National Intelligence, $3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to $150,000,000 of the funds available for overseas contingency operations in ''Operation and Maintenance, Army'' for additional activities to carry out projects under paragraph (a).

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 154, line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(2) for each fiscal year quarter beginning on the date of the report and ending on September 30, 2012—

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.

This division may be cited as the ''Department of Defense Appropriations Act, 2011''.

AMENDMENT NO. 45 OFFERED BY MS. BALDWIN

Ms. BALDWIN. 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 division A, insert the following:

SEC. ____. Each amount made available by this division (other than an amount required to be made available by a provision of law) is hereby reduced by a pro rata amount so that the total reduction resulting from the application of this section is $1,000,000,000.

Page 287, line 12, after the dollar amount, insert ''(increased by $1,000,000,000)''.

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

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. BALDWIN. Mr. Chairman, I rise today in support of my amendment and in opposition to H.R. 1, the Republican bill to slash services to the American people—a measure that I believe threatens jobs and our fragile economic recovery.

I agree with my Republican colleagues that we must reduce the deficit and bring our budget into balance, but we must be smart about it. This bill harms the people who tend to our health, those who educate our children, and those who patrol our neighborhoods and protect our safety. This bill frustrates our economic recovery by making job training and career training unattainable for many Americans. Meanwhile, it does little to restrain excessive military spending or eliminate government handouts to Big Oil or eliminate tax breaks for multimillionaires.

Today, we spend millions of dollars each day in Afghanistan and Iraq, spending that is protected in the bill that is before us. At the same time, this Republican bill to slash services cuts Community Health Centers to the core. For those of you who are unfamiliar with the work of Community Health Centers, they provide essential health services to children and families who lack insurance and have extremely limited incomes. Community Health Centers provide a big bang for the buck. They tend to the health care needs of more than 17 million uninsured or underinsured men, women, and children in America each year.

The cut in the Republican bill before us is so deep that it will result in the elimination of services to more than half of the current capacity of Community Health Centers today to serve our neighbors. An estimated 127 new health centers in underserved areas will close across the United States. In some communities, patients with diabetes, heart disease, HIV and AIDS, pregnant women, and sick children will have nowhere to turn except perhaps emergency rooms ill-suited to their needs.

Thousands of health care workers in rural and urban underserved communities will lose their jobs. I've already heard from the Director of Community Health Centers in both Beloit and Janesville, Wisconsin. He let me know about the serious impact this slash of funding will have on thousands in just one Wisconsin county.

Mr. Chairman, my amendment restores Community Health Center funding, but I pay for it with a commensurate cut in wasteful defense spending. I said at the outset we need to be smart if we are to cut spending without compromising our jobs, our economic recovery, and our future.

I agree with our President when he said, if we are to ''win the future,'' we must out-educate, out-innovate, and out-build the rest of the world. But we can't do that by cutting Pell Grants for students and slashing the research budgets of the National Institutes of Health, the National Science Foundation, and the Department of Energy.

This unwise bill jeopardizes our Nation's recovery and future. And it's particularly troublesome to me this week because it falls on top of efforts by Wisconsin's Governor to cut health, education, and public safety services and to diminish the rights of the public servants who provide them.

Mr. Chairman, I stand here today in solidarity with my fellow Wisconsinites as I fight for a better future for all Wisconsinites and all Americans. I urge an ''aye'' vote on my amendment and a ''no'' vote on H.R. 1.

Mr. DICKS. Will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from Washington.

Mr. DICKS. I just want to say that I share your enthusiasm for Community Health Centers. I've seen them all across my district. They are wonderful. We're going to have to keep fighting for them.

Ms. BALDWIN. I thank the gentleman.

I yield back the balance of my time.

POINT OF ORDER

The Acting CHAIR. The gentleman from New Jersey will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment is proposed to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to transfer between subcommittees.

I ask for a ruling from the Chair.

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

Ms. BALDWIN. Mr. Chairman, I do rise to be heard on the point of order.

Mr. Chairman, here are the rules of the House for the 112th Congress. Accompanying it, we also have something called H. Res. 92. Oftentimes when we get to the floor, we talk in inside-the-Beltway language that's really hard, I think, for the American public to follow. But I just want to make clear that H. Res. 92 is a document drafted by the Republicans to govern debate on this bill, and this bill only. But our House rules specifically allow an amendment such as the one that I have presented to this body and was just debating a moment ago on the House floor. And I think it's a wise rule because it really helps us pay as we go.

The Acting CHAIR. The gentlewoman's remarks must be confined to the point of order.

Ms. BALDWIN. The underlying House rules specifically permit an amendment such as the one I've offered and earlier debated in front of this body because it allows us to cut spending in one area in order to restore services or programs of greater priority in another. In other words, it aids us in our job to pay as we go.

The Acting CHAIR. The gentlewoman's remarks must be confined to the point of order.

Ms. BALDWIN. Under the rules of this House, my amendment would be fine. In the House Resolution 92, to which the gentleman referred, which governs simply the debate that we're engaged in this evening, it waives the rule of the House. It waives the rule of the House, the people's House. So I just want to make it clear—I think I know how the Chairman will end up ruling—but that this is the Republicans' will that I cannot advance this amendment and not because of the underlying rules of this House.

The Acting CHAIR. Does any other Member wish to be heard?

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentlewoman from Wisconsin proposes also another kind of change in the bill; namely, to reach back in the reading, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

DIVISION B—FULL-YEAR CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

TITLE I—GENERAL PROVISIONS

SEC. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83).

(4) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(5) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(6) The Consolidated Appropriations Act, 2010 (Public Law 111–117).

(7) Section 102(c) (except the last proviso relating to waiver of fees) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(8) The appropriation under the heading ''Department of Commerce—United States Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) For purposes of this division, the term ''level'' means an amount.

(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

(1) such level shall not include any amount previously designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and

(2) such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 1102. Appropriations made by section 1101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 1103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 1104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 1101(a) shall continue in effect through the date specified in section 1106.

SEC. 1105. No appropriation or funds made available or authority granted pursuant to section 1101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 1106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2011.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111–242), shall be charged to the applicable appropriation, fund, or authorization provided by this division.

SEC. 1108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1109. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 1101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2010.

(b) In addition to the amounts otherwise provided by section 1101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) ''Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners'', for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, $41,000,000, to remain available until expended.

(2) ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid'', for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, $86,445,289,000, to remain available until expended.

(3) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs'', for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $1,200,000,000, to remain available until expended.

(4) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency'', for payments to States or other non-Federal entities under title IV–E of the Social Security Act, $1,850,000,000.

(5) ''Social Security Administration, Supplemental Security Income Program'', for benefit payments under title XVI of the Social Security Act, $13,400,000,000, to remain available until expended.

SEC. 1110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress).

SEC. 1111. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this division. For purposes of this section, the term ''earmark''

means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 1112. Notwithstanding section 1101, none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1113. (a)(1) Notwithstanding section 1101, except as provided in paragraph (2), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term ''individual detained at Guantanamo'' means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1114. (a) Notwithstanding section 1101, none of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1115. None of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 1116. Section 550(b) of Public Law 109–295, as amended by section 550 of Public Law 111–83, shall be applied by substituting the date specified in section 1106 of this division for ''October 4, 2010''.

SEC. 1117. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 1106 of this division for ''September 30, 2010''.

SEC. 1118. (a) Section 1115(d) of Public Law 111–32 shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010''.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010'' in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010'' in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 1106 of this division for ''October 1, 2010'' in subparagraph (B).

SEC. 1119. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 1106 of this division.

SEC. 1120. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 1106 of this division; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

TITLE II—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

SEC. 1201. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Secretary'' shall be $5,061,000.

SEC. 1202. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Tribal Relations'' shall be $0.

SEC. 1203. Notwithstanding section 1101, the level for ''Agricultural Programs, Executive Operations, Office of Chief Economist'' shall be $10,032,000.

SEC. 1204. Notwithstanding section 1101, the level for ''Agricultural Programs, Executive Operations, National Appeals Division'' shall be $14,711,000.

SEC. 1205. Notwithstanding section 1101, the level for ''Agricultural Programs, Executive Operations, Office of Budget and Program Analysis'' shall be $9,054,000.

SEC. 1206. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Advocacy and Outreach'' shall be $0.

SEC. 1207. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Chief Information Officer'' shall be $17,000,000.

SEC. 1208. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Chief Financial Officer'' shall be $5,954,000.

SEC. 1209. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Civil Rights'' shall be $21,551,000.

SEC. 1210. Notwithstanding section 1101, the level for ''Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments'' shall be $259,751,000, of which $178,470,000 shall be available for payments to the General Services Administration for rent and of which $37,781,000 shall be for buildings operations and maintenance expenses.

SEC. 1211. Notwithstanding section 1101, the level for ''Agricultural Programs, Hazardous Materials Management'' shall be $0.

SEC. 1212. Notwithstanding section 1101, the level for ''Agricultural Programs, Departmental Administration'' shall be $30,706,000.

SEC. 1213. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Assistant Secretary for Congressional Relations'' shall be $3,877,000.

SEC. 1214. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of Communications'' shall be $9,514,000.

SEC. 1215. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the Inspector General'' shall be $80,000,000.

SEC. 1216. Notwithstanding section 1101, the level for ''Agricultural Programs, Office of the General Counsel'' shall be $39,620,000.

SEC. 1217. Notwithstanding section 1101, the level for ''Agricultural Programs, Economic Research Service'' shall be $79,500,000.

SEC. 1218. Notwithstanding section 1101, the level for ''Agricultural Programs, National Agricultural Statistics Service'' shall be $151,565,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$33,494,000'' for ''$37,908,000''.

□ 2120

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 172, line 21 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 1219. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Research Service, Salaries and Expenses'' shall be $1,065,406,000.

SEC. 1220. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Research Service, Buildings and Facilities'' shall be $0.

SEC. 1221. Notwithstanding section 1101, the level for ''Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities'' shall be $647,993,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$221,763,000'' for ''$215,000,000''; by substituting ''$34,816,000'' for ''$29,000,000''; by substituting ''$51,000,000'' for ''$48,500,000''; by substituting ''$227,801,000'' for ''$216,482,000''; by substituting ''$0'' for ''$89,029,000''; by substituting ''$20,500,000'' for ''$18,250,000''; and by substituting ''$11,253,000'' for ''$45,122,000''.

SEC. 1222. Notwithstanding section 1101, the level for ''Agricultural Programs, National Institute of Food and Agriculture, Extension Activities'' shall be $453,265,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$267,673,000'' for ''$297,500,000'' and by substituting ''$8,565,000'' for ''$20,396,000''.

The CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1223. Notwithstanding section 1101, the level for ''Agricultural Programs, National Institute of Food and Agriculture, Integrated Activities'' shall be $24,874,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$15,044,000'' for ''$45,148,000''; by substituting ''$10,948,000'' for ''$12,649,000''; by substituting ''$0'' for ''$14,596,000''; by substituting ''$0'' for ''$4,388,000''; by substituting ''$0'' for ''$1,365,000''; by substituting ''$0'' for ''$3,054,000''; by substituting ''$0'' for ''$5,000,000''; by substituting ''$0'' for ''$3,000,000''; by substituting ''$0'' for ''$732,000''; and by substituting ''$0'' for ''$1,312,000''.

AMENDMENT NO. 97 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. 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:

Page 172, line 25, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 173, line 8, after the first dollar amount, insert ''(increased by $5,000,000)''.

Page 173, line 14, after the dollar amount, insert ''(reduced by $5,000,000)''.

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

Mr. DEFAZIO. At this point, Mr. Chair, I would like to bring to the attention of the Congress that we're about to eliminate a program which is incredibly cost effective, which truly supports a growing proportion of profitable small family farms in America, which is to help with research and transition to organic production.

In the most recent statistics, the organic sector of the agriculture production in this country was nearly $27 billion. That's up from $4 billion in 1997. There are over 14,500 family farms engaged in organic agriculture, and they have been experiencing dramatic increases. Now you might say, well, why would we want to continue to research and help them. Well, we're spending a tremendous amount of money in research and subsidies on other crops which are obviously totally developed and do not need assistance.

In this case, we're talking about many people who own struggling family farms who want to convert. They're interested in moving to organics because they know there is potential for higher profitability with those products with dramatically increasing demand. In fact, the USDA says that the average for small—these are truly small farms, not what some people consider small farms—organic farms was $46,000 last year and for all farms, small farms, was $26,000.

So there are many people who are engaged in truly small farming activities who want to stay on the land, don't want to parcel it up, don't want to sell to the developers. They want to continue to live there, raise their kids there, but they're having trouble making ends meet. And this is an opportunity for many folks, an opportunity both for consumers who are demanding organically produced produce and for producers, and I think it would be very shortsighted to zero out this program at this point in time.

So I'm asking that we take a very small percentage of the APHIS budget, well less than 1 percent, and at least on a temporary measure restore the cuts to the transitional and organic research portion of the budget in the hope that we can reach agreement on a sustainable way to fund this program in the future and look at more equitable distribution of funds, both for research and subsidies and other things that go on in the Department of Agriculture.

The amount of money we're asking for here at $5 million is a tiny fraction of 1 percent of the amount of money that we're spending on subsidies for five crops in eight States to pay people not to grow things. Now, I think to actually help people to grow things, to grow healthy produce, to supply the American people, to be able to live on their farms, support their families and pass on the farms to the next generation, that this would be a very, very wise investment, and I wish that this had not been chosen for a cut. I'm hopeful that my colleagues will see the wisdom in restoring this cut and then looking in the next farm bill or in the next appropriation to an equitable division of these funds.

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

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

Mr. KINGSTON. Mr. Chairman, I rise to oppose the amendment, although I know the two authors of this amendment are very sincere about it, and I think that they are underscoring something that we want to encourage people to be organic farmers.

But if you consider that organic farming is a $25 to $27 billion industry—in fact, my friend Mr. DEFAZIO just used the number $27 billion—it is a successful ongoing and growing industry already, and I do not believe that we need to continue the transition subsidy program to get more farmers in it. American farmers know where the profit is. They follow the commodity. The commodity follows the profit. They get into an area where it is going to be most profitable already.

But I'm also concerned that the Animal and Plant Health Inspection Service has already been cut $38 million, and this is a service that enforces animal welfare, pest, and diseases. It is very important to all farmers. It is cut at this point 4.3 percent, and I hate to see an additional $5 million taken out of it.

So while I have sympathy for what the gentlemen are trying to do—and I know that they are great advocates for organic farmers—I oppose the amendment at this time.

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

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

Mr. HOLT. Our colleagues may recall that Mr. DEFAZIO and I and others offered essentially this amendment in fiscal year 2007 and it passed, demonstrating the strong bipartisan support in this House for an increase in funding in this program. The $5 million funding level, however, although it was preserved until now, has been completely eliminated by this continuing resolution. In other words, both sides of this aisle have felt that this is worthwhile spending.

Despite the worst economic downturn we've experienced since the Depression, the market for organic consumer products grew more than 5 percent in the past year, well several times the growth of conventional food sales, and growth in organic nonfood items was even more pronounced, increasing more than 9 percent as compared to 1 percent in conventional nonfood items.

Now, my friend who just spoke in opposition to the legislation, Mr. KINGSTON, said, well, it's a booming industry, why do we need to do this? Well, transition from nonorganic farming to organic farming is a big step, especially for a small farm, and although there are more than 13,000 certified organic producers in the United States, that's not enough. We still need to help farmers make the transition to organic farming, and this program does more than help them make transition. It helps build an understanding of best practice.

The organic transition program is a highly competitive grants program. It's been extremely important to the organic farming community. It funds research to assist the farmers in overcoming the barriers to make the transition and, as I say, to understand organic farming. Through grants awarded under this program, for example, projects were funded at Ohio State to study the impact of organic animal production on water quality or grafting to improve organic vegetable production. The small farmers don't have the opportunity to do this research as they are facing the big step of whether to make the transition to organic farming.

□ 2130

At the University of Minnesota, this competitive grants program facilitated organic poultry production and helped achieve soybean aphid suppression using a fall-seeded rye cover crop. In other words, the organic industry really benefits from this.

We should be talking about job creation. The bill before us today, as it appears, will cost hundreds of thousands of jobs—cost hundreds of thousands of jobs. It will end hundreds of thousands of jobs. We should focus our resources on industries that are growing and providing jobs. This quite small restoration of funds, $5 million, would do a great deal for the quality of life of farmers but also for jobs in America.

I urge my colleagues to support this amendment to restore $5 million to the organic transitions program.

I yield back the balance of my time.

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

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

Mr. FARR. Mr. Chair, I was going to speak on this, but let me tell you why I changed my mind. First of all, I represent the largest number of organic growers in the United States and the headquarters of Earthbound Farm, which is the largest shipper of organic produce in the United States. And what concerns me is that you totally wiped out the program, zeroed it out.

It is organic transition grants. One, they are competitive because they are grants. Two, it's about people transitioning from traditional agriculture, which is agriculture that uses pesticides, herbicides, and so on, into organic, where you have to lay your land fallow, which means that you can't, for 3 years, use any of those fumigants on your land. That is what this money goes to, to help you transition.

It is not major agriculture that needs these transition grants. It's the really small farmer who finds, as was stated previously, an organic niche that they want to sell to, and they need some assistance both in research and how do you get certified. Because in order to be organic, you have to go out there and have people test everything and be certified as organic before you are allowed to use the ''organic'' label on your marketing.

So it's a small amount of money, but to zero it out I think is just going too far. I support the amendment.

I yield back the balance of my time.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 1224. Notwithstanding section 1101, the level for ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses'' shall be $829,953,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$45,219,000'' for ''$60,243,000''.

SEC. 1225. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Marketing Service, Marketing Services'' shall be $81,711,000.

SEC. 1226. Notwithstanding section 1101, the level for ''Agricultural Programs, Agricultural Marketing Service, Limitation on Administrative Expenses'' shall be $60,947,000 (from fees collected).

SEC. 1227. The amounts included under the heading ''Agricultural Programs, Agricultural Marketing Service, Funds for Strengthening Markets, Income, and Supply (Section 32)'' in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$10,000,000''.

SEC. 1228. Notwithstanding section 1101, the level for ''Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses'' shall be $40,342,000.

SEC. 1229. Notwithstanding section 1101, the level for ''Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Limitation on Inspection and Weighing Services Expenses'', $45,041,000.

SEC. 1230. Notwithstanding section 1101, the level for ''Agricultural Programs, Food Safety and Inspection Service'' shall be $930,120,000.

AMENDMENT NO. 93 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 174, line 17, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 347, strike lines 8 through 10.

Mr. KINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Virginia is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, I offer this amendment on behalf of myself, Mr. HOYER, Mr. MORAN, Ms. EDWARDS, and Mr. VAN HOLLEN.

In his final term in Congress, my Republican predecessor Tom Davis helped broker an agreement to boost Metro funding by the Federal, State, and local governments. Under this agreement, the Federal Government would invest $150 million annually, to be matched by Virginia, Maryland, and the District of Columbia. This investment is essential for our region, as it has provided WMATA with funding to begin fixing the safety problems identified by the National Transportation Safety Board, which will cost over $1 billion, cumulatively. It also is essential for the Federal Government to function efficiently, even as the Federal Government fails to pay its fair share compared to local and State funding for Metro. Finally, unlike any other transit system in America, our Metro system serves 12 million tourists annually who come to visit their Nation's Capital.

The Federal Government relies on a functional Metro system. Mr. Chairman, over half of all Metro stations serve Federal offices, and 40 percent of the entire Federal workforce uses Metro to get to work every day. As Congress, itself, noted when passing the National Capital Region Transportation Act in 1960, ''An improved transportation system of the National Capital Region is essential to the continued and effective performance of the functions of the Government of the United States.''

From September 11 to the blizzards of last year, we have learned through hard experience that Metro is essential to move people both through severe weather and emergencies in our region.

President Obama included the $150 million that my Republican predecessor's authorization bill called for in his budget, but the Republican leadership removed it in this continuing resolution.

Perhaps my newer colleagues have not yet had a chance to visit northern

Virginia, where the Metrorail extension to Dulles Airport is spurring billions of dollars in private investment while providing thousands of jobs for the construction workers building the rail line. If my colleagues had visited this project, they might hesitate to eliminate investments like this, which will be repaid many times over by subsequent private investment.

In recognition of the importance of this Metro funding, I introduced an amendment on behalf of my colleagues and myself to restore $150 million in Federal funding which would be matched by State governments. To offset this expense and reduce the deficit, I have proposed offsetting the expense by cutting direct payments to large agribusiness.

As we debate this bill, there are people at work building rail to Dulles; and if the Republican majority succeeds in passing appropriations bills such as this, those transportation projects, jobs, and real estate investments will be a thing of the past. One step we can take to reduce the damage done by this CR is to restore this critical Metro funding.

Mr. HOYER. Mr. Chair, I rise today to support the intent of the Connolly Amendment which seeks to restore $150 million in dedicated Federal funding to "America's Subway"—the Washington Metro—which is otherwise eliminated under the Republican Continuing Resolution.

The Washington Metropolitan Area Transit Authority (WMATA) operates the country's second largest rail system. Every day, that system carries more than a million people—from the Federal employees who keep our government running, to the families from across the country who come to visit their nation's capital. Clearly, the system warrants a strong commitment from the Federal Government.

In 2009, we passed, and the President signed, legislation that provides $1.5 billion in Federal dedicated funding to WMATA over the next 10 years to help meet the capital and infrastructure needs of the 30-year old system. The first installment of this funding—which is being matched by the District of Columbia, Virginia, and Maryland—was appropriated in Fiscal 2010.

This investment is, first and foremost, being used to move forward with the implementation of the recommendations of the National Transportation Safety Board following the horrific Red Line crash which tragically killed 9 people and injured many more. This includes the purchase of the new series 7000 rail cars to replace the oldest cars in the fleet. This funding will also enable Metro to rebuild its core infrastructure, replacing miles of track, switches and fasteners, maintenance work that will help to build a safer, more reliable system.

Eliminating this funding will cause the Federal Government to renege on its statutory commitment to the Metro system, endangers the local match, hampers the ability of Metro to make much needed safety and capital improvements, and puts at risk countless tourists and commuters who ride Metro every day. I urge my colleagues to restore this critical investment in the Washington Metro System.

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

POINT OF ORDER

Mr. KINGSTON. Mr. Chairman, I have a point of order.

The Acting CHAIR. The gentleman will state the point of order.

Mr. KINGSTON. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes a transfer of funds between the subcommittees.

Here's what's going on: You are mixing your operating and your capital funds on this particular account, and this committee does not have jurisdiction over those accounts. And I want to point out that the subcommittee has worked very hard to balance all these very difficult cuts. We're trying to work within our 302(b) allocations. We're in a situation right now, for every dollar that we spend as a U.S. Government, 40 cents is borrowed.

The Acting CHAIR. If the gentleman would confine his remarks to his point of order first.

Mr. KINGSTON. I am speaking to the point of order, and I ask for a ruling of the Chair.

□ 2140

The Acting CHAIR. Does anyone wish to be heard on the point of order?

Mr. CONNOLLY of Virginia. Mr. Chairman, I deeply regret that my colleague would invoke a point of order. As I said, the Metro funding, in this case, talks about difficult decisions. This zeros out the entire Federal amount of subsidy for capital construction and safety improvements from a system that is over 30 years old, reaching capacity, and serves, first and foremost, the Federal workforce.

The Acting CHAIR. Will the gentleman confine his remarks to the point of order.

Mr. CONNOLLY of Virginia. Oh, I thought I was speaking to the point of order and the points made by our colleagues.

The Acting CHAIR. Remarks need to be in reference to the point of order, not the amendment.

Mr. CONNOLLY of Virginia. As I said, Mr. Chairman, I deeply regret the fact that my colleague would cite a point of order on a bill of such importance to the National Capital region.

The Acting CHAIR. Does anyone else wish to be heard?

To be considered en bloc, pursuant to clause 2(f) of rule XXI and section 2 of House Resolution 92, an amendment must propose only to transfer appropriations among objects in the bill and may not address objects within more than one sub-allocation made by the Committee on Appropriations under section 302(b) of the Congressional Budget Act of 1974.

Because the amendment offered by the gentleman from Virginia proposes to transfer appropriations between objects falling within more than one sub-allocation, it may not avail itself of clause 2(f) of rule XXI to address portions of the bill not yet read.

The amendment is not in order.

The Clerk will resume reading the bill.

The Clerk read as follows:

SEC. 1231. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Salaries and Expenses" shall be $1,063,558,000.

SEC. 1232. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Grassroots Source Water Protection Program" shall be $4,630,000.

SEC. 1233. The amounts included under the heading "Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account" in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting "$1,975,000,000" for "$2,150,000,000"; by substituting "$475,000,000" for "$650,000,000"; by substituting "$2,544,035,000" for "$2,670,000,000", by substituting "$900,000,000" for "$1,000,000,000"; by substituting "$144,035,000" for "$170,000,000"; by substituting "$0" for "$3,940,000"; by substituting "$110,602,000" for "$150,000,000"; by substituting "$0" for "$75,000,000" the first and second place it appears; by substituting "$0" for "$10,000,000"; by substituting "$38,570,000" for "$32,070,000"; by substituting "$32,870,000" for "$26,520,000"; by substituting "$109,410,000" for "$106,402,000"; by substituting "$34,950,000" for "$35,100,000"; by substituting "$19,920,000" for "$23,902,000"; by substituting "$54,540,000" for "$47,400,000"; by substituting "$0" for "$1,065,000"; by substituting "$0" for "$278,000"; by substituting "$0" for "$793,000"; by substituting "$318,508,000" for "$321,093,000", and by substituting "$305,588,000" for "$313,173,000". Funds appropriated by this division to such heading for farm ownership, operating and conservation direct loans, and guaranteed loans may be transferred among these programs: *Provided*, That the Secretary of Agriculture shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

SEC. 1234. Notwithstanding section 1101, the level for "Agricultural Programs, Risk Management Agency" shall be $77,177,000.

SEC. 1235. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Conservation Operations" shall be $836,000,000.

SEC. 1236. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed and Flood Prevention Operations" shall be $0.

SEC. 1237. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed Rehabilitation Program" shall be $20,000,000.

SEC. 1238. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Resource Conservation and Development" shall be $0.

SEC. 1239. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Development Salaries and Expenses" shall be $181,987,000.

SEC. 1240. The amounts included under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" in Public Law 111–80 for gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949 shall be applied to funds appropriated by this division by substituting "$34,004,000" for "$34,412,000" and by substituting, "$5,052,000" for "$5,045,000".

SEC. 1241. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of direct and guaranteed loans, including the cost of modifying loans, authorized by section 502 of the Housing Act of 1949 shall be $70,200,000: *Provided*, That the amounts included for such costs under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$70,200,000'' for ''$40,710,000'' in the case of direct loans and by substituting ''$0'' for ''$172,800,000'' in the case of unsubsidized guaranteed loans.

SEC. 1242. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of housing repair loans authorized by section 504 of the Housing Act of 1949 shall be $6,437,000.

SEC. 1243. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of repair, rehabilitation, and new construction of rental housing authorized by section 515 of the Housing Act of 1949 shall be $23,446,000.

SEC. 1244. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for the cost of multi-family housing guaranteed loans authorized by section 538 of the Housing Act of 1949 shall be $12,513,000.

SEC. 1245. In addition to amounts otherwise appropriated or made available by this division, there is appropriated to the Secretary of Agriculture $288,000 for section 523 self-help housing land development loans authorized by section 523 of the Housing Act of 1949 and $294,000 for site development loans authorized by section 524 of such Act.

SEC. 1246. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account'' for administrative expenses necessary to carry out the direct and guaranteed loan programs shall be $454,383,000.

SEC. 1247. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rental Assistance Program'' shall be $955,635,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$5,958,000''; by substituting ''$0'' for ''$50,000''; and by substituting ''$3,000,000'' for ''$3,400,000''.

SEC. 1248. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Multi-Family Housing Revitalization Program Account'' shall be $16,400,000: *Provided*, That only the first, second, and fourth provisos under such heading in Public Law 111–80, relating to rural housing vouchers to low-income households, shall apply to funds appropriated by this division and the third, fifth, and subsequent provisos under such heading shall not apply to funds appropriated by this division.

SEC. 1249. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants'' shall be $37,000,000.

SEC. 1250. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants'' shall be $40,400,000.

SEC. 1251. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account'' shall be $32,450,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$0'' for ''$6,256,000''; by substituting ''$0'' for ''$13,902,000''; and by substituting, ''$0'' for ''$3,972,000''.

SEC. 1252. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Business Program Account'' shall be $84,505,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$0'' for ''$500,000''; and by substituting, ''$0'' for ''$250,000''.

SEC. 1253. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Development Loan Fund Program Account'' for the principal amount of direct loans as authorized by Rural Development Loan Fund shall be $21,936,000.

SEC. 1254. Notwithstanding section 1101, in connection with the ''Rural Development Programs, Rural Business–Cooperative Service, Rural Economic Development Loans Program Account'', of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $207,000,000 shall not be obligated and $207,000,000 is rescinded.

SEC. 1255. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Cooperative Development Grants'' shall be $30,254,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$0'' for ''$300,000''; by substituting ''$0'' for ''$2,800,000''; and by substituting ''$18,867,000'' for ''$20,367,000''.

SEC. 1256. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Microenterprise Investment Program Account'' shall be $3,350,000.

SEC. 1257. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Business–Cooperative Service, Rural Energy for America Program'' shall be $25,010,000.

SEC. 1258. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account'' shall be $405,564,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$60,000,000'' for ''$70,00,000''; by substituting ''$5,000,000'' for ''$6,000,000''; and by substituting, ''$0'' for ''$17,500,000''.

SEC. 1259. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' for administrative expenses necessary to carry out the direct and guaranteed loan programs shall be $38,374,000.

SEC. 1260. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Utilities Service, Distance Learning, Telemedicine, and Broadband Program'' shall be $30,000,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting, ''$0'' for ''$4,500,000''; by substituting, ''$0'' for ''$28,960,000''; and by substituting, ''$13,406,000'' for ''$17,976,000''.

SEC. 1261. The amounts included under the heading ''Domestic Food Programs, Food and Nutrition Service, Child Nutrition Programs'' in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$1,000,000'' and by substituting ''$0'' for ''$5,000,000''.

SEC. 1262. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' shall be $6,504,781,000.

SEC. 1263. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program'', shall be $241,979,000, of which $151,409,000 shall be for the Commodity Supplemental Food Program: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$6,000,000''.

SEC. 1264. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Nutrition Programs Administration'' shall be $144,801,000.

SEC. 1265. Notwithstanding section 1101, the level for ''Foreign Assistance and Related Programs, Foreign Agricultural Service, Salaries and Expenses'' shall be $165,436,000.

SEC. 1266. Notwithstanding section 1101, the level for ''Foreign Assistance and Related Programs, Foreign Agricultural Service, Food for Peace Title II Grants'' shall be $1,003,000,000.

SEC. 1267. Notwithstanding section 1101, the level for ''Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants'' shall be $100,000,000.

SEC. 1268. Notwithstanding section 1101, the level for ''Related Agencies and Food and Drug Administration, Food and Drug Administration, Salaries and Expenses'' shall be $3,307,418,000: *Provided*, That of the amount provided under this heading, $667,057,000 shall be derived from prescription drug user fees authorized by section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), shall be credited to this account and remain available until expended, and shall not include any fees pursuant to paragraphs (2) and (3) of section 736(a) of such Act (21 U.S.C. 379h(a)(2) and (a)(3)) assessed for fiscal year 2012 but collected in fiscal year 2011; $61,860,000 shall be derived from medical device user fees authorized by section 738 of such Act (21 U.S.C. 379j), and shall be credited to this account and remain available until expended; $19,448,000 shall be derived from animal drug user fees authorized by section 740 of such Act (21 U.S.C. 379j–12), and shall be credited to this account and remain available until expended; $5,397,000 shall be derived from animal generic drug user fees authorized by section 741 of such Act (21 U.S.C. 379j–21), and shall be credited to this account and shall remain available until expended; and $450,000,000 shall be derived from tobacco product user fees authorized by section 919 of such Act (21 U.S.C. 387s) and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited for fiscal year 2011, shall be subject to the fiscal year 2011 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated under this heading: (1) $727,220,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities

in the Office of Regulatory Affairs; (2) $895,460,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $296,937,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $145,103,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $318,768,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $35,052,000 shall be for the National Center for Toxicological Research; (7) $421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $100,482,000 shall be for Rent and Related activities, of which $22,683,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $182,661,000 shall be for payments to the General Services Administration for rent; and (10) $184,272,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That not to exceed $25,000 of the amount provided under this heading shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 1269. Notwithstanding section 1101, the level for ''Related Agencies and Food and Drug Administration, Independent Agencies, Commodity Futures Trading Commission'' shall be $112,000,000, to remain available until September 30, 2012: *Provided*, That the proviso under such heading in Public Law 111–80 shall not apply to funds appropriated by this division.

SEC. 1270. Notwithstanding any other provision of this division, the following setasides included in Public Law 111–80 for ''Congressionally Designated Projects'' in the following accounts for the corresponding amounts shall not apply to funds appropriated by this division:

(1) ''Agricultural Programs, Agricultural Research Service, Salaries and Expenses'', $44,138,000.

(2) ''Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities'', $120,054,000.

(3) ''Agricultural Programs, National Institute of Food and Agriculture, Extension Activities'', $11,831,000.

(4) ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses'', $24,410,000.

(5) ''Conservation Programs, Natural Resources Conservation Service, Conservation Operations'', $37,382,000.

SEC. 1271. Notwithstanding any other provision of this division, the following provisions included in Public Law 111–80 shall not apply to funds appropriated by this division:

(1) The first proviso under the heading ''Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments''.

(2) The second proviso under the heading ''Conservation Programs, Natural Resources Conservation Service, Conservation Operations''.

(3) The second proviso under the heading ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Account''.

(4) The first proviso under the heading ''Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program''.

(5) The first proviso under the heading ''Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants''.

SEC. 1272. Sections 718, 723, 727, 728, 738, 739, and 741 of Public Law 111–80 shall be applied to funds appropriated by this division by substituting $0 for the dollar amounts included in those sections.

SEC. 1273. Sections 715, 716, 721(2), 721(3), 724, 725, 726, 729, 730, 734, 735, 743, 745, and 748 of Public Law 111–80 shall not apply for fiscal year 2011.

SEC. 1274. Sections 737, 740, 747, and 749 of Public Law 111–80 authorized or required certain actions that have been performed before the date of the enactment of this division and need not reoccur.

SEC. 1275. Appropriations to the Department of Agriculture made available in fiscal year 2005 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations made in fiscal years 2005 and 2006.

SEC. 1276. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation: (1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and (2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 1277. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2011, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2010.

SEC. 1278. Section 721(1) of Public Law 111–80 (123 Stat. 2122) is amended by striking ''$1,180,000,000'' and inserting ''$1,238,000,000''.

SEC. 1279. Section 742 of Public Law 111–80 (123 Stat. 2128) is amended by striking ''$11,000,000'' and inserting ''$15,000,000''.

SEC. 1280. The following provisions of Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''2010'', ''2011'', and ''2012'' for ''2009'', ''2010'', and ''2011'', respectively, in each instance that such terms appear:

(1) The second paragraph under the heading ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses''.

(2) The second proviso under the heading ''Agricultural Programs, Food Safety and Inspection Service''.

(3) The first proviso in the second paragraph under the heading ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account''.

(4) The fifth proviso under the heading ''Rural Development Programs, Rural Housing Service, Rental Assistance Program''.

(5) The proviso under the heading ''Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants''.

(6) The first proviso under the heading ''Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants''.

(7) The seventh proviso under the heading ''Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account''.

(8) The third proviso under the heading ''Rural Development Programs, Rural Business—Cooperative Service, Rural Business Program Account''.

(9) The four availability of funds clauses under the heading ''Rural Development Programs, Rural Business—Cooperative Service, Rural Development Loan Fund Program Account''.

(10) The fifth proviso under the heading ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account''.

(11) Sections 713, 717, 732, and 746.

SEC. 1281. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Wetlands Reserve Program authorized by sections 1237–1237F of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) to enroll in excess of 202,218 acres in fiscal year 2011: *Provided*, That such program shall be permanently reduced by 47,782 acres.

SEC. 1282. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Conservation Stewardship Program authorized by sections 1238D–1238G of the Food Security Act of 1985 (16 U.S.C. 3838d–3838g) in excess of $649,000,000.

SEC. 1283. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012): *Provided*, That of the funds available under such section for fiscal year 2011, $165,000,000 is rescinded.

SEC. 1284. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to transfer in fiscal year 2011 to the Administrator of the Food and Nutrition Service under subsection (b) of section 14222 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2245) an amount in excess of $1,098,000,000: *Provided*, That none of the funds made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) utilizing funds otherwise required to be made available under subsection (i)(1)(D) of such section 19 in excess of $33,000,000, including the transfer of funds under subsection (c) of such section 14222, until October 1, 2011: *Provided further*, That the remaining $117,000,000 of the amount specified in subsection (i)(1)(D) of such section 19 made available on October 1, 2011, to carry out such section 19 shall be excluded from the limitation described in subsection (b)(2)(A)(iv) of such section 14222 for fiscal year 2012.

SEC. 1285. None of the funds appropriated or made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the

Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of $112,000,000.

SEC. 1286. Of the unobligated balances available for ''Agricultural Programs, Agricultural Research Service, Buildings and Facilities'' $223,700,000 is rescinded.

SEC. 1287. Of the unobligated balances available for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act of 1936, $15,000,000 is rescinded.

SEC. 1288. (a) Notwithstanding this Act or any other Act, of the unobligated balances available to the Department of Agriculture from prior appropriations, $585,000,000 in appropriated discretionary funds are hereby rescinded.

(b) The Secretary of Agriculture shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit a report to the Committees on Appropriations of both Houses of Congress and the Secretary of the Treasury of the accounts and amounts determined and identified for rescission under the preceding sentence: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

SEC. 1301. Notwithstanding section 1101, the level for ''Department of Commerce, International Trade Administration, Operations and Administration'' shall be $450,989,000.

SEC. 1302. Notwithstanding section 1101, the level for ''Department of Commerce, Economic Development Administration, Economic Development Assistance Programs'' shall be $175,000,000.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 196, line 18 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT NO. 153 OFFERED BY MR. MICHAUD

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 196, line 18, after the dollar amount insert ''(increased by $80,000,000)''.

Page 199, line 6, after the dollar amount insert ''(reduced by $80,000,000)''.

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

Mr. MICHAUD. Mr. Chairman, I rise today to offer this amendment to restore funding to the Economic Development Administration. The investments made by EDA in all of our districts lead to economic development and job creation. But these investments are not just some government handout.

By law, EDA projects require a 50 percent local cost share and must leverage significant private sector investment. EDA's investments are also competitive and based on a regional, comprehensive economic development strategy that are spearheaded by local officials, private sector leaders and community representatives. The agency utilizes this approach to reflect the local and regional priority of our communities. But most importantly, all EDA project investments must result in creation and retention of high-quality jobs.

Let me repeat: EDA is the one agency of the Federal Government that has a singular focus of creating jobs, and it has a strong track record of success in my home State of Maine and throughout the country.

□ 2150

In fact, from 2004 to 2008, EDA-funded projects directly led to the creation of approximately 200,000 jobs.

All of us support cuts to spending to get our fiscal house in order, but we all are realistic. We know that actions of one program or agency won't be enough to solve the Nation's job problems. But at a time when our States, local communities, and businesses continue to struggle, it is the wrong time to be cutting a program that is a proven job creator. It's the wrong time to turn our backs on investments in our communities that will make a real difference. But it is the right time to set our priorities and insist that our investments are focused on job creation.

The fiscal year 2010 level was $293 million. The CR cuts it to $175 million. This amendment will actually bring it up to $255 million. So I encourage my colleagues to support this amendment.

I yield back the balance of my time.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 1303. Notwithstanding section 1101, the level for ''Department of Commerce, Minority Business Development Agency, Minority Business Development'' shall be $30,400,000.

SEC. 1304. Notwithstanding section 1101, the level for ''Department of Commerce, National Telecommunications and Information Administration, Salaries and Expenses'' shall be $40,649,000.

SEC. 1305. Notwithstanding section 1101, the level for ''Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services'' shall be $469,500,000.

SEC. 1306. Notwithstanding section 1101, the level for ''Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services'' shall be $169,600,000.

SEC. 1307. Notwithstanding section 1101, the level for ''Department of Commerce, National Oceanic and Atmospheric Administration, Pacific Coastal Salmon Recovery'' shall be $50,000,000.

SEC. 1308. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, National Drug Intelligence Center'' shall be $34,023,000.

AMENDMENT NO. 368 OFFERED BY MR. FLAKE

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 197, line 17, after the dollar amount, insert ''(reduced by $34,023,000)''.

Page 359, line 5, after the dollar amount, insert ''(increased by $34,023,000)''.

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

Mr. FLAKE. Mr. Chairman, this amendment is straightforward. It would simply reduce more than $34 million in funding for the National Drug Intelligence Center and transfer that money into the spending reduction account.

In short, the amendment would zero out funding for the National Drug Intelligence Center, which has survived for the past 3 years by way of a very broken earmarking process.

For many institutions, drugs are handled with a zero tolerance policy. I would submit that taxpayers should send a clear signal here that we have a zero tolerance policy for this kind of wasteful spending.

There has been no better example for wasteful spending than the NDIC, an entity I have come to the floor many times within the past to criticize and to limit funding for. Not just me, but many other Members.

A pet project that once belonged to a powerful Member of Congress, the NDIC was established in 1992 and has been the recipient of hundreds of millions of dollars since then.

In 2005, the White House OMB reported that the NDIC ''has proven ineffective in achieving its assigned mission.'' In 2006, a spokesman for the DOJ asserted that the resources of the NDIC should be ''realigned to support priority counterterrorism and national security initiatives.'' And yet, here we are, 5 years later, funding the NDIC in spite of what will be 3 years of trillion-dollar deficits and a skyrocketing national debt.

According to a CQ article from today, even the current administration's Deputy Attorney General James Cole said that many of the center's functions could be performed elsewhere.

The President's budget request was released yesterday; and according to CQ, the NDIC is slated to receive a cut from its current level of funding from $44 million down to $25 million. I submit that that is $25 million too much.

According to the fiscal year 2011 budget summary for the National Drug Control Strategy, we spent more than $15 billion on antidrug and drug-control efforts in fiscal year 2010. Even if

you believe that the NDIC is effective and that it pulls its own weight, the anti-drug effort, like the budget of the Department of Defense, should not be immune from commonsense cuts that increase efficiency, and I can think of few things more efficient than closing down the NDIC once and for all.

Let me just note, The Wall Street Journal said at one point: ''Conservatives have argued that the center is a waste of taxpayer money, and critics argue that it has never fulfilled its promise to provide high-quality analysis of drug networks.'' Again, an internal White House budget proposal aims to save nearly $17 million by downsizing NDIC.

Clearly, clearly, I think everybody admits that there is no reason for this facility to exist anymore and to keep sucking millions and millions of dollars every year from the taxpayer. The White House, successive White Houses, Republican and Democrat alike, have said this is inefficient. It is not filling its mission. So it is up to Congress now, when we're running a $1.5 trillion deficit that stacks up against a $14 trillion debt, to look at programs like this and say, All right. Enough is enough. It's time that we close them down.

So with that, Mr. Chairman, I say let's adopt this amendment. If we can't do this, where can we save money? If we can't close down a center that's received hundreds of millions of dollars that the White House, successive administrations, Republican and Democrat, have said it is duplicative, it is not fulfilling its mission; if we can't close these kind of things down, when are we going to save money?

I yield back the balance of my time.

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

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

Mr. DICKS. I appreciate the gentleman's usual zeal for finding savings in the budget, but I believe his amendment goes too far to achieve savings without considering the impacts.

NDIC plays an important role in analyzing and disseminating information to law enforcement and the intelligence community about the production, trafficking, and consumption of illegal drugs. It produces the annual drug threat assessments, as well as local and regional assessments.

DOJ is proposing a reduced funding level for NDIC in 2012, along with the realignment of some of its functions to the Drug Enforcement Administration. We will have to look closely at that proposal to ensure it would not set us back in dealing with the drug threat. But, in any case, one simply cannot eliminate an agency overnight.

NDIC performs significant functions that are critical to our law enforcement efforts, and those functions can't be simply shut down and transferred without significant planning.

NDIC has been operating under the current CR for several months and has been obligated a significant amount of funding already, so there is no way to cut its funding for the year to zero. In fact, CBO scores the amendment as saving only $16 million in budget authority, not $34 million. I urge my colleagues to defeat this Flake amendment.

I yield back the balance of my time.

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

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

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

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

□ 2200

The Clerk will read.

The Clerk read as follows:

SEC. 1309. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, Justice Information Sharing Technology'' shall be $78,285,000.

SEC. 1310. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, Tactical Law Enforcement Wireless Communications'' shall be $136,143,000.

SEC. 1311. Notwithstanding section 1101, the level for ''Department of Justice, General Administration, Detention Trustee'' shall be $1,533,663,000.

SEC. 1312. Notwithstanding section 1101, the level for ''Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities'' shall be $865,097,000.

SEC. 1313. Notwithstanding section 1101, the level for ''Department of Justice, United States Marshals Service, Construction'' shall be $16,929,000.

SEC. 1314. Notwithstanding section 1101, the level for ''Department of Justice, Federal Bureau of Investigation, Construction'' shall be $106,915,000.

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

The Acting CHAIR (Mr. BASS of New Hampshire). Will the gentleman specify which amendment.

Mr. HOLT. Amendment No. 235.

The Acting CHAIR. The Chair will note that the reading has progressed past that point in the bill.

Mr. HOLT. Mr. Chairman, I ask unanimous consent to consider the amendment out of order.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

Mr. ROGERS of Kentucky. Reserving the right to object, Mr. Chairman, as I understand it, the gentleman wants to go back to a section which we have already covered?

The Acting CHAIR. The gentleman is correct.

Mr. ROGERS of Kentucky. Mr. Chairman, in order to move things along, we have to have rules, and I have to object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk read as follows:

SEC. 1315. Notwithstanding section 1101, the level for ''Department of Justice, Federal Prison System, Salaries and Expenses'' shall be $6,325,231,000.

SEC. 1316. Notwithstanding section 1101, the level for ''Office of Science and Technology Policy'' shall be $6,500,000.

SEC. 1317. Notwithstanding section 1101, the level for ''National Science Foundation, Research and Related Activities'' shall be $5,467,920,000.

SEC. 1318. Notwithstanding section 1101, the level for ''National Science Foundation, Major Research Equipment and Facilities Construction'' shall be $54,790,000.

SEC. 1319. Notwithstanding section 1101, the level for ''National Science Foundation, Education and Human Resources'' shall be $725,760,000.

SEC. 1320. Notwithstanding section 1101, the level for ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs'' shall be $913,707,000.

SEC. 1321. Notwithstanding section 1101, the level for each of the following accounts shall be $0: ''Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction''; ''Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Construction''; and ''Department of Justice, Office of Justice Programs, Weed and Seed Program Fund''.

SEC. 1322. Notwithstanding any other provision of this division, the following set-asides included in division B of Public Law 111–117 for projects specified in the explanatory statement accompanying that Act in the following accounts for the corresponding amounts shall not apply to funds appropriated by this division: (1) ''Department of Commerce, International Trade Administration, Operations and Administration'', $5,215,000; (2) ''Department of Commerce, Minority Business Development Agency, Minority Business Development'', $1,100,000; and (3) ''Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services'', $10,500,000.

SEC. 1323. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 60 days of enactment of this division.

SEC. 1324. Notwithstanding any other provision of this division, the set-aside included in division B of Public Law 111–117 under the heading ''Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses'' for policy studies related to activities of United Nations Specialized Agencies related to international protection of intellectual property rights shall not apply to funds appropriated by this division.

SEC. 1325. Of the amount provided by section 1306 for ''National Institute of Standards and Technology, Industrial Technology Services'', $44,900,000 shall be for the Technology Innovation Program.

SEC. 1326. (a) Notwithstanding section 1101, the level for ''Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities'' shall be $58,000,000.

(b) The set-asides included in division B of Public Law 111–117 under the heading ''Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities'' for a competitive construction grant program for research science buildings and for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

AMENDMENT NO. 260 OFFERED BY MR. LATTA

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT NO. 260: Page 200, line 25, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 359, line 5, after the dollar amount insert ''(increased by $10,000,000)''.

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

Mr. LATTA. Mr. Chairman, my amendment would reduce spending for the Department of Commerce under the National Institute of Standards and Technology construction of research facilities account by $10 million and transfer those funds to the spending reduction account. This program provides government money for construction of research science buildings. Currently, H.R. 1 funds the technology construction of research facilities account at $58 million and this amendment would reduce it to $48 million. While scientific research is important, when our nation is experiencing massive deficits, we have to make these difficult cuts.

With a forecasted deficit of $1.6 trillion this year and the national debt scheduled to triple in 10 years, I am simply proposing cutting spending from a program that received over $123 million in increased funding in the stimulus. The President released his budget proposal this week which reflects a pattern of record spending, and even higher taxes. This continued spending is funds that the U.S. Government does not have, as we continue to borrow from other countries. During the last session of Congress alone, the President signed into law over $1.8 trillion in new government spending and over $670 billion in new job damaging tax hikes. My $10 million cut is an example of a difficult cut that has to be made in our Federal budget.

Furthermore, the Department of Commerce has established a national program office under the National Institute of Standards and Technology to begin development and implementation of the national strategy for trusted identities in cyberspace. The general goal of this strategy is to secure and protect transactions in cyberspace through use of a special ID, or digital identity, so that people can prove who they say they are. Let me say that cybersecurity and privacy are extremely important issues to all Americans. However, I have very strong concerns that this government-directed effort could destroy online anonymity, become the equivalent of a national Internet ID, and crowd out current private-sector efforts. That this project could potentially lead to issuance of a unique Internet ID that would serve as a single identifier for access to password-protected Web sites is frightening. It is equally concerning to think that if this single digital identity were to be hacked, the hacker would have access to a wide range of a user's personal information and accounts. Security of the cyber domain is serious, but a government-run or government-directed Internet ID system is a risk to liberty and this strategy is not the way to go about achieving this goal. The elected representatives of Congress should address these issues, not a government bureaucracy. I will be offering a limitation amendment to block any funding towards the development of this strategy, and that is why I am offering this amendment, No. 260, to cut funding from the National Institute of Standards and Technology.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. WOLF. This account has been hit very, very hard already. Each reduction in the bill was carefully determined. The funding level provided for NIST construction in the bill is $89 million below FY 2010.

NIST has played a key role in enabling innovative ideas with regard to strengthening infrastructure for advance manufacturing, service and science.

NIST works with the private sector, other government agencies and universities to develop and apply the technology, measurements and standards needed for new and improved products.

We have already reduced the funding in this account quite dramatically, and this would really, I think, hurt the jobs effort and hurt manufacturing.

Mr. DICKS. Will the gentleman yield?

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

Mr. DICKS. I strongly support the gentleman's position here. We've already cut this account. There's $58 million in the account; a reduction of $89 million, or 60 percent below FY10. And the NIST does very good work. So I support the chairman and in opposition to the Latta amendment.

Mr. WOLF. Reclaiming my time, again, we want science, jobs, math, science, physics, chemistry, biology to create opportunities for manufacturing.

I urge a ''no'' vote on the amendment.

□ 2210

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 1327. (a) Notwithstanding section 1101, the level for ''Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'' shall be $2,850,883,000.

(b) The set-aside included in division B of Public Law 111–117 under the heading ''Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'' for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

SEC. 1328. (a) Notwithstanding section 1101, the level for ''Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be $1,455,353,000.

(b) The set-aside included in division B of Public Law 111–117 under the heading ''Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

SEC. 1329. (a) Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, Justice Assistance'' shall be $225,000,000.

(b) Amounts included in paragraphs (1) through (5) under the heading ''Department of Justice, Office of Justice Programs, Justice Assistance'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

SEC. 1330. (a) Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' shall be $953,500,000.

(b) The amount included in paragraph (4) under the heading ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' of division B of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$185,268,000''.

(c) Amounts included in paragraphs (1) through (3) and paragraphs (5) through (29) under the heading ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

AMENDMENT NO. 12 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment as a designee of the gentlewoman from New York (Mrs. MCCARTHY).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 202, line 16, after the dollar amount, insert ''(reduced by $20,000,000) (increased by $20,000,000)''.

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

Mr. HOLT. Mr. Chairman, this amendment is to make sure that we continue the good work of the National Instant Criminal Background Check

System. The NICS is a national database system that keeps track of individuals who are disqualified under current law from purchasing and possessing firearms. Need I remind my colleagues of the many reminders we have had of the need for this.

The amendment before us here seeks to ensure that the Department of Justice continues funding the NICS Improvement Amendments Act of 2007 at the current level of $20 million. It was signed into law in January 2008 and requires all States to provide the NICS with relevant records that are needed to conduct effective background checks. Additionally, the NICS Improvement Act provides grants to States and territories to update their records and transmit the records to the NICS database.

NICS is a critical tool in the fight to keep firearms from those legally disqualified from purchasing and possessing them. The only way to enforce the law is to ensure that NICS has up-to-date records from State and Federal sources.

We understand the constraints on the Federal budget. However, by continuing to fund this program at the current FY10 level, we continue the vital effort to keep guns out of the hands of people who should not have them.

I encourage Members to support this amendment.

Had I had the floor before, I would have offered an amendment to restore the $310 million that was cut from the lifesaving Community Oriented Policing, or COPS Program, but I was denied that opportunity. So I ask for support for the amendment from Mrs. MCCARTHY and me to fund the NICS Improvement Amendments Act.

I yield back my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

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

Mr. WOLF. The Appropriations Committee will be requiring the Department of Justice to come back to the committee with a spending plan outlining how it intends to use the funds provided for State and local law enforcement. We accept the amendment.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, we accept the amendment on our side too.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1331. (a) Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, Juvenile Justice Programs'' shall be $232,500,000.

(b) The amount included in paragraph (2) under the heading ''Department of Justice, Office of Justice Programs, Juvenile Justice Programs'' of division B of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$91,095,000''.

(c) Amounts included in paragraph (1) and paragraphs (3) through (8) under the heading ''Department of Justice, Office of Justice Programs, Juvenile Justice Programs'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

SEC. 1332. (a) Notwithstanding section 1101, the level for ''Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)'' shall be $290,500,000.

(b) Amounts included under the heading ''Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)'' in division B of Public Law 111–117 shall be applied to funds appropriated by this division by substituting—

(1) ''$15,000,000'' for ''40,385,000'';

(2) ''$0'' for ''$25,385,000'';

(3) ''$1,500,000'' for ''$170,223,000'';

(4) ''$0'' for ''$168,723,000''; and

(5) ''$0'' for ''$298,000,000''.

(c) Amounts included in paragraph (1) and paragraphs (4) through (8) under the heading ''Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)'' of division B of Public Law 111–117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

AMENDMENT NO. 240 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. 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:

Amendment to Strike Section 1332 of Title III, which reduces the funding level for the Department of Justice, Community Oriented Policing Services to $290,500,000.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I thank the gentleman, and I thank the ranking member and, of course, the manager for the majority.

Mr. Chairman, I rise for a very important discussion as a member of the House Judiciary Committee and someone who truly believes that the COPS Program that has been initiated over a long tenure of time has truly brought down the crime statistics across America. Whether you are a rural hamlet or whether or not you happen to be a major city, the COPS Program has been an anchor for security for neighborhoods who cannot afford to pay for their own private police services.

This amendment restores the $600 million that is offered to be taken from the present funding, and it restores or would prevent the taking of 1,330 cops off the street, and as well it will provide the safety net that is necessary.

If I had had command of the floor earlier, I would have also added to this discussion the elimination of salaries that are eliminating the use of resources for the enforcement of the Voting Rights Act and the resources necessary to enforce the Voting Rights Act in the new redistricting plans that will be coming forward.

But it is certainly a shame to take in the middle of municipal budget years a sizable amount of dollars which they had been operating with and depended on. There are local communities in which the COPS Program provides one police officer, two police officers, 20 police officers, 30 police officers, and that is the very existence of that community. In cities around America, cops have been laid off, and that should be a decision of last resort.

When you talk about going forward, my question to my friends on the other side of the aisle is, is the purpose of this legislative initiative job creation, or job elimination? How can you do such damage to members of the municipal workforce that are on the front lines serving local communities?

The COPS Program has been an enormous success. It has survived several administrations, Republican and Democrat. And to suggest that the COPS Program would be obliterated or at least devastated in such an amount would, from my perspective, be the wrong direction to go. COPS academy classes have been put on hold. Mayors have eliminated classes. I have seen that in cities around America, and as members of the House Judiciary Committee, we have had several encounters of eliminating COPS funding.

This amendment simply strikes the elimination or the intent to eliminate a certain amount of funding for the COPS Program. As a member of the Homeland Security Committee, I would ask my colleagues to ask themselves the question, do the American people deserve safety and security in a time where we continue to face international and homeland security threats here in the United States? Domestic law enforcement is a key element in providing that kind of safety net.

□ 2220

Training, the opportunity for security, and the opportunity for ensuring that hamlets, towns, cities, and rural communities, counties, do not have to suffer through the crisis of the lack of security.

So I would ask my colleagues to consider a waiver so that we can address this question of the funding of a very important program. And I might add that I look forward to working with the Senate to restore those salaries to the Department of Justice so that we do not have to undermine the enforcement of an enormously important legislative initiative, one that Martin Luther King and our colleague, JOHN LEWIS, fought hard for and one that has withstood the test of time—and that is enforcement of the Voting Rights Act. How could we? And I look forward to working with the Senate for allowing that to go forward as well as to be able to enforce the values or the laws, the requirements of the Voting Rights Act, as relates to the 2011 redistricting that will take place in the coming months.

I yield back the balance of my time.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, the amendment proposed a net increase in budget authority. Before I comment on it; one, this does not cut the Voting Rights Act. So that's not accurate. This does not, this does not, this does not cut the Voting Rights Act.

The Acting CHAIR. The gentleman may state his point of order but not engage in debate on the issue.

Mr. WOLF. Mr. Chairman, the amendment is not in order under section 3(j)(3) of House Resolution 5 of the 112th Congress, which states, ''It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.

The amendment proposes a net increase in budget authority in the bill in violation of such section.

The Acting CHAIR. Does any other Member wish to address the point of order?

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, as I indicated before, first of all, the gentleman was mishearing what I said. I indicated that I had an earlier amendment that I decided not to offer because I intend to work with the other body on it. But it would have diminished the ability to enforce the Voting Rights Act. That is not what we're speaking of today.

The Acting CHAIR. The gentlewoman needs to address the point of order.

Ms. JACKSON LEE of Texas. Mr. Chairman, I wanted to clarify that I was not speaking on this amendment. In this amendment I've simply asked for a waiver. Frankly, this is too important an issue to be addressed by the gentleman's point of order. I ask for a waiver. This is denying, if you will, huge amounts of money to many municipalities all across this Nation. And $600 million is absolutely ludicrous. It causes a loss of jobs and a loss of safety for the United States.

I ask for a waiver on the point of order.

The Acting CHAIR. The Chair is prepared to rule.

Mr. WEINER. Mr. Chairman, I would like to be heard on the point of order.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. WEINER. The intention of the rule that the chairman is referring to is to make sure we're not adding any additional spending. But in fact, by cutting the COPS program, you're actually adding an enormous amount of expenditure in the long run. And what the gentlelady is going to being doing by preserving COPS on the street, you have less crime, lower insurance rates, less costs for prevention. You wind up—COPS on the beat wind up saving money. They save money in another way. They save money because localities don't need to raise taxes to keep these cops on the street.

So I think the gentlelady's amendment is a net budget reducer, net budget saver. Sometimes we invest in things here that save money, and the gentlelady's amendment does that. So it's in compliance with the rule.

The Acting CHAIR. The Chair is prepared to rule on the point of order.

The gentleman from Virginia makes a point of order that the amendment offered by the gentlewoman from Texas violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 125 OFFERED BY MR. WEINER, AS MODIFIED

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Page 203, line 23, after the dollar amount, insert ''(increased by $298,000,000)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $298,000,000)''.

Page 206, line 10, after the dollar amount, insert ''(reduced by $298,000,000)''.

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

Mr. WEINER. Thank you, Mr. Chairman. Before I proceed, I would make a unanimous consent request. There's a typographical error that should say $298 million, and it has only 5 zeros. So in the two places that that is stated, I ask unanimous consent to add the extra zero so it makes sense.

The Acting CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIR. The amendment is so modified.

Mr. WEINER. Mr. Chairman, my colleagues, this is to restore the COPS program and take money out of space. But before I do that, I really have to say I don't think this process is on the level. What are we doing here? We're figuring out which diminished amount we're going to take from to restore another diminished amount. This bill isn't going to become law. The President today said that he is going to veto this bill, as he should. It slashes funding on so many important things to our communities. I bet you most of the authors of the bill are praying that he vetoes this bill. But the fact is we're kind of in here playing this game. We're trying to take from one slashed account and move funds to another slashed account, but in the clear case of how the Republicans are swinging a meat ax rather than a scalpel—the COPS program, police officers, cops on the beat.

The COPS program has been a success not just because it's been a big-city program. You've got COPS over the first 10 years of the program in every single State. Every single community has had an increase because of police officers. And I thought being tough on crime was a Republican ideal. You slash this funding and what's going to wind up happening is your localities are going to have one of two choices: Lay off police officers or raise taxes some other way. It's going to be a net zero effect because they're going to want to keep these cops on the beat.

So where do we take the money to replace just the hiring component? We're not going to replace the whole program, just the hiring component. We're going to take it out of space exploration. I want to go see Mars, too, but I'd much rather have cops on the streets of Brooklyn and Queens. I want it for all of your districts as well.

But let's face a little something about this budget. It's an irresponsible budget you've put on the floor. I'm sure Mr. DICKS would agree it's irresponsible to slash air traffic controllers 20 percent. Who thinks that's a good idea? It's irresponsible to cut 1,500 cops on the street. Who thinks that's a great idea? It's irresponsible to say to middle class parents who are getting Pell Grants, Sorry, your kid can't go to college next year. Who thinks that's a good idea?

The President has said that he's going to veto this bill. Why don't we stop right now, roll it up, fold it up, go back and try to get this right? Let's try to come up with a commonsense budget. We know there are going to be cuts that are necessary. But to the COPS program?

We've got to understand here that these are going to require some tough choices. And I had a joking exchange with Mr. DICKS earlier, I think we can get more from Defense, I think we can get more from Agriculture. I get it. But, frankly speaking, I believe that there are some values that should transcend politics and transcend communities—and one of them is how many police officers.

And not only are there a lot of cops going to these communities; let's look at what's happening. In Jackson, Mississippi, 347 cops, they had a 12 percent reduction in crime; Detroit, Michigan, 500 cops, a 7 percent reduction; Boston, Massachusetts, almost a 29 percent reduction in crime. This is a good law enforcement program.

So I will say on behalf of all my colleagues, and Congressman GRIMM is supportive of this; Congressman DEFAZIO I think is here; Congressman COHEN is here; Congressman PALLONE I know is interested in this; and we know Congresswoman JACKSON LEE. Congressman REICHERT on your side is interested. I can tell you this: If we asked every person to stand up who had

COPS hired in their district, every one of you would have to stand up. It's going to all 435 districts. So let's keep that program going.

Now, do I like the idea we have to take it from NASA space exploration? I don't know any of the crime statistics on Mars, and I'm interested, but it's a bad choice. If any of you like space exploration, so do I. In a way, I'm playing the game too. I'm taking from one place to give to another. But I do believe it's in the interest of all of us to try to set these priorities straight.

□ 2230

One of the things we can do is vote ''yes'' on the Weiner amendment and then do something else.

It's late. We've gone through this exercise for a while. Since it's really a Kabuki dance and since we know that this document isn't going to become law—the President has already said he's going to veto it, and we already know the American people are not going to sit back for a 20 percent reduction in air traffic controllers—how is it a Republican ideal to make the air traffic less safe? How is that a value that somehow drove this Congress?

That shouldn't be nor should it be that we reduce the number of police officers on the streets. That's not who we are as a country. It's not who we should be as a Congress. So I hope you support the Weiner amendment by taking from Mars and putting it in the streets of your district.

I think it's late. Let's fold up the rest of the bill. Let's go back. Let's have some bipartisan discussion, and let's try to figure out how to do this in a way that the President won't veto it.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. WOLF. I would tell the gentleman that the President of the United States failed to do what he was elected to do—that was to lead this country—by rejecting the Simpson-Bowles commission recommendation.

Mr. Chairman, President Obama supported and appointed the people to the Simpson-Bowles commission. Then we saw in the State of the Union message that none of the cuts that are being done tonight would have had to have been done had the President done what he should have done with regard to the Simpson-Bowles commission.

If I had been appointed to the Simpson-Bowles commission, I would have been supportive of it. If TOM COBURN and DICK DURBIN can be in support of it, hopefully we can come together in a bipartisan manner; but all of the opposition would not even have had to take place if the President had not failed to provide the leadership that he failed to provide.

This bill makes deliberate choices within NASA to strike an appropriate balance between achieving budget savings, procurement support for NASA's $16 billion in annual contracts, and safety and mission assurance to prevent spaceflight accidents. To do this, you would almost guarantee that something could potentially happen.

I teach security to prevent the Chinese from having cyber attacks. We had hearings the other day, and we learned that the Chinese have had cyber attacks against NASA's computers. This amendment would say that it's okay, that we can have the cyber attacks. We're going to put it somewhere else.

In addition—and I see the gentlelady from Houston is here—this amendment will cost NASA's civil servants and contractors between 1,500 and 2,000 jobs.

Had President Obama done what he should have done by appointing that commission, we wouldn't even have had any cuts here. We would have been doing what we had to do. Since we're talking about crime, Willie Sutton said he robbed banks. The reason he robbed banks is that that's where the money is. The money is in entitlements. Had we dealt with the Obama commission of Simpson-Bowles, we would not be where we are today.

I yield back the balance of my time.

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

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

Mr. COHEN. Willie Sutton would love it if the cops weren't trying to protect the banks—that would be great—but the cops are important.

Mr. Chairman, my first job out of law school was as an attorney for the Memphis Police Department. One of the first things I learned is that the best deterrent to crime is patrol, and patrol is policemen on the beat. That is the most effective way to reduce crime. When you have high unemployment, when you have a great recession like we've experienced with high unemployment, crime naturally does go up. When you have crime go up, you need more cops to protect property and individuals and lives.

This COPS program has been successful. It was successful in the 1990s, and we saw a tremendous decrease in crime. As Mr. WEINER pointed out—and I praise him for being a champion of this for so many years—this has been an effective program that has saved lives and property, that has kept insurance rates down, and that has kept order and liberty in our country.

Willie Sutton would not be for this amendment. He'd like to see the cops off the streets, away from the banks, away from the widows, away from the children, away from everybody who is in the arms of a potential crime, in the way of a potential crime, and that's something we shouldn't have in this country.

The cost to get rid of this program would be tremendous. The fact is the COPS program saves money, and this amendment zeros out the COPS program. It isn't a simple change in eliminating some of the moneys. It eliminates the program, and that's a mistake.

Local police are struggling with shrinking budgets. Tax rates are down as people have spent less money, so we don't have the money to support our police and to keep our law enforcement at the levels they should be. To cut police and law enforcement is a mistake, a serious mistake that's going to cost the American people.

You can't put it down in dollars and cents. Lives will be lost. Property will be lost. Insurance rates will go up. This is one place among others, but particularly here, they're the first line of defense. Of the police powers of the State, the first one is safety.

There are other areas where you could save money. If you want to keep the budget and cut it, there are a lot of defense programs that could be cut. There are defense programs that are not effectively keeping us safe from foreign problems or from foreign adversaries, but our streets in every city in this Nation and every hamlet has the need for police. To cut this COPS program is simply irresponsible, and it disregards the American public's regard and need for safety on the streets and for safety in their communities. We should support our police and make our streets safer.

I would ask that we support this amendment. I would ask that the people on the other side understand that law enforcement is a primary concern of government and that a reduction of this program or the elimination of this program will cost the American public dearly, and lives will be lost.

I yield back the balance of my time.

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

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

Mr. SCHIFF. Mr. Chairman, I fully support the effort to restore funding to the COPS Hiring Program.

We should absolutely look for savings and reduce costs in the Federal budget, but we should not be withdrawing support for law enforcement while cities and towns across the country are struggling to maintain their police forces.

A good example is Camden, New Jersey, which was forced by budget shortfalls to lay off 168 police officers last month. The city recently raised property taxes enough to restore about 20 percent of those positions, but law enforcement in the city is still woefully understaffed.

The CR cuts COPS programs by $501 million, including a reduction of $298 million that specifically zeros out the COPS Hiring Program. The elimination of COPS Hiring would result in 1,330 fewer cops hired or rehired in FY11 compared to FY10, or 3,000 fewer cops hired or rehired in FY11 compared to the FY11 request of $600 million.

Camden and many other cities and towns across the country still need Federal assistance to help them get through this difficult economic period, and that is exactly what this amendment is designed to do.

By restoring funding for COPS Hiring grants, Camden and other municipalities across the country could get grants to cover the 3-year cost of rehiring officers they were forced to lay off or of hiring new officers they need but have been unable to afford. After 3 years, when the economy is expected to be in much better shape, these municipalities would be required to take on the costs of these officers.

While I support the gentleman's amendment and strongly believe we should restore funding for the COPS Hiring Program, I am deeply concerned about the offset the amendment relies upon.

NASA's Cross-Agency Support account funds many of the vital efforts of the NASA centers across the country. Currently, there is a backlog of deferred maintenance needs at NASA facilities, and this backlog has been growing at the rate of about 9 percent a year. Cutting funding for this account will only make NASA's maintenance backlog worse and will impede NASA's mission.

We need to fund both NASA's Cross-Agency Support and COPS Hiring at adequate levels, and I hope, by the end of this process, we can find a way to do that.

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

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

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

Mr. DEFAZIO. When I was first elected to office, I served with a very conservative Republican, and he used to say that government is about roads and rope.

He was talking about the basis for our system here in America—the basics. He was talking about transportation, the Boston Post Road, the original roads of America that tied a young Nation together on rope. He was talking about law enforcement here on Earth, law enforcement protecting American citizens from criminals.

Now, somehow the Cross-Agency Support account, which is an unbelievable catchall slush fund at NASA which has grown in the last 2 years from $550 million to $3 billion and which will actually be increased in this continuing resolution by $36 million, is more important than defending the American people from criminals, from lawbreakers, which is the most basic requirement of the Government of the United States.

Now, this isn't even like real stuff at NASA. It's not the fantasy about going to Mars or any of the other things they're engaged in for many billions of dollars.

□ 2240

This is a cross-agency support budget which has gone up six times, 600 percent in 2 years, and it's going to go up again here today, and we're going to slash the heck out of the COPS program. Now, go home and explain that to your constituents. You can't even say, Look up there, because it's not a satellite. It's not headed to the Moon or to Mars. You have to say, Hey, it's the cross-agency support budget at NASA, and when the criminal is breaking down your door, call NASA. That probably isn't going to work too well.

This not only supports police on the streets in overstretched agencies, it supports—and we've had a lot of talk about urban America—sheriffs in our rural areas which are woefully unpoliced, and in my district we've got money out of this account which you're cutting by 65 percent to go after methamphetamine manufacturing and Mexican cartels moving methamphetamine up the West Coast of the United States. We're going to cut that 65 percent because it's more important that we fund the cross-agency support budget of NASA and we increase it by 600 percent in 2 years and we decrease funding for COPS and sheriffs and drug reduction in our communities, in our schools, in our rural areas by 65 percent.

Well, you go on home and campaign on that, and I will be campaigning on my issues.

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

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

Mr. PASCRELL. We used to argue at one time on this floor whether or not to help communities to support the police department. We argued here on this floor as to whether this was a Federal issue, whether the Federal Government had any responsibility in terms of firefighters—I remember the debates—and police officers, and we made a decision on a bipartisan basis that it was a responsibility because we needed to protect the homeland.

So Democrats and Republicans supported the protection in trying to help communities fight crime and put out fires. We made that on a bipartisan basis, and it is a shame that we do not even consider the COPS program as part of homeland security because, if you don't have it here, you have it nowhere. This is a security issue. It is a priority. How many officers in the past 2 months have been shot down doing their job in this country? Double last year. And we know that small communities and large communities have taken advantage of the COPS program. This is important to our communities.

I was a mayor of the third largest city in New Jersey. I know what those police officers on the street in the communities mean to protecting folks in my town where I still live. I know the results. Since 1992, I know those results inside and out. You heard Mr. WEINER, who showed us the charts about what it has meant right across the United States of America. We're making a big mistake here. Throughout the United States of America, everybody, citizens know that when they see police officers walking the beat, they know there is a priority that the Federal Government has not forgotten.

I ask you, you cannot do to police officers and you cannot do to firefighters what this budget, at least for the next 6 months, is being represented by the other side. We are going to take up a FIRE Act pretty soon, the SAFER Act pretty soon with our firefighters. We can't do this. We can't pat them on the back and say, Great job. We can't go to the parades and say, Look at this; this is the protection we have in America, and do this in a program that's successful.

No one has stood and questioned the success of either of these programs. No one. I haven't heard one word tonight. If a program wasn't working, if cops weren't doing their job on the beat, then you'd stand and you would defend that particular position.

This is not the way to do it. This is not the way to protect the homeland. This is not the way to pat police officers on the back and then send them out there without the resources and without their brothers and sisters fighting alongside of them to protect the United States of America.

Mr. Chairman, this is a very serious problem. We argue vociferously on this floor to protect the soldier in the field in foreign lands. I'm here today to support DEFAZIO, WEINER, and the rest of the folks who have talked on this, to defend our police officers on the street. We owe them no less. I ask you to restore this money, the money that has been taken away in this 7-month budget. I don't think it's fair, and I don't think it's wise.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

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

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

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

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

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

Mr. SCOTT of Virginia. Mr. Chairman, the CR's proposal before us proposes to cut $190 million from juvenile justice programs. That cut is shortsighted and misguided. Cutting effective crime prevention programs is penny wise and pound foolish because we have reams of research and demonstration programs to show that evidence-based crime prevention programs save a lot of money in avoided law enforcement, victim, incarceration, and

other expenditures and actually save more than the programs cost.

The current Justice Department is making excellent progress in assuring that crime prevention programs and funding are only used for those programs that have proven their effectiveness through vigorous evaluation and study and programs that have shown their effectiveness. I can see that cutting unproven programs as a result of earmarks that haven't gone through that vigorous demonstration would be appropriate, but the programs in the Justice Department should not be cut.

Mr. Chairman, there are a lot of organizations that have written in opposition of the cuts in the juvenile justice programs. They include the National Disability Rights Network, the Campaign for Youth Justice, the Children's Law Center, the National Council for Community Behavioral Healthcare, The Afterschool Alliance, the Campaign for Fair Sentencing of Youth, and the Coalition for Juvenile Justice.

Mr. Chairman, last month we passed a tax bill that increased the deficit by $400 billion a year for 2 years. Now, we obviously need to cut the budget to pay for those tax cuts, but cutting funding for juvenile justice programs that are proven to save more money than they cost is not the right thing to do. We need to defeat this bill and come back with a bill that fully funds the juvenile justice programs so that we can save money and reduce crime.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1333. (a) The percentage limitations on transfers between appropriations of the Department of Justice described in section 205 of division B of Public Law 111–117 shall not apply to funds provided by this division to the Department of Justice, or provided under previous appropriations Acts to the Department of Justice that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the Department of Justice.

(b) The transfer authority provided in subsection (a) shall pertain only to transfers into the following accounts: ''Department of Justice, Salaries and Expenses, United States Attorneys''; ''Department of Justice, United States Marshals Service, Salaries and Expenses''; ''Department of Justice, Federal Bureau of Investigation, Salaries and Expenses''; ''Department of Justice, Drug Enforcement Administration, Salaries and Expenses''; ''Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses''; and ''Department of Justice, Federal Prison System, Salaries and Expenses''.

(c) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of division B of Public Law 111–117 and shall not be available for obligation except in compliance with the procedures set forth in that section as amended by this division.

SEC. 1334. Notwithstanding section 1105, the proviso limiting the use of funds under the heading ''National Aeronautics and Space Administration, Exploration'' in division B of Public Law 111–117 shall not apply to funds appropriated by this division.

SEC. 1335. (a) Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Space Operations'' shall be $5,946,800,000.

(b) The proviso specifying amounts under the heading ''National Aeronautics and Space Administration, Space Operations'' in division B of Public Law 111–117 for operations, production, research, development, and support of the Space Shuttle and the International Space Station and for Space and Flight Support shall not apply to funds appropriated by this division.

AMENDMENT NO. 78 OFFERED BY MR. OLSON

Mr. OLSON. 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:

Page 205, line 25, after the dollar amount insert ''(reduced by $517,000,000) (increased by $517,000,000)''.

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

□ 2250

Mr. OLSON. Mr. Chair, I rise today in support of my amendment to shift funds in the NASA budget. I appreciate the work that Chairman WOLF and his colleagues have put into drafting this bill. I know how tough it must have been. We were elected to make tough decisions, to cut spending, and to put our fiscal house in order. In our Nation's current fiscal situation, we must set clear and prudent guidelines on how our limited tax dollars are spent. I propose today that we set such limits within NASA to get better use out of our money.

Climate research is currently conducted in 16 different agencies, including NASA, and received over $35 billion through stimulus and last year's appropriations bills. Human space flight is conducted in exactly one agency, NASA. In this tight budget cycle, we must reduce duplicative spending and target our resources where they will be most beneficial. The 15 other agencies conducting climate research can pick up the slack while freeing up resources for NASA to make a truly unique contribution, maintaining U.S. dominance in human space flight.

Accordingly, my amendment proposes to reallocate $517 million that could be spent on NASA's science programs so that it will instead be available to maintain stable operations for human space flight. The amendment does not—does not change the overall NASA funding level. It simply reallocates within the total.

I understand the tough task this CR has been for our appropriators. It is never easy to tell people they must do more with less. NASA has been doing more with less for almost a decade, and that is why I am offering this amendment.

I appreciate this opportunity to discuss NASA priorities with Chairman WOLF and my colleagues. And I ask for Chairman WOLF's commitment to work with me going forward as we begin the appropriations process for fiscal year 2012, to ensure that we orient NASA away from duplicative climate research missions and back to its unique human space flight mission.

Mr. Chair, I would like to yield to Chairman WOLF for the purpose of engaging in a colloquy.

Mr. WOLF. I thank the gentleman.

It's my understanding that the gentleman is withdrawing the amendment. I want to thank the gentleman for raising some critically important points about the value of NASA's human exploration program and the need to fully support it. And no one is a stronger supporter of NASA than the gentleman from Texas, except maybe Mr. CULBERSON who is equally supportive.

I share his concern with ensuring exploration is adequately funded and that NASA remains on a clear path to achieve the human space flight goals laid out in last year's authorization. I will be happy to work together as closely as we possibly can to finish FY 2011 and move forward into FY 2012 to maintain a robust human space flight program at NASA, just as Mr. OLSON would like it to be.

In doing so, I agree that it will be necessary to identify and eliminate duplicative, wasteful, or lower-priority activities in NASA's science programs or any other NASA account, for that matter, so that we can remain on a sustainable overall budget path. I look forward to working with the gentleman and our colleagues who support NASA and thank him for his continuing efforts in this area.

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

Ms. JACKSON LEE of Texas. I move to strike the last word.

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

Ms. JACKSON LEE of Texas. I rise to support the amendment that Mr. OLSON has offered, and I am delighted that we have the opportunity to work together collaboratively with the chairman and with Mr. DICKS on this very important issue.

I would like to say publicly that Democrats and Republicans in the State of Texas have worked enthusiastically together on supporting NASA and human space exploration. I'm sorry that I will not have the opportunity to support Mr. OLSON's amendment or vote for it. He is absolutely right, human space flight is conducted in exactly one agency, NASA, and the general Houston area and Texas are impacted enormously. We have already lost 4,000 jobs. There will be a decrease of $1 billion going to NASA Johnson. That will impact the transition, if you will, in human space exploration. One very well known member of our community, Captain Mark Kelly, the husband of our dear and beloved Member, Congresswoman GIFFORDS, will have the opportunity to be on one of the final shuttles.

But what most of us are not aware of, because our memory fades, is how much we gained from human space exploration. Research in HIV/AIDS and

stroke and heart disease and weather research, all improving the quality of life for Americans. So I stand solemnly behind continuing to fund human space exploration and join Mr. OLSON in the leadership that he has given.

This is a tight budget, but the President talked about investing in competitiveness, creating jobs. NASA creates jobs. It creates jobs for small businesses. It creates jobs for large contractors. It creates thousands upon thousands of jobs. So I hope in this instance that we can speak in a bipartisan manner to speak to the administration on the value of continuing to support NASA. It is difficult when we have a CR that, in fact, is cutting millions from the NASA budget, and I would hope that there would be a recognition that it is important to put $517 million back into NASA, as was offered by this amendment.

I can't imagine a Nation without the ability for young people to aspire to the heights of those who have gone on before, those who have been astronauts, those who have explored the skies, those who have done enormously important research on the various trips that have been taken that have provided the research and as well the space station which has been an enormous asset that has brought international partners together and helped develop science that could not be developed before.

Having traveled to most of the centers that are under the NASA administration, each and every one that I have been to has had the quality of staff that have been doing their job in the name of progress for the American people. So I'm disappointed with this CR that has caused these enormous cuts, and I would hope that we have the opportunity to restore them.

Where are we if we quash the genius of America? Where are we if we extinguish the dreams of young students and scientists around America? Where are we if we quash the jobs that can be created by science? NASA is an asset and a jewel. And I hope together in this Congress, and of course working together with the administration, we can realize it once and for all. Why we have to battle so hard for something that has done so much for the American people baffles me. I look forward to the reinvestment in science and competitiveness. I thank the gentleman for his leadership, and I hope we'll be able to work in a bipartisan manner.

I yield back the balance of my time.

Mrs. ADAMS. Mr. Chair, I move to strike the last word.

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

Mrs. ADAMS. Mr. Chairman, I rise today to join my colleague, Representative OLSON, in support of an amendment to transfer $517 million out of NASA's climate change research fund and into human space flight, a proven economic driver and job creator. This amendment sends a clear message to both the administration and the leadership of NASA that it is Congress' intent that human space flight should not and cannot be ignored or marginalized.

As Representative OLSON just mentioned, the purpose of this amendment is to highlight the administration's approach to NASA and the direction in which it's heading. At a time when unemployment is at 12 percent in Florida and 9 percent nationwide and our country is facing trillion-dollar deficits, I believe that limited Federal funds are better invested in NASA's human space flight program, not climate change research. Doing so will help to put people back to work and stimulate the economy.

For the last half century, the United States has made a commitment to human space exploration, creating thousands of jobs and contributing to the economies of places like central Florida, Texas, Mississippi, and Alabama.

With the shuttle program winding down and the Constellation program no longer a priority for this administration, I want the American people listening today to understand the fear and uncertainty felt by hardworking families throughout central Florida and the 24th District. They need to know the great benefits that NASA's human space flight program has brought to this Nation in the past and how a policy shift from NASA-administered human space flight to increased research on potential climate changes would devastate the economy of central Florida and many other regions of our country.

□ 2300

The facts are that in Fiscal Year 2010, the President designated $1.2 billion of NASA's total budget towards climate change research. This is on top of the 16 separate agencies and departments outside of NASA that spent an additional $8.7 billion on climate change research in the same fiscal year. Now the President's Fiscal Year 2012 proposed budget allocates even more funding for this type of research.

As NASA's human spaceflight program hangs in the balance, and the tens of thousands of jobs the program supports along with it, it is time for Congress to return NASA's directives and goals back to the congressional intent and the original agency mission: keeping America in front as a global leader in space exploration and helping to rebuild struggling communities in the process.

In closing, I would like to thank Representatives OLSON and POSEY for working with me in drafting this amendment, and to Chairman WOLF for agreeing to work with our offices as the regular Fiscal Year 2012 appropriations process proceeds.

Mr. OLSON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

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

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

Mr. SCHIFF. I will be very brief since the gentleman withdrew the amendment.

I am a big fan and supporter of our manned spaceflight program, which I think has just an extraordinary record of achievement and is enormously important to our position in the world in terms of our leadership in science. It is also very important to many of the space centers around the country in terms of the important jobs that it provides.

But I don't want to see us rob Peter to pay Paul within the sciences, to go after the earth sciences budget, which is also critically important to the Nation's future. When we look at some of the breathtaking and disastrous weather patterns that we have seen around the world, whether it was the incredible and tragic flooding in Australia or that in South America, the ability to understand better the nature of our climate and climate change is not only extraordinarily important in terms of saving lives but in terms of understanding what is happening to our planet.

We also derive a lot of commercial benefits from our investment not only in earth science but space science as well. These investments pay enormous dividends in technologies that have become a part of all of our homes now. So this is investment that I think we want to continue to make and make strongly.

And while I, again, am a fervent supporter of our manned spaceflight program, I don't think any one portion of our space budget or science budget ought to be cannibalizing the other. We do have to make sacrifices, and we're going to have to scrutinize every program that is not working well or not efficient, eliminate any waste, eliminate even programs that are working but not working well enough.

But in terms of our investment in the future, in terms of our investment in understanding our planet, it would be, I think, very shortsighted for us to be cutting those budgets and cutting that vital research.

I thank the gentleman for withdrawing the amendment.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1336. (a) Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Cross Agency Support'' shall be $3,131,000,000.

(b) The set-asides under the heading ''National Aeronautics and Space Administration, Cross Agency Support'' in division B of Public Law 111–117 for center management and operations, independent verification and validation activities and projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

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

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

Mr. LIPINSKI. I rise today to discuss an amendment that I filed with Mr. WU of Oregon but will not be offering. Instead, in a minute, I will be engaging Chairman WOLF in a brief colloquy.

Our goal is simple: to preserve funding at fiscal year 2010 levels for two critical National Weather Service programs. We drafted this amendment because these are two programs that save lives.

Many Americans might not realize it, but the weather forecasts we all get from the Internet, the Weather Channel, or from local TV or radio are all built on the raw data provided by the National Weather Service. These are the same weather reports that are relied upon every day by emergency responders, pilots, and sailors.

My goal is to protect local warnings and forecast centers around the country, along with the Severe Storms Center, the National Hurricane Center, and the Aviation Weather Center. Without these centers, we wouldn't have daily forecasts or flood warnings, and air travel would be significantly more dangerous.

The National Weather Service has been essentially flat funded since 1995. Much of their equipment is in need of repair or replacement. As a country, we simply cannot afford to cut back any further on the service that saves lives, allows us to plan for and respond to weather emergencies, and enables air travel. I am concerned about the adverse impact that this cut could have on essential services.

I understand that my colleague from Virginia, Chairman WOLF, shares some of my concerns, and I'd like to engage in a brief colloquy on this topic.

Mr. Chairman, I know that this legislation requires the Department of Commerce to produce a spending plan that explains how they will implement these cuts. Would you be willing to work with me to make sure the plan NOAA produces reflects the important work done by the National Weather Service and does not adversely affect critical services.

Mr. WOLF. Will the gentleman yield?

Mr. LIPINSKI. I yield to the gentleman from Virginia.

Mr. WOLF. I appreciate the gentleman's concern. He makes a very, very powerful point. I completely agree with him. These are important programs, as are many others in the bill, and we will ensure that as we review the FY 2011 spend plan that all NOAA's important activities are sufficiently funded.

I also, I might say, have a large weather service presence in my district and appreciate their hard work, and it's one of the more important things that NOAA does with regard to the weather.

I thank the gentleman for withdrawing his amendment, and I look forward and promise to work with him on these issues to resolve it, that we protect the issues that the gentleman's raising.

Mr. LIPINSKI. Reclaiming my time, I thank Chairman WOLF, and I appreciate your willingness to work with me on this important issue.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1337. (a) Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation'' shall be $408,300,000.

(b) The set-asides under the heading ''National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation'' in division B of Public Law 111–117 for science research and development activities, exploration research and development activities, space operations research and development activities, and cross agency support activities shall not apply to funds appropriated by this division.

SEC. 1338. (a) Transfer limitations for the National Aeronautics and Space Administration described in the Administrative Provisions of division B of Public Law 111–117 shall not apply to funds available under the following headings: (1) ''National Aeronautics and Space Administration, Aeronautics''; (2) ''National Aeronautics and Space Administration, Space Operations''; and (3) ''National Aeronautics and Space Administration, Education''.

(b) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of division B of Public Law 111–117 and shall not be available for obligation except in compliance with the procedures set forth in that section as amended by this division.

SEC. 1339. (a) None of the funds made available by this division may be used for the National Aeronautics and Space Administration or the Office of Science and Technology Policy to develop, design, plan, promulgate, implement, or execute a policy, program, order, or contract of any kind to participate, collaborate, or coordinate in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this division.

(b) The limitation in subsection (a) shall also apply to any funds used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by the National Aeronautics and Space Administration.

SEC. 1340. Notwithstanding section 1101, amounts are provided for ''Legal Services Corporation, Payment to the Legal Services Corporation'' in division B of Public Law 111–117 in the manner authorized in Public Law 111–117 for fiscal year 2010, except that for fiscal year 2011 the amounts specified in division B of Public Law 111–117 shall be modified by substituting—

(1) ''$350,000,000'' for ''$420,000,000''; and

(2) ''$324,400,000'' for ''$394,400,000''.

AMENDMENT NO. 173 OFFERED BY MR. COHEN

Mr. COHEN. 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:

Page 208, line 14, after the first dollar amount within the quotes, insert ''(increased by $70,000,000)''.

Page 208, line 15, after the first dollar amount within the quotes, insert ''(increased by $70,000,000)''.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. I'm pleased to offer this amendment, of which many members of the Judiciary Committee have worked on behalf of legal services in the past. Many members of the Judiciary Committee have championed legal services over the years, none greater than BOBBY SCOTT, who's been a member of the committee for some time, and the current ranking member, Mr. CONYERS, Mr. NADLER, Ms. JACKSON LEE and others.

Legal services is so important to giving people representation, and this amendment will restore $70 million that's being cut from the Legal Services Corporation. That's 17½ percent of the money legal services got in the past. Legal services is already woefully underfunded. If you look at the funding they've gotten over the last 30 years and prorate it, they've been behind in funds for a long time, and we've tried to make that up in the past years. Right now they turn away half of all eligible clients who seek assistance. Slashing these funds would make it even worse. And the fact is, in these dire economic times, some of the worst we've seen, although they're getting better, more and more people need legal services.

The housing crisis is not over with, and one of the major areas they work with is people who are having problems with foreclosures because of unscrupulous loans that they've been given, and there will be more and more people losing their homes or potentially losing their homes needing legal services. And if they don't have legal representation and they lose those homes, neighborhoods are hurt, individuals are hurt, and that is a major cost on the economy.

□ 2310

The executive director of Memphis Area Legal Services, Harrison McIver, said the cuts would be devastating to Memphis Area Legal Services, and it would be devastating to their capacity to remain an effective advocate and resource for low-income individuals with all the civil legal problems that they may have. It would require laying off at least five attorneys and taking 725 fewer cases.

Memphis Area Legal Services, as other legal service clinics, help victims of domestic violence, as well as with protective orders from abusive partners, as well as assisting folks with foreclosures and elderly people who have been victimized by predatory lenders. Think about how many victims of domestic abuse will be in danger without access to the courts, how many families will become homeless without this foreclosure assistance, and how many seniors would fall prey

to predatory loans without legal help. How many of our vulnerable citizens will have the courthouse door closed in their face?

The fact is, Mr. Chairman, that legal services is more needed in dire economic times than at any other time. And I understand the majority's positions about saying they were elected to make cuts. They weren't elected to make cruel cuts that hurt the most vulnerable people in situations that aren't of their own making, and who fall prey to predatory lenders or abusive spouses or people who prey on seniors in abusive ways. This is targeting the most vulnerable people in our society.

I realize that there isn't an offset on this, and I realize the reason Mr. WOLF has made his point. I understand, too, somewhat, and feel a little bit of kinship with the Roman gladiators who, when they went into the field of combat, told the emperor that, We who are about to die salute you. And knowing kind of what the situation is, I also understand that ave imperartor moriture te salutant.

I yield back the balance of my time.

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

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

Mr. SCHIFF. I want to speak in support of what my colleague from Tennessee has said. In the United States, access to justice shouldn't be available only for those who can afford it.

I think most Americans recognize that we have an out-of-control deficit and debt, that we need tough action to deal with that, and I think Americans, irrespective of party, are ready to make sacrifices. The President's budget I think indicates that there are going to be some tough days ahead, and there are going to be some of the efforts we have supported in the past that we can't afford to support anymore.

But at the same time, I think the American people recognize that there is a lot of waste in government that can be eliminated without harming people; that a lot of inefficiencies can and must be eliminated; but they also don't want in these difficult economic times for our first steps to be to take away vital resources from those who are most in need or from middle-income families that are trying to stay in their homes.

One of the reasons why legal services has been so busy in the last several years is because of the foreclosure crisis, where many who are being forced out of their homes who can't afford counsel have nowhere to turn and have increasingly turned to legal services for help in trying to get them to stay in their home.

Imagine what we are telling those families that are struggling to stay in their homes that we are now going to defund the lawyer that's been helping them. I don't think that's where we need to go in order to balance our budget.

Legal Services Corporation is the largest funder of legal services for low-income Americans and for the growing population of Americans who have no income because they can't find work. Legal Services helps ensure representation before courts and is available to all Americans no matter what their income, their station in life, or what their circumstances happen to be.

LSC-funded programs help single women trying to keep their families together, victims of domestic violence, elderly Americans trying to avoid foreclosure, and an increasing number of veterans arriving home from service in Iraq and Afghanistan who are unable to find jobs.

Federal funding for LSC makes up only 40 percent of the operating income of those programs. The rest comes from State funding, support from the private bar, and funds from lawyer trust accounts; but the economy that is sending more people to the door of legal aid offices than at any time in history has also sapped those other sources of funding. The CR cuts legal services to the poor by $70 million. That's a 17 percent cut compared to the current level.

Again, there is no question we need to find savings in the budget, and we are and we will, and we stand ready to work with our colleagues across the aisle to fund cuts that make sense. But to make a drastic cut to a program at a time that it is keeping people in their homes and where people are struggling most is not the most propitious place to find savings.

I yield back the balance of my time.

Mr. WOLF. I continue to reserve my point of order.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

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

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from Tennessee for offering the amendment and the gentleman from California for his remarks.

Legal Services Corporation programs are forced to already reject over half the cases that come before them. This cut found in the CR only makes matters worse by requiring the firing of hundreds of Legal Services Corporation attorneys.

Mr. Chairman, our justice system promises fairness to all litigants; but when people are unable to afford a lawyer, they are vulnerable to being ripped off in consumer transactions, vulnerable to unnecessary evictions, or unable to afford a divorce or resolve child custody disputes.

Mr. Chairman, we need to make sure that justice is more than just an idea. One Supreme Court Justice suggested that the kind of justice one gets should not depend on the amount of money they have. Two months ago, we passed a tax cut that gave significant tax relief to multimillionaires. It would be tragic if Legal Services Corporation funding for legal aid lawyers was cut to help pay for those tax cuts to multimillionaires.

Mr. Chairman, the Legal Services Corporation needs to be fully funded. We should defeat this CR and come up with a continuing resolution that fully funds the Legal Services Corporation. Again, I thank the gentleman from Tennessee and the gentleman from California.

I yield back the balance of my time.

Mr. WOLF. I continue to reserve my point of order.

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

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

Mr. SERRANO. You know, if you stay around here long enough, you see very interesting things happen.

As I look at my friend—and when I say ''my friend,'' I really mean that, Mr. WOLF, and I think of the chairman of the full committee, Mr. ROGERS, I am reminded of the fact of two very interesting things. One, that it was Mr. WOLF and I, and Mr. ROGERS and I, who made sure during some very difficult years a long time ago that the Legal Services Corporation would stay alive and grow and strengthen itself and support those who needed help in our community. As I said, if you stay around long enough, then you see the other side, which is the same folks accepting a cut that would devastate this agency.

The other irony is, as I said so many times years before when I was the ranking member on this committee and some folks would try to cut it, that this was President Nixon's baby. This was one of the highlights, I believe, of his career, that he felt that every American had the right to legal representation.

So in the times that we are in and with the desire of some folks to go after certain agencies, the Legal Services Corporation becomes a good target; but it indeed is a bad target to go after, because as we hear more and more talk about protecting, supporting, and keeping the Constitution alive, what better show than to allow folks legal representation?

When we say life, liberty, and the pursuit of happiness, all that has certain meaning to me, and it has certain meanings to all of us; but at the center of that may be the ability to have representation and to have your day in court. There are folks that can't afford a lawyer, and the Legal Services Corporation has helped them.

Now, mind you, throughout the years folks like myself have accepted the fact that they have great limitations placed on them. There are a lot of things they can't do, but there are still a lot of good things that they can do.

So I would hope we could support this amendment; but more than that, I would hope that as we look, sadly, forward to this massive behavior of cuts across the board, that we realize that there are some basic needs and basic

protections that we need. This is one of them. And this is a sad day, indeed, when I see so many of us who worked to preserve the Legal Services Corporation now engaged in seeing, perhaps, its demise.

I yield back the balance of my time.

□ 2320

The Acting CHAIR. Does the gentleman from Virginia continue to reserve his point of order?

Mr. WOLF. I do, Mr. Chairman.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

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

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman.

I had intended to offer an amendment similar to the gentleman from Tennessee's that strikes the elimination of $75 million. Rather than do that, I am going to join in support of the gentleman from Tennessee's amendment. Mine was striking the full $75 million that was being taken from the Legal Services Corporation.

Earlier today I was on the floor explaining what a continuing resolution is, because I know more than my colleagues are listening. What would actually happen if this cut was to go through is, frankly, that the services to the poor, meaning cases who are now in court, cases that are proceeding, would be suspended in air. Frankly, you would deny justice to those who have begun to get some relief. This cut will impact 136 nonprofit Legal Services offices. It will frankly cut 300 Legal Aid attorneys; 136 offices across America.

This $75 million will stop Mr. and Mrs. Jones in the middle of representation to save their home. This cut will stop Mrs. Smith from being able to get relief from a domestic violence situation, because her lawyer, or that family's lawyer, will be fired. This cut will stop someone who has been defrauded. Some senior citizen who paid a contractor to fix their leaking roof in midstream will lose their lawyer. This is a denial of justice. Having had the privilege today of visiting the construction site of the Martin Luther King Memorial, it was interesting that I read these words: ''Injustice anywhere is injustice everywhere.'' And for us to cut the very framework of the Constitution that calls for justice, I believe, is something that should halt us on the very floor of this House and we should immediately accept the amendment without the point of order and allow these individuals to have the ability to be served. Frankly, this is beyond the imagination of any of us. The board chairman, John G. Levi, of the Legal Services board said, ''Justice is a hollow promise without the Legal Services Corporation.'' He is absolutely right.

And as I indicated, I, too, wanted to strike the elimination of $75 million from the Legal Services Corporation, but the greater insult is the fact that work that is proceeding as we speak would be eliminated: 300 lawyers, 136 nonprofit offices and how many hundreds upon hundreds and maybe thousands of clients who would not have the opportunity to be served.

So I would ask my colleagues to consider what we do here in this place and to consider what a continuing resolution will do midstream similar to the point I made earlier about resources that could be taken from the section of the Department of Justice that would enforce the Voting Rights Act. It means that you would stop cases dealing with the enforcement of the right to vote. Let us not deny justice tonight. I would ask my colleagues to support the adding back of the $70 million to the Legal Services Corporation.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I must insist on my point of order.

I wanted to just say, I appreciate the comments of the gentleman from New York (Mr. SERRANO) and the Members on the other side of the aisle. I share many of his concerns. However, as the gentleman knows, there is not an offset to this bill and the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states, ''It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.'' The amendment proposes a net increase in the budget authority in the bill. Therefore, it is in violation of such section.

I ask for a ruling of the Chair.

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

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I respect the chairman and I know that he has, as the gentleman from New York said, has his own commitment.

I consider this an emergency and would only make the point that whether or not a point of order could be waived, in light of the fact that cases that are now in litigation would be in essence left without representation either for the client or for the case. I consider it a legal emergency, an emergency dealing with justice questions, and I would ask that the point of order be waived.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from Tennessee violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

AMENDMENT NO. 110 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

Mr. DUNCAN of South Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 208, line 14, after the first dollar amount inside the quotes, insert ''(reduced by $324,400,000)''.

Page 208, line 15, after the first dollar amount inside the quotes, insert ''(reduced by $324,400,000)''.

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

Mr. DUNCAN of South Carolina. Thank you, Mr. Chairman. I won't take the full time here.

This amendment deals with the Legal Services Corporation, which is a relic from the Great Society, originally known in the 1960s as the Office of Economic Opportunity Legal Services, and later renamed.

Folks, let me remind you that we have a trillion-and-a-half-dollar deficit spending and we have $14 trillion in debt. We can't afford to keep paying for liberal trial lawyer bailouts like the LSC. This is low hanging fruit if we are serious about cutting spending in this body. This is exactly the kind of program that we would be cutting if we had a Byrd-style committee in place. That's why we need to pass House Resolution 82.

This amendment effectively zeros out the LSC, allowing only a small amount for agency audits to continue. This cut is in the DeMint-Jordan Spending Reduction Act, which would eliminate the program entirely.

A number of groups have advocated for the abolition of the LSC. Human Events describes the LSC as one of the top 10 ''most outrageous government programs.'' Stephen Moore of the Wall Street Journal calls LSC ''a slush fund for special interests.'' And the Americans for Limited Government's Bill Wilson says: ''This corporation just serves as the legal arm for left-wing causes and should be abolished.''

In noting the LSC's penchant for taking cases it has been legislatively barred from being involved in, the Heritage Foundation declares: ''Obviously, if LSC would stop wasting funds representing people it isn't supposed to, it would have more money to spend representing needy people.''

Americans for Tax Reform calls LSC ''ineffective'' and notes that their ''services are duplicated by State and private agencies.''

And just recently, the Cato Institute notes that the LSC ''too often uses tax dollars for lobbying and other political advocacy activities'' and adds that the LSC ''should be abolished.''

I go back to the amount of debt that we have in this Nation and the deficit spending that we have in this fiscal year. Again, this is low hanging fruit and if we are serious about cutting spending, this is an easy one for us to deal with.

I yield back the balance of my time.

□ 2330

Mr. SCHIFF. Mr. Chairman, I rise in strong opposition to this amendment and move to strike the last word.

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

Mr. SCHIFF. We can have reasonable debates about the deficit situation and the actions that should be taken, but I don't think the hyperbole that we are hearing is adding to the quality of the debate. When the Legal Services Corporation is described as a ''trial lawyer bailout,'' I think it shows a total misapprehension of what Legal Services does.

For many Americans, tens of thousands of Americans who are at risk of having their house foreclosed out from under them, seeking assistance from Legal Services to stay in your home, that is not a trial lawyer bailout. I don't think people who go to Legal Services because they can't afford an attorney and desperately want to stay in their home feel like they are giving some sort of bailout to trial lawyers when they go to the neighborhood Legal Services and ask for help to stay in their home.

It also has been described as some kind of a bastion for left-wing causes. I don't think it is a left-wing cause to want to help people stay in their house. I don't think it is a left-wing cause when you have veterans coming back from Iraq and Afghanistan who need mental health services and need the advice of counsel and need the help of counsel to get services they are entitled to. I don't think that is a left-wing cause.

I don't think it is a right-wing cause to want to foreclose on someone, and I don't think it is a left-wing cause to want to keep them in their home. I think, frankly, this ought to be all of our cause, that people through no fault of their own who are hardworking but have lost their job as a result of the economy or lost part of their income as a result of the economy and need help to stay in their home, and this is the only place they can get it, the only place they can afford a lawyer, and anyone who has tried to hire a lawyer knows how expensive that is, I don't think that is a left-wing cause, and I just don't think it sheds much light on the debate.

Are there things that can be cut? Yes. Is the President's budget cutting them? Yes. Are there more cuts we are going to have to find? Yes. But let's speak frankly about what this organization does and what it doesn't do. And if my colleagues have issues to take with a particular Legal Services branch in a particular city, then we should take that cause in our committee, the Commerce, Justice, Science Committee, with our chairman, Mr. WOLF, and do oversight to make sure that LSC funds aren't being used to lobby Congress, to make sure that only for permissible purposes are funds being used in LSCs around the country.

The LSCs I think over the last several years have done extraordinarily well under that oversight, and that oversight needs to continue. And where LSCs can operate more efficiently, they are going to have to, because it is not just a problem in terms of the Federal budget, but all the States are cutting back as well.

But I don't think we can really get to the heart of where we can afford to make cuts, where the cuts will inflict the least pain, if we are going to pejoratize the service of a lot of hardworking lawyers out there who work for Legal Services, many of whom offer their services pro bono, who get no compensation whatsoever for the work they provide, and try to demean them by saying this is a trial lawyer bailout.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. WOLF. I won't go into great length about it. The very fact that the President has failed to address the issue of entitlements, has walked away from his own commission, the Bowles-Simpson Commission that had the support of Senator COBURN and Senator DURBIN, leads you to activity like this. Many times Members are frustrated to deal with this issue.

We have $14 trillion of debt, and in the statement I gave on the floor several weeks ago, I said had I been a member of the commission, I would have voted for it. I think it was a missed opportunity. I also said that failure to address the issue of dealing with Medicare and Medicaid and Social Security will unfortunately result in many times the poor being hurt. In the Bible it says in Proverbs when you give to the poor, you loan to God, and I am sensitive to that. But the very fact that the administration, the President appoints the commission, comes out at a big press conference, and then walks away from it, leads you to some activity like this.

This would wipe out Legal Services, so I strongly urge Members to oppose the amendment, and I urge Members to contact the White House and ask them to support entitlement reform in the Simpson-Bowles package.

Mr. SCHIFF. Will the gentleman yield?

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

Mr. SCHIFF. I appreciate your yielding, Mr. Chairman, and I agree with you.

First of all, I appreciate your opposition to the amendment. The big entitlement programs are going to have to be addressed, and what we are doing here in dealing with this small piece of the Federal budget pie, that is, domestic discretionary spending, there is no way we can find enough savings to make a real dent in the magnitude of our deficit and debt. That has to be done. I can understand your frustration about it. It is a frustration I think we all share.

I think the difficulty, frankly, that the administration is having is probably the same difficulty that the majority is having, and that is whoever puts the proposal on the table first gets their head taken off. I think probably the only way to get to ''yes''—and there is no way we are going to be able to reform the entitlement programs in a partisan way; it has to be done in a bipartisan way—is frankly if both parties can come together and put something on the table together. I think that is what is going to have to happen.

But you are right, there is no way we are going to make even a small dent in things until we have that bigger, more important conversation.

Mr. WOLF. Reclaiming my time, I believe that if President Reagan were President of the United States today, he would provide the leadership, because he did in saving Social Security. It was the Greenspan Commission, and he worked with them in a bipartisan way. I think if we had a President like Ronald Reagan, we would be resolving these issues.

With that, I urge opposition to the amendment.

I yield back the balance of my time.

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

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

Mr. SERRANO. The last thing I want to do is prolong this debate this evening. It is getting late. But I think what is happening with these budget cuts, under the disguise of budget cuts, is that we are discussing some very serious issues, and at times we use words or phrases that should not go unchallenged.

So, first of all, I want to thank the chairman of the subcommittee for his opposition to the amendment, because he has got a history of being supportive. And he is a fiscal conservative. He knows that he wants to go after waste and high expenses and programs that don't function well. But he also has always had a belief that the person who may not have the most resources in this society should be given a shot at being protected.

I want to join Mr. SCHIFF in that we have to continue to be careful. To say that this is a trial lawyers' bailout, when we in fact have had incredibly serious bailouts in the last couple of years, that is a bad statement to make.

I am old enough to remember President Nixon, and I don't remember that he went around creating left-wing causes or left-wing programs. Again, I

repeat, and it bears repeating, this was his creation. Because within that complex human being known as Richard Nixon, there were a couple of things that were very interesting to analyze, and one of them was his fundamental belief that everyone in this country needed the ability to be represented and represented properly.

Now, what is ironic is, the same folks who would destroy the Legal Services Corporation will not utter a word as we continue to protect people in this society gaining more power and more wealth and never needing a Legal Services lawyer for one of their issues, one of their cases.

So as we look at these cuts, as we look at this desire to bring down the deficit, as we do all these things that I think on a bipartisan basis we believe have to be done, we also have to pay attention to the fact that we can't destroy that which is fundamentally sound in our society. Cut here and there, I understand that. That train left the station a long time ago. Destroy it? Totally wrong.

Lastly, not to repeat myself, you can't on one hand claim that we need to protect more than ever the Constitution, and tell somebody with a home being foreclosed that can't afford a lawyer that they can't get any assistance. This is the wrong way to go, and I really hope this amendment is defeated and defeated soundly.

I yield back the balance of my time.

□ 2340

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. Mr. Chairman, I appreciate the fact that the gentleman from Virginia has opposed this; but I just wonder whether or not there's any shame when it comes to literally gutting the Legal Services Corporation some $324 million and practically eliminating any opportunity for justice. I just want to repeat some of the words that were offered: slush fund for special interests, lobbying, and political activities.

We spent some time in the 1990s on the Judiciary Committee looking closely at the Legal Services Corporation and, frankly, gave generous oversight on some of the issues that might have suggested that there were other activities going on. When the Legal Services Corporation non-profits come from around the Nation, you are seeing members of the bar who are from major law firms, major leaders in the community who are on the boards of these particular services, local offices, and they have the highest standard of legal excellence that they try to portray and therefore try to encourage as relates to the representation of poor people. My brother-in-law, to his death, was a legal services lawyer in New York. Not one time did I see him or hear of him doing anything other than attempting to do justice for people who could not achieve such.

I, frankly, believe when you talk about a continuing resolution, make it very clear: it is stopping programs in the middle of operation. It is closing 136 offices in midstream. It is laying off 300 lawyers in the middle of litigation that they are pursuing to keep Mrs. Jones in her home and to keep an elderly person who's been defrauded by an unscrupulous contractor simply trying to fix an old home. She has no other options sometimes than a legal services lawyer. So I hope that we will see less of this.

Might I just say it's interesting that we have a difference of opinion. Frankly, I don't think the President has walked away from any Financial Commission report. The majority in this House has every opportunity to present their cuts to entitlement and to begin the discussion. The President has not indicated he is not interested. But while we recognize that this House is a revenue-generating House and, therefore, with the responsibility now in the hands of Republicans, it is appropriate for the chairman of the Budget Committee and others to present their proposal for such.

The President's budget cuts the debt. The President's budget has strength in going forward; but it has a purpose: competitiveness; morality; and, of course, to rebuild America. I'm waiting on the Republicans to present their proposal, and I'm sure that we will look closely and be able to work in a bipartisan manner. But I would vigorously oppose any cuts of this measure at all to the Legal Services Corporation, which is a mark for justice in this country.

I yield back the balance of my time.

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

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

Mr. DUNCAN of South Carolina. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

SEC. 1341. Section 505(a)(1) of division B of Public Law 111–117 is amended by inserting '', unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds'' before the semicolon.

SEC. 1342. Of the funds made available for ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs'' in division B of Public Law 111–117, $1,740,000,000 is rescinded.

SEC. 1343. Of the unobligated balances available for ''Emergency Steel, Oil, and Gas Guaranteed Loan Program Account'', $48,000,000 is rescinded.

SEC. 1344. Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are rescinded, not later than September 30, 2011, from the following accounts in the specified amounts: (1) ''Office of Justice Programs'', $42,000,000; and (2) ''Community Oriented Policing Services'', $10,000,000.

TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

SEC. 1401. All of the provisos under the heading ''Corps of Engineers—Civil, Department of the Army, Construction'' in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1402. The proviso under the heading ''Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries'' in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1403. The fifth proviso (regarding the San Gabriel Basin Restoration Fund), seventh proviso (regarding the Milk River Project) and eighth proviso (regarding the Departmental Irrigation Drainage program) under the heading ''Department of the Interior, Bureau of Reclamation, Water and Related Resources'' in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1404. All of the provisos under the heading ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1405. All of the provisos under the heading ''Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1406. The proviso under the heading ''Department of Energy, Energy Programs, Nuclear Energy'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1407. The second proviso under the heading ''Department of Energy, Energy Programs, Fossil Energy Research and Development'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1408. All of the provisos under the heading ''Department of Energy, Energy Programs, Science'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1409. The thirteenth proviso (regarding Commission funding) under the heading ''Department of Energy, Energy Programs, Nuclear Waste Disposal'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1410. All of the provisos under the heading ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1411. The proviso under the heading ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1412. All of the provisos under the heading ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1413. The proviso under the heading ''Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Environmental Cleanup'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1414. The proviso under the heading ''Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Other Defense Activities'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1415. The fifth proviso under the heading ''Department of Energy, Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'' in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1416. Sections 105, 106, 107, 110 through 125, 205 through 211, 502, and 506 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated by this division.

SEC. 1417. In addition to amounts otherwise made available by this division, $50,000,000 is appropriated for ''Department of Energy, Energy Programs, Advanced Research Projects Agency—Energy''.

□ 2350

AMENDMENT NO. 192 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. 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:

Page 213, line 19, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 359, line 8, after the dollar amount insert ''(increased by $50,000,000)''.

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

Mrs. BIGGERT. Mr. Chairman, my amendment would cut funding for the Advanced Research Projects Agency—Energy, commonly known as ARPA-E, by $50 million, and it would put that funding towards deficit reduction.

For my colleagues who know me, they know it is not easy for me to cut funding for energy research. I have always maintained that there are two priorities I believe in and will continue to promote in Congress. Energy R&D is one of them. I believe the greatest investments we can make to secure our economic competitiveness are those investments that cultivate scientists and engineers of the future and provide the research infrastructure from which they can innovate and create jobs.

ARPA-E was first proposed in 2005 in the distinguished report entitled, ''Rising Above the Gathering Storm.'' Modeled on DARPA, ARPA-E was recommended along with dozens of recommendations designed to spur scientific investment. These recommendations were authorized as a part of the first America COMPETES Act of 2007 and reauthorized again last year.

Despite my strong support and leadership for COMPETES and its programs, I have had concerns about ARPA-E since inception. As a senior member of the Science, Space, and Technology Committee, our minority views on the President's fiscal year 2010 budget accurately reflect my sentiment:

''Those of us in opposition to ARPA-E maintain the view that creating a new agency to do work that is currently being done at the DOE is not a justified use of the limited funds available to the Department, and we support the Department's previous decision to not establish ARPA-E but to engage in ARPA-E-type projects within the current DOE structure.''

Most importantly, I have always believed that ARPA-E threatens to divert resources from the DOE's Office of Science, the largest supporter of basic research. That is why I secured language through COMPETES 2007 that would prohibit funding for ARPA-E unless the Office of Science is fully funded. I felt this was the most productive way to move forward with the ARPA-E concept and to prevent duplication or competition with other DOE programs. However, when we reauthorized COMPETES last year, this language was not included; and, unfortunately, my attempts to limit ARPA-E appropriations were unsuccessful.

In supporting my concerns about spreading resources too thin, now-Secretary Steven Chu said the following of ARPA-E in testimony before the Energy subcommittee in 2006: ''In funding ARPA-E, it is critical that its funding not jeopardize the basic research supported by the Department of Energy's Office of Science. The committee's recommendations are prioritized, and its top recommendation in the area of research is to increase the funding for basic research by 10 percent per year over the next 7 years.''

Mr. Chairman, were it not for the 2009 American Recovery and Reinvestment stimulus bill, ARPA-E would never have been funded. I urge my colleagues to join me in cutting ARPA-E funding and in rejecting duplication and stretched resources.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

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

Mr. FRELINGHUYSEN. We are here to follow through on our pledge to right-size the government, and I appreciate my colleague's amendment for that reason. However, in addition to enacting historic reductions in spending in the CR, we are also committed to an unprecedented level of oversight to ensure that every dollar spent by the Federal Government is, indeed, well spent.

My colleague's amendment would virtually eliminate the Advanced Research Projects Agency—Energy, or ARPA-E, as we call it. This relatively new program is getting positive early results for its strong management, for its ability to execute, and for its focus on American competitiveness.

We certainly can and must debate which programs are the most worthy of taxpayers' dollars and which we should terminate, but the debate to end a potentially promising initiative to increase funds for another Federal program, as this amendment does, must be thoroughly considered in more than 5 or 10 minutes.

I and the committee would be happy to work with my colleague in the fiscal year 2012 process to ensure the proper and thorough oversight and evaluation of this program. However, I must regretfully oppose her amendment.

I yield back the balance of my time.

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

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

Mr. PASTOR of Arizona. I join the chairman in his opposition to this amendment.

Mr. Chairman, it is a promising program that already has provided not only research but the taking of the research, the finding of private capitalization, and the developing of products that can go forward.

One of the problems that we have found in the past for many years is that the Department of Energy has sometimes great problems in doing the basic research or in funding basic research. It has a difficult time getting out to find capitalization and then in being able to commercialize it.

ARPA-E is a process that is small but big in talent which is able to take innovative ideas and is able to research and take them to the next step with private capitalization. It is a program that takes public investment and increases the investment by the private sector. The outcome is the innovation of products, new employment, and new jobs. It is the way to transform the Department of Energy to make it more effective, and it would be a great loss to zero fund it at this time.

I yield back the balance of my time.

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

The Acting CHAIR. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Chairman, I rise in support of the gentlewoman's amendment, although I had an amendment that was to follow this amendment which sought to grab $47 million from the ARPA-E program to fund a jobs program to restore the clean coal research dollars that are stricken in this continuing resolution.

My amendment would have restored funding to the DOE's Fossil Energy Research and Development program to maintain our commitment to domestic coal and natural gas, which powers our Nation. It protects our environment and enhances our energy independence.

Certainly, in being from the State of West Virginia, this is a jobs issue for us. Our coal industry is under serious attack in this administration, both from the regulatory perspective and from other environmental areas. We realize that 50 percent of the Nation's energy is powered by coal. In order to use that most abundant resource that we have in our Nation, we need to find ways to burn it cleaner and mine it more efficiently.

For more than a quarter of a century, Fossil Energy Research has converted taxpayer investment into high-tech advances that in some ways touch every single American's life. Fossil Energy is finding and testing new ways to use coal more cleanly and efficiently by producing energy from coal gasification and by improving technologies to clean, capture, or store the emissions from coal-fired power plants. Over 1,000 American pioneers are doing research in this area, many of them located in our State of West Virginia at the National Energy Technology Laboratory in Morgantown, West Virginia.

□ 0000

The Morgantown facility is the only national laboratory devoted to fossil energy research. So while I'm unable to offer my amendment to strike $47 million from the ARPA-E program and restore the $30.6 million into the clean coal research program, I did want to take this opportunity to emphasize the feeling that I have of how important it is for us to move forward in a bold and technologically superior way to find a way to use our most abundant resource.

The advanced research projects happening at Fossil Energy now will help keep clean, affordable energy from our traditional few resources as an integral part of our energy supply while we innovate and research our way to those new energy resources.

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

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

Mr. BROUN of Georgia. Mr. Chairman, I rise in support of the gentlewoman from Illinois' amendment which would strike funding for ARPA-E within the Department of Energy.

There is little disagreement in Congress on the importance of fundamental advances in energy technologies to America's future economic and national security. It is a priority that we all share. The challenge lies in how best to structure the Federal Government's involvement in energy research and development to maximize use of limited resources.

Republican Members on the Committee on Science, Space and Technology have had serious reservations regarding the appropriateness of ARPA-E since it was first debated in the 110th Congress. A primary concern was that ARPA-E would focus on late-stage technology development activities that the private sector was already addressing, and we've seen that happen.

While language was incorporated into ARPA-E's authorizing statute directing the agency to only support ''technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty,'' there are numerous instances of ARPA-E awards that indicate the agency is not following these guidelines, instead providing funding to companies that are already actively pursuing development of the technology area for which they are requesting funding. This is a serious issue—taxpayer funding for R&D should only go toward areas that are too risky for private investment.

Due to these concerns, Mr. Chairman, I along with Chairman HALL, chairman of the Science, Space and Technology Committee, have requested that the Government Accountability Office undertake a study to review and report on the extent to which this problem is occurring with respect to other awards. At least until this study is completed and Congress has had an opportunity to consider its findings, ARPA-E should not receive additional taxpayer money, especially in this current environment of fiscal disaster that we're headed towards.

I urge support for the gentlelady's amendment.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mrs. BIGGERT. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 395 OFFERED BY MR. INSLEE

Mr. INSLEE. 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:

Page 213, line 19, after the dollar amount insert ''(increased by $20,000,000)''.

Page 217, line 13, after the dollar amount insert ''(reduced by $20,000,000)''.

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

Mr. INSLEE. Mr. Chairman, we have a simple amendment that will help restore two principles to our budget: one is innovation, and two is balance. What our amendment would do would be add $20 million to the ARPA–E account. It would be fully paid for with a balance taken out of the fossil fuel research account, and this is important for two fundamental reasons.

Our Nation's economic performance will live or it will die on the ability to innovate a new clean energy technology; and today, tonight, when we're speaking, the Chinese are investing $786 billion in the development of new clean energy technologies. Yet, what does this CR do to our advanced clean energy research budget? It cuts it by 85 percent. While the Chinese are racing ahead on clean energy, we're running backwards 85 percent in ARPA–E, which has tremendous potential in solar energy, in efficient, enhanced geothermal and new efficiencies in electric storage, in high-capacity grid systems. This is our seed corn of innovation, and yet we have slashed it 85 percent in this CR. We are simply asking to reduce that cut to about 65 percent and add $20 million.

Now, let me put this in context. That is the innovation part of this agenda; and for those who are critical of ARPA–E, let me suggest, in the first year of this operation, in the first year, it has attracted six private equity investments for $23 million of Uncle Sam's investment of $100 million that has been leveraged for private equity investment. This program has some promise, and we are cutting off tiny little crumbs to cut off the innovation budget for clean energy. It's a huge mistake.

Now, balance, here's where the balance part comes in. We want to pay for this, obviously. We don't want to create further deficit spending on this program. In the fossil fuel research budget, we've cut that 17 percent, and it's 10 times larger than the ARPA–E budget. That is wildly out of balance where we cut ARPA-E. Instead of 17 percent, we cut it 85 percent. Fossil fuels, we've got $556 million in research. For ARPA–E, we've got 50 million unless we adopt the Inslee amendment. So I would encourage us to get in the game of competing with China.

Now, I was talking to former Governor Ted Strickland tonight about a company called Willard & Kelsey, WK Solar Group, a company that's developed a new way of manufacturing solar cells using a horizontal manufacturing project, much more efficient, quicker manufacturing. If we don't start developing these technologies, the Chinese are going to have us for lunch, and this is a small thing that the payoffs could be dramatic. We'd encourage more innovation, and we'd encourage more balance for the future.

We recommend this amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition.

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

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman's amendment adds, as we know, $50 million for ARPA–E while cutting funding for the fossil energy program. The Energy and Water portion of this bill strikes a careful balance between national security, American competitiveness, and the grave responsibility of deficit reduction. As written, this bill provides sufficient funding to keep ARPA–E operational and active in fiscal year 2011 while we thoroughly evaluate the program and its future in the fiscal year 2012 appropriations process.

ARPA–E has shown some promise in advancing our competitiveness; but in the light of the tough tradeoffs we've had to make in this bill—and indeed, they've been tough—I can't support further increased funding for ARPA–E before we've had a broader discussion of the new program.

Further, to achieve this bill's historic levels of spending reduction, the bill has struck a finely tuned balance of support across programs within the Department of Energy. The amendment would reduce funding for fossil energy research and development. The program cut by the amendment ensures not only that fossil energy which generates nearly 70 percent of the Nation's electricity is clean and efficient but that it uses technologies invented in America and creates jobs here at home. Yet, because reducing spending is our top priority, all programs must sacrifice, and the bill cuts fossil energy, research and development well below the 2010 mark and 21 percent below fiscal year 2008.

□ 0010

Further reductions to fossil energy can be damaging to the program's important goals and may lead to excessive job losses. For this reason and because further increases to ARPA–E are currently unwarranted, I oppose the amendment.

Mr. INSLEE. Will the gentleman yield for a clarification?

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

Mr. INSLEE. I thank the gentleman.

The gentleman suggested that our amendment added $50 million. I know it was unintentional. We would only ask an additional $20 million. I just want to make that clear for the record.

Mr. FRELINGHUYSEN. The record is corrected, and you are absolutely right.

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 1418. Notwithstanding section 1105, no appropriation, funds, or authority made available pursuant to section 1101 for the Department of Energy or Corps of Engineers, Civil, shall be used to initiate or resume any program, project, or activity or to initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 1419. No funds made available by this division or any other Act may be used by the Nuclear Regulatory Commission to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application until the Commission reverses ASLB decision LBP–10–11.

SEC. 1420. Notwithstanding section 1101, the level for ''Independent Agencies, Appalachian Regional Commission'' shall be $68,400,000.

SEC. 1421. Notwithstanding section 1101, the level for ''Independent Agencies, Delta Regional Authority'' shall be $11,700,000.

SEC. 1422. Notwithstanding section 1101, the level for ''Independent Agencies, Denali Commission'' shall be $10,800,000.

SEC. 1423. Notwithstanding section 1101, the level for ''Independent Agencies, Northern Border Regional Commission'' shall be $0.

SEC. 1424. Notwithstanding section 1101, the level for ''Independent Agencies, Southeast Crescent Regional Commission'' shall be $0.

SEC. 1425. The total principal amount for commitments to guarantee loans for eligible projects (other than nuclear power facilities and front-end nuclear facilities) under the heading ''Department of Energy, Title 17 Innovative Technology Loan Guarantee Authority Loan Program'', in title III of division C of Public Law 111–8, is hereby reduced by $25,000,000,000.

SEC. 1426. Of the unobligated balances of funds transferred to ''Department of the Interior, Bureau of Reclamation, Water and Related Resources'' for desert terminal lakes under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note), $115,000,000 is rescinded.

SEC. 1427. Of the unobligated balances available for ''Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries'', $21,000,000 is rescinded, to be derived by cancelling unobligated balances for the Yazoo Basin, Backwater Pump, Mississippi project.

SEC. 1428. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Investigations'' shall be $104,000,000.

SEC. 1429. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Construction'' shall be $1,690,000,000.

SEC. 1430. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries'' shall be $239,600,000.

SEC. 1431. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Operation and Maintenance'' shall be $2,361,000,000.

SEC. 1432. Notwithstanding section 1101, the level for ''Corps of Engineers—Civil, Department of the Army, Formerly Utilized Sites Remedial Action Program'' shall be $130,000,000.

SEC. 1433. Notwithstanding section 1101, the level for ''Department of the Interior, Bureau of Reclamation, Water and Related Resources'' shall be $913,500,000.

AMENDMENT NO. 297 OFFERED BY MR. MCCLINTOCK

Mr. McCLINTOCK. 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:

Page 216, line 19, after the dollar amount, insert ''(reduced by $1,897,000)''.

Page 359, line 13, after the dollar amount, insert ''(increased by $1,897,000)''.

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

Mr. McCLINTOCK. Mr. Chairman, this is a poster child for I guess what could best be described as ''Greens Gone Wild.'' As part of the so-called Klamath Hydroelectric Settlement Agreement, it is proposed to use taxpayer funds to tear down four perfectly good hydroelectric dams on the Klamath that are producing 155 megawatts of the cleanest, cheapest electricity on the planet—that's enough to power over 150,000 homes—because, we're told, of catastrophic declines in salmon.

When I suggested building a salmon hatchery instead, I was informed there already is one. It produces 5 million salmon smolt each year, 17,000 of which return to that river as fully grown adults to spawn, but they are deliberately ignored in the population counts. To add insult to insanity, as they tear down these dams in the name of saving the salmon, they are actually tearing down the fish hatchery that actually is saving the salmon.

This amendment targets the study that is underway to do so. A policy that is as manifestly insane as this should not require $2 million of additional funding.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, we are prepared to accept the gentleman from California's amendment.

Mr. PASTOR of Arizona. I move to strike the last word.

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

Mr. PASTOR of Arizona. I rise in support.

This amendment simply reduces the water and related resources account by $1.9 million. Given the limited nature of the amendment, I do not object to the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

SEC. 1434. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Energy Efficiency and Renewable

Energy'' shall be $1,467,400,000: *Provided*, That none of the funds made available by this division may be used for the Weatherization Assistance Program authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) or the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

AMENDMENT NO. 315 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. 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:

Page 216, line 23, after the dollar amount, insert ''(reduced by $247,000,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $247,000,000)''.

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

Mr. MCCLINTOCK. Mr. Chairman, this amendment saves $247 million by relieving taxpayers of having to subsidize solar energy research and development.

I am tempted to point out that solar power is not a new technology. Photovoltaic electricity generation was invented by Edmond Becquerel in 1836. That was 175 years ago. And in 175 years of continuing research and development and technological advancement, we have not yet been able to invent a more expensive way of generating electricity. Yet we're perfectly comfortable telling our constituents that we're taking another $250 million from their families to throw at this 175-year-old technology for no particular reason other than it makes us feel good.

I'm also tempted to point out that not only is this the most expensive way that we have ever invented to generate electricity, but it also adds nothing—I repeat, nothing—to our baseline power. Our electricity systems operate on an integrated grid, meaning that we have to constantly match the power going onto the grid with the power coming off the grid. And since there is no way to tell when a cloud passing over a solar array will immediately drop the output to zero, we have to construct an equal amount of reliable conventional power to back up that solar power. In other words, for every kilowatt of solar power we add to the grid, we also have to pay to add an additional kilowatt of backup power.

But the principal objection I have is this: This technology was truly on the verge of a breakthrough. After 175 years, investors would be tripping over themselves to get a piece of the action.

□ 0020

If they are, there's no need to subsidize it. And if they're not, we have no right to force American taxpayers to make investments that no investor in his right mind would make.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

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

Mr. FRELINGHUYSEN. Mr. Chairman, the continuing resolution before us enacts historic spending reductions but it does so by striking a careful balance between deficit reduction and other important goals.

I regret the gentleman's amendment goes far beyond the point of balance, and thus, I must oppose it.

Mr. Chairman, deficit reduction is the bill's top priority, and our bill already significantly reduces the Energy Efficiency and Renewable Energy Account. As written, our bill cuts that account to 35 percent below current levels and 38 percent, or nearly $900 million, below the fiscal year 2000 budget request.

Our bill cuts the excess and provides only enough funding to continue past commitments, leaving little room left to cut.

While I support the intent of the gentleman's amendment, as it aims to reduce further spending, we must do so responsibly and with a careful balance among deficit reduction, jobs, and our Nation's energy security. The gentleman's amendment fails to maintain this balance and would, to my mind, create undue job losses which would be considerable and irreversibly damage this particular program.

I yield back the balance of my time.

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

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

Mr. PASTOR of Arizona. I join the chairman. We need a mix of energy to gain energy independence. We cannot just rely on the mix of energy we have today, where 70 percent of our energy is generated through coal or natural gas.

Rather than sacrifice our future, we should be looking at methods of closing loopholes for the oil and gas industry.

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

The amendment was rejected.

AMENDMENT NO. 4 OFFERED BY TONKO

Mr. TONKO. 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:

Page 216, line 23, through page 217, line 4, strike '': *Provided*,'' and all that follows through ''et seq.)''.

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

Mr. TONKO. Mr. Chairman, I offer this amendment to section 1434 of the Republican spending bill. The section includes language that bans funds allocated to energy efficiency and renewable energy from being used for the weatherization assistance program or the State Energy Program. This rider has nothing to do with reducing funds; it is a policy rider. My amount would simply strike that language from this bill. This amendment does not add a single dollar to the deficit, the continuing resolution, or energy efficiency and renewable energy programs. It preserves the Republicans' cuts, though misguided, to energy efficiency and renewable energy. It merely states that weatherization and state energy programs remain eligible for funds.

There are many cuts in this bill that we cannot fix for procedural reasons. And there are many more that Republicans will oppose for political reasons, but this is something we can save. This amendment has strong bipartisan appeal. It is about lowering utility bills for people on the brink. It is about preserving construction, inspection, and renovation jobs. It is about States rights. It has been a harsh and unrelenting winter in many parts of America. We should not be leaving our friends and our neighbors out in the cold.

The State Energy Program is a 30-year old program that provides resources to states for energy efficiency and renewable energy, and it works. I know this because I used to run this program for New York State as the President and CEO of the New York State Energy Research and Development Authority. For every $1 in funding it yields $7.22 in annual energy savings. Each $1 in State Energy Program Federal funds is leveraged by $10.71 of state and private funds. States receiving this funding are eligible to do energy audits on over 15,000 buildings per year, including residential, commercial, and industrial properties. They are also able to renovate over 13,000 buildings per year to be more energy efficient. Think of it. Energy efficiency as our fuel of choice.

The other program my amendment addresses is the Weatherization Assistance Program. Some 38.6 million low-income, elderly, and disabled households are eligible for renovations to become more energy efficient and to lower their electric bills. Per household, this program creates a $437 savings or more in annual utility bills, or about 35 percent off of a typical utility bill. In 2010 alone, weatherized homes nationally would have saved some $2.1 billion. The weatherization program decreases national energy consumption by the equivalent of 24.1 million barrels of oil annually. For every $1 invested, weatherization returns $2.51 to the household and our society.

This is an appropriations bill. According to my colleagues across the aisle, it is a bill with the sole purpose of reducing the deficit, a noble goal. However, the State Energy Program and Weatherization Assistance Program rider does not reduce the deficit by 1 cent. It is not about funding. It is about restricting programs that work and playing politics as usual.

We should be focused on creating jobs, reducing our dependence on foreign oil, and innovating for our future.

My amendment restores our ability to do all three without adding a single cent to this bill. I ask for your support of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

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

Mr. FRELINGHUYSEN. Mr. Chairman, while the energy efficiency and renewable energy program supports research and development important to American competitiveness, the program has seen a 30 percent increase since the fiscal year 2008 and received $16.8 billion in stimulus funding in the Recovery Act. Now is therefore the right time to cut the fat and replace indiscriminate spending increases with smart prioritization and oversight.

Two programs within this account, Weatherization Assistance and the State Energy Program, do not focus on competitiveness and instead pass funding on to state and local governments. These two programs together have $4.7 billion in unspent Recovery Act funding and have encountered substantial management challenges in the last 2 years. And I may say, substantial.

The bill eliminates funding in fiscal year 2011 for weatherization and state energy programs whose unspent Recovery Act funding should sustain it through fiscal year 2011. In fact, at current implementation rates, which have been incredibly slow, unspent funding would last through 2012.

The amendment ignores these commonsense facts and the imperative to reduce spending by moving unneeded funding back into an already bloated program. I therefore, oppose the amendment and urge Members to do the same.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

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

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

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

AMENDMENT NO. 259 OFFERED BY MR. LATTA

Mr. LATTA. 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:

Page 216, line 23, after the dollar amount insert ''(reduced by $70,000,000)''.

Page 359, line 8, after the dollar amount insert ''(increased by $70,000,000)''.

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

Mr. LATTA. Mr. Chairman, amendment 259 will cut $70 million from the Office of Energy Efficiency and Renewable Energy, which I intend to be removed from the FreedomCAR initiative. Currently, H.R. 1 funds the Office of Energy Efficiency and Renewable Energy at $1,467,400,000 for the remainder of fiscal year 2011.

□ 0030

This amendment would reduce that amount to $1,397,400,000. This office already received $16.8 billion in stimulus funds, and $2.24 billion was appropriated in fiscal year 2010.

While citizens across the country are struggling to pay their bills, it would be very difficult to justify not being able to cut $70 million from this office. With Americans also struggling with higher gasoline prices and other fuel costs rising, Congress should focus on legislation that allows us to utilize resources we have available to drive prices down.

The free market is the best place for technological innovation. Reducing taxes and eliminating burdensome regulations will allow private companies to bring new, more fuel-efficient technologies to market when it becomes cost effective.

With a forecasted deficit of $1.6 trillion this year and the national debt scheduled to triple in 10 years, I have serious concerns with spending more funds on programs that have received massive increases from stimulus spending. The President released his budget proposal this week which reflects a pattern of record spending and even higher taxes, this continued spending of funds that the United States Government does not have as we continue to borrow from other nations.

During the last session of Congress alone, the President signed into law over $1.8 trillion in new government spending and over $670 billion in new job-damaging tax hikes. My $70 million cut will be a small reduction in an overbloated Federal budget.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. FRELINGHUYSEN. Mr. Chairman, the Energy Efficiency and Renewable Energy program supports technology, research, and development to keep America competitive and ensure our access to domestic energy sources. While these are critically important goals, so too is meeting our pledge to substantially reduce the Nation's deficit beginning this year.

Our bill cuts energy efficiency and renewable energy 35 percent below the current level and 38 percent, or $888 million, below the President's fiscal year 2011 budget request.

The bill limits funding for programs that are still supported by unspent Recovery Act dollars. It also eliminates earmarks and slims down research programs by more than $500 million while preserving core activities supporting American competitiveness in emerging energy industries.

After these cuts, there is simply no more fat to trim. Cutting the program would cost excessive job losses and defaults on past commitments. While I support the gentleman's efforts to further reduce spending, this amendment would go too far beyond the careful balance that we have crafted in this bill.

I and the committee fully intend to exert unprecedented oversight of this program. So as we move forward, I would be happy to work with the gentleman as we do; however, I must regret that I oppose his amendment.

I yield back the balance of my time.

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

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

Mr. PASTOR of Arizona. I join the chairman in opposition to this amendment.

As I stated before, we need a mix of energy to gain energy independence. We cannot just rely on the mix of energy that we have today, where 70 percent of our energy is generated through coal or natural gas.

Rather than sacrifice our future, we should be looking at methods for closing loopholes in the oil and gas industry. I am in opposition to the amendment.

I yield back the balance of my time.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 1435. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability'' shall be $139,000,000.

SEC. 1436. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Nuclear Energy'' shall be $661,100,000.

SEC. 1437. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Fossil Energy Research and Development'' shall be $586,600,000.

SEC. 1438. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Strategic Petroleum Reserve'' shall be $138,900,000.

SEC. 1439. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Energy Information Administration'' shall be $95,600,000.

SEC. 1440. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Non-Defense Environmental Cleanup'' shall be $225,200,000.

SEC. 1441. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Uranium Enrichment Decontamination and Decommissioning Fund'' shall be $513,900,000.

SEC. 1442. Notwithstanding section 1101, the level for ''Department of Energy, Energy

Programs, Science'' shall be $4,017,700,000: *Provided*, That of the amount provided by this division for ''Department of Energy, Energy Programs, Science'', not more than $302,000,000 shall be for biological and environmental research authorized under subtitle G of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16311 et seq.).

SEC. 1443. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Departmental Administration'' shall be $148,900,000.

SEC. 1444. Notwithstanding section 1101, the level for ''Department of Energy, Energy Programs, Advanced Technology Vehicles Manufacturing Loan Program'' shall be $9,998,000.

SEC. 1445. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' shall be $6,696,400,000.

SEC. 1446. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation'' shall be $2,085,200,000.

SEC. 1447. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Naval Reactors'' shall be $967,100,000.

SEC. 1448. Notwithstanding section 1101, the level for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator'' shall be $407,800,000.

SEC. 1449. Notwithstanding section 1101, the level for ''Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup'' shall be $5,016,041,000, of which $33,700,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

SEC. 1450. Notwithstanding section 1101, the level for ''Department of Energy, Environmental and Other Defense Activities, Other Defense Activities'' shall be $773,400,000.

SEC. 1451. Of the unobligated balances from prior year appropriations available for ''Corps of Engineers—Civil, Department of the Army, Construction'', $100,000,000 is rescinded.

SEC. 1452. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'', $11,200,000 is rescinded.

SEC. 1453. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability'', $2,400,000 is rescinded.

SEC. 1454. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Nuclear Energy'', $6,300,000 is rescinded.

SEC. 1455. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Fossil Energy Research and Development'', $30,600,000 is rescinded.

SEC. 1456. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Naval Petroleum and Oil Shale Reserves'', $2,100,000 is rescinded.

SEC. 1457. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Clean Coal Technology'', $18,000,000 is rescinded.

SEC. 1458. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Strategic Petroleum Reserve'', $15,300,000 is rescinded.

SEC. 1459. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Energy Information Administration'', $400,000 is rescinded.

SEC. 1460. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Non-Defense Environmental Cleanup'', $900,000 is rescinded.

SEC. 1461. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Uranium Enrichment Decontamination and Decommissioning Fund'', $10,000,000 is rescinded.

SEC. 1462. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Science'', $7,200,000 is rescinded.

SEC. 1463. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Nuclear Waste Disposal'', $2,800,000 is rescinded.

SEC. 1464. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Energy Programs, Departmental Administration'', $11,900,000 is rescinded.

SEC. 1465. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation'', $45,500,000 is rescinded.

SEC. 1466. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Naval Reactors'', $1,200,000 is rescinded.

SEC. 1467. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator'', $4,400,000 is rescinded.

SEC. 1468. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup'', $11,900,000 is rescinded.

SEC. 1469. Of the unobligated balances from prior year appropriations available for ''Department of Energy, Environmental and Other Defense Activities, Other Defense Activities'', $3,400,000 is rescinded.

SEC. 1470. Of the unobligated balances from prior year appropriations available for ''Independent Agencies, Delta Regional Authority'', $6,000,000 is rescinded.

SEC. 1471. Of the unobligated balances from prior year appropriations available for ''Independent Agencies, Denali Commission'', $15,000,000 is rescinded.

SEC. 1472. Within 30 days of enactment of this division, the Department of Energy; Corps of Engineers, Civil; Nuclear Regulatory Commission; and Bureau of Reclamation shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level.

SEC. 1473. No rescission made in this title shall apply to any amount previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1474. None of the funds made available by this division or prior appropriation Acts (other than Public Law 111–5) for Energy and Water Development may be used to pay the costs of employment (such as pay and benefits), or termination (such as severance pay), of any employee of the Department of Energy who is appointed, employed, or retained under the authority of, or using funds provided by, Public Law 111–5, or whose functions or operations (including programmatic or oversight responsibilities) are substantially or entirely funded under Public Law 111–5.

SEC. 1475. (a) None of the funds made available by this Act may be used to implement—

(1) Reasonable and Prudent Action Component 1, Reasonable and Prudent Action Component 2, or Reasonable and Prudent Action Component 3 described in the biological opinion for the operations of the Central Valley Project and the California State Water Project issued by the United States Fish and Wildlife Service and dated December 15, 2008; or

(2) Reasonable and Prudent Action IV.2.1 or Reasonable and Prudent Action IV.2.3 described in the biological opinion for the operations of the Central Valley Project and the California State Water Project issued by the National Marine Fisheries Service and dated June 4, 2009.

(b) None of the funds made available by this Act may be used to implement section 10004, 10005, 10006, 10009, or 10011 of Public Law 111–11.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 224, line 21 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 1501. Notwithstanding section 1101, the level for ''Department of the Treasury, Departmental Offices, Salaries and Expenses'' shall be $299,888,000, of which $102,613,000 shall be for terrorism and financial intelligence activities, and the requirements to transfer funds to the National Academy of Science and the funding designations related to executive direction program activities, economic policies and program activities, financial policies and program activities, Treasury-wide management policies and program activities, and administration program activities shall not apply to funds appropriated by this division.

SEC. 1502. Notwithstanding section 1101, the level for ''Department of the Treasury, Departmental Offices, Department-wide Systems and Capital Investment Programs'' shall be $4,000,000.

SEC. 1503. Notwithstanding section 1101, the level for ''Department of Treasury, Office of Inspector General, Salaries and Expenses'' shall be $29,403,000.

SEC. 1504. Notwithstanding section 1101, the level for ''Department of the Treasury, Departmental Offices, Special Inspector General for the Troubled Asset Relief Program, Salaries and Expenses'' shall be $36,300,000.

SEC. 1505. Notwithstanding section 1101, the level for ''Department of Treasury, Financial Crimes Enforcement Network, Salaries and Expenses'' shall be $108,927,000.

SEC. 1506. Notwithstanding section 1101, the level for ''Department of the Treasury, Financial Management Service, Salaries and Expenses'' shall be $232,838,000.

SEC. 1507. Notwithstanding section 1101, the level for ''Department of the Treasury, Bureau of the Public Debt, Administering the Public Debt'' shall be $184,658,000.

SEC. 1508. Of the unobligated balances available under the heading ''Department of

the Treasury, Treasury Forfeiture Fund'', $400,000,000 is rescinded.

SEC. 1509. Notwithstanding section 1101, the level for ''Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Salaries and Expenses'' shall be $99,831,000, and the first proviso under such heading shall not apply to funds appropriated by this division.

SEC. 1510. Notwithstanding section 1101, the level for ''Department of the Treasury, Community Development Financial Institutions Fund Program Account'' shall be $50,000,000 for financial assistance, technical assistance, training outreach programs, and administrative expenses, of which not less than $2,500,000 shall be for programs under sections 105 through 109 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4704–4708) designed to benefit Native communities; and the requirement to transfer funds to the Capital Magnet Fund and the funding designations for pilot project grants and administration shall not apply to funds appropriated by this division.

SEC. 1511. Notwithstanding section 1101, the level for ''Department of the Treasury, Internal Revenue Service, Taxpayer Services'' shall be $2,187,836,000.

SEC. 1512. Notwithstanding section 1101, the level for ''Department of the Treasury, Internal Revenue Service, Enforcement'' shall be $5,219,016,000.

SEC. 1513. Notwithstanding section 1101, the level for ''Department of the Treasury, Internal Revenue Service, Operations Support'' shall be $3,856,894,000, and the funding designations for tax enforcement under such heading shall not apply to funds appropriated by this division.

SEC. 1514. Notwithstanding section 1101, and section 101 of division C of Public Law 111–117, the Secretary of the Treasury is authorized to transfer up to $83,211,000 of the funds appropriated to the Internal Revenue Service for ''Enforcement'' and ''Operations Support'' to ''Business Systems Modernization'' upon notification and approval of the House and Senate Committees on Appropriations.

SEC. 1515. Notwithstanding section 1101, section 105 of division C of Public Law 111–117 shall not apply to funds appropriated by this division.

SEC. 1516. None of the funds made available by this division may be used by the Internal Revenue Service to implement or enforce any amendment made to section 6041 of the Internal Revenue Code of 1986 by section 9006 of the Patient Protection and Affordable Care Act (Public Law 111–148).

SEC. 1517. (a) During fiscal year 2011, the Board of Governors of the Federal Reserve may not transfer more than $80,000,000 to the Bureau of Consumer Financial Protection for activities authorized to be carried out by the Bureau under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

(b) During fiscal year 2011, the Bureau of Consumer Financial Protection may not obligate more than $80,000,000 for such activities.

SEC. 1518. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, The White House, Salaries and Expenses'' shall be $56,186,000.

SEC. 1519. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Executive Residence at the White House, Operating Expenses'' shall be $13,146,000.

SEC. 1520. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration'' shall be $2,005,000.

SEC. 1521. Of the unobligated balances available for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Counterdrug Technology Assessment Center'', $5,000,000 is rescinded.

SEC. 1522. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Council of Economic Advisors, Salaries and Expenses'' shall be $3,990,000.

SEC. 1523. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, National Security Council, Salaries and Expenses'' shall be $11,619,000.

SEC. 1524. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of Administration, Salaries and Expenses'' shall be $109,516,000.

SEC. 1525. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of Management and Budget, Salaries and Expenses'' shall be $88,220,000.

SEC. 1526. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Salaries and Expenses'' shall be $24,886,000.

SEC. 1527. Of the unobligated balances available for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Salaries and Expenses'' for policy research and evaluation, $2,000,000 is rescinded.

SEC. 1528. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Counterdrug Technology Assessment Center'' shall be $0.

SEC. 1529. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to President, Unanticipated Needs'' shall be $0.

SEC. 1530. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation'' shall be $0.

SEC. 1531. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Special Assistance to the President, Salaries and Expenses'' shall be $4,374,000.

SEC. 1532. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Official Residence of the Vice President, Operating Expenses'' shall be $314,000.

SEC. 1533. Of the unobligated balances available for ''Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation'', $10,000,000 is rescinded.

SEC. 1534. Notwithstanding section 1101, the level for ''Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Other Federal Drug Control Programs'' shall be $96,425,000, of which $85,500,000 shall be for the Drug-Free Communities Program; $9,025,000 shall be for anti-doping activities; and the matter related to a national media campaign, the National Drug Court Institute, the United States Anti-Doping Agency, Model State Drug Laws and performance measures shall not apply to the funds appropriated by this division.

SEC. 1535. Notwithstanding section 1101, none of the funds appropriated by this division under heading ''Executive Office of the President and Funds Appropriated to the President'' shall be for an Assistant to the President for Energy and Climate Change, or any substantially similar position.

SEC. 1536. Notwithstanding section 1101, none of the funds appropriated by this division under the heading ''Executive Office of the President and Funds Appropriated to the President'' shall be for the Director of the Office of Health Care Reform, or any substantially similar position.

SEC. 1537. Notwithstanding section 1101, the level for ''The Judiciary, Supreme Court of the United States, Care of the Building and Grounds'' shall be $8,175,000.

SEC. 1538. Notwithstanding section 1101, the level for ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses'' shall be $4,860,585,000.

SEC. 1539. Notwithstanding section 1101, the level for ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'' shall be $52,410,000.

SEC. 1540. Notwithstanding section 1101, the level for ''The Judiciary, Administrative Office of the United States Courts, Salaries and Expenses'' shall be $82,575,000.

SEC. 1541. Notwithstanding section 1101, the level for ''The Judiciary, Federal Judicial Center, Salaries and Expenses'' shall be $27,078,000.

SEC. 1542. Notwithstanding section 1101, the level for ''The Judiciary, United States Sentencing Commission, Salaries and Expenses'' shall be $16,737,000.

SEC. 1543. Notwithstanding section 1101, the level for ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Court Security'' shall be $467,607,000.

SEC. 1544. The amount included in the second paragraph under the heading ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$4,785,000'' for ''$5,428,000''.

SEC. 1545. Of the unobligated balances available for ''The Judiciary, United States Sentencing Commission, Salaries and Expenses'', $100,000 is rescinded.

SEC. 1546. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note) is amended in the third sentence (relating to the District of Kansas) by striking ''19 years'' and inserting ''20 years''.

SEC. 1547. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the District of Columbia Courts'' shall be $235,660,000, of which $50,000,000 shall be for capital improvements.

SEC. 1548. (a) Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for School Improvement'' shall be $60,000,000, of which $24,500,000 shall be for the District of Columbia Public Schools, $20,000,000 shall be to expand quality public charter schools, and $15,500,000 shall be for opportunity scholarships, and the second reference to ''$1,000,000'' under such heading shall be applied to funds appropriated by this division by substituting ''$0''.

(b) The authority and conditions provided in the District of Columbia Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3181) under the heading described in subsection (a) shall apply with respect to the funds made available under this division, with the following modifications:

(1) The first proviso under such heading shall not apply.

(2) Notwithstanding the second proviso under such heading, the funds may be made available for scholarships to students, without regard to whether any student received a scholarship in any prior school year.

(3) The fourth proviso under such heading shall not apply.

(4) Notwithstanding the fifth proviso under such heading, the Secretary of Education shall ensure that site inspections of participating schools are conducted annually.

SEC. 1549. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the District of Columbia Water and Sewer Authority'' shall be $10,000,000.

SEC. 1550. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the Criminal Justice Coordinating Council'' shall be $1,800,000.

SEC. 1551. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment to the Office of the Chief Financial Officer for the District of Columbia'' shall be $0.

SEC. 1552. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for Consolidated Laboratory Facility'' shall be $0.

SEC. 1553. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for Housing for the Homeless'' shall be $10,000,000.

SEC. 1554. Notwithstanding section 1101, the level for ''District of Columbia, Federal Funds, Federal Payment for Youth Services'' shall be $0.

SEC. 1555. Notwithstanding any other provision of this division, except section 1106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18–448), as modified as of the date of the enactment of this division.

SEC. 1556. Notwithstanding section 1101, the level for ''Independent Agencies, Christopher Columbus Fellowship Foundation, Salaries and Expenses'' shall be $500,000.

SEC. 1557. Notwithstanding section 1101, the level for ''Independent Agencies, Election Assistance Commission, Election Reform Programs'' shall be $0.

SEC. 1558. Notwithstanding section 1101, the level for ''Independent Agencies, General Service Administration, General Activities, Government-Wide Policy'' shall be $59,068,000.

SEC. 1559. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Deposit Insurance Corporation, Office of the Inspector General'' shall be $42,942,000.

SEC. 1560. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Labor Relations Authority, Salaries and Expenses'' shall be $24,500,000.

SEC. 1561. Notwithstanding section 1101, the level for ''Independent Agencies, General Services Administration, Electronic Government Fund'' shall be $2,000,000.

SEC. 1562. Notwithstanding section 1101, the level for ''Independent Agencies, General Services Administration, Federal Citizen Services Fund'' shall be $34,689,000.

SEC. 1563. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Election Commission, Salaries and Expenses'' shall be $65,835,000.

SEC. 1564. Notwithstanding section 1101, the level for ''Independent Agencies, Federal Trade Commission, Salaries and Expenses'' shall be $288,783,000.

SEC. 1565. Notwithstanding section 1101, the level for ''Independent Agencies, Morris K. Udall and Stewart Udall Foundation, Morris K. Udall and Stewart Udall Trust Fund'' shall be $1,000,000.

SEC. 1566. Notwithstanding section 1101, the level for ''Independent Agencies, National Credit Union Administration, Community Development Revolving Loan Fund'' shall be $500,000.

SEC. 1567. Notwithstanding section 1101, the level for ''Independent Agencies, Privacy and Civil Liberties Oversight Board, Salaries and Expenses'' shall be $100,000.

SEC. 1568. Notwithstanding section 1101, the level for ''Independent Agencies, Consumer Product Safety Commission, Salaries and Expenses'' shall be $115,018,000, of which $500,000 shall be for the Virginia Graeme Baker Pool and Spa Safety Act grant program.

SEC. 1569. Of the unobligated balances available under the heading ''Independent Agencies, Consumer Product Safety Commission, Salaries and Expenses'' for the Virginia Graeme Baker Pool and Spa Safety Act grant program, $2,000,000 is rescinded.

SEC. 1570. Notwithstanding section 1101, the level for ''Independent Agencies, Election Assistance Commission, Salaries and Expenses'' shall be $15,020,000, of which $2,345,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002 (Public Law 107–252), the level under such heading for the Help America Vote College Program shall be $0, and the level under such heading for a competitive grant program to support community involvement in student and parent mock elections shall be $0.

SEC. 1571. Of the unobligated balances available for ''Independent Agencies, Election Assistance Commission, Election Reform Programs'', $5,000,000 is rescinded.

SEC. 1572. Notwithstanding section 1101, the aggregate amount of new obligational authority provided under the heading ''Independent Agencies, General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue'' for Federal buildings and courthouses and other purposes of the Fund shall be $7,428,007,000, of which (1) $0 is for ''Construction and Acquisition''; and (2) $280,000,000 is for ''Repairs and Alterations'', of which $260,000,000 is for basic repairs and alterations and $20,000,000 is for fire and life safety programs.

SEC. 1573. Notwithstanding section 1101, the level for ''Independent Agencies, General Services Administration, General Activities, Operating Expenses'' shall be $71,381,000 and matters pertaining to the amount of $1,000,000 shall not apply to funds appropriated by this division.

SEC. 1574. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, Operating Expenses'' shall be $336,372,000.

SEC. 1575. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, Electronic Records Archives'' shall be $72,000,000, of which $52,500,000 shall remain available until September 30, 2013.

SEC. 1576. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, Repairs and Restoration'' shall be $11,730,000.

SEC. 1577. Notwithstanding section 1101, the level for ''Independent Agencies, National Archives and Records Administration, National Historical Publications and Records Commission, Grants Program'' shall be $4,000,000.

SEC. 1578. Of the unobligated balances available under the heading ''Independent Agencies, National Archives and Records Administration, Repairs and Restoration'' $3,198,000 is rescinded, which shall be derived from amounts made available for a new regional archives and records facility in Anchorage, Alaska.

SEC. 1579. The amounts included under the heading ''Independent Agencies, Merit Systems Protection Board, Salaries and Expenses'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$39,000,000'' for ''$40,339,000''.

SEC. 1580. The amounts included under the heading ''Independent Agencies, Office of Personnel Management, Salaries and Expenses'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division as follows:

(1) By substituting ''$101,270,000'' for ''$102,970,000''.

(2) By substituting ''$111,038,000'' for ''$112,738,000''.

SEC. 1581. The amounts included under the heading ''Independent Agencies, Office of Personnel Management, Office of Inspector General'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division as follows:

(1) By substituting ''$2,136,000'' for ''$3,148,000''.

(2) By substituting ''20,428,000'' for ''21,215,000''.

SEC. 1582. Notwithstanding section 1101, the level for ''Independent Agencies, Office of Special Counsel, Salaries and Expenses'' shall be $18,300,000.

SEC. 1583. Of the unobligated balances available for ''Independent Agencies, Privacy and Civil Liberties Oversight Board, Salaries and Expenses'', $1,500,000 is rescinded.

SEC. 1584. Notwithstanding section 1101, the level provided under section 523 of division C of Public Law 111–117 shall be $0.

SEC. 1585. Notwithstanding section 1101, the level for ''Independent Agencies, Small Business Administration, Salaries and Expenses'' shall be $408,438,000.

SEC. 1586. The amounts included under the heading ''Independent Agencies, United States Postal Service, Payment to the Postal Service Fund'' in division C of Public Law 111–117 shall be applied to funds appropriated by this division as follows:

(1) By substituting ''$103,905,000'' for ''$118,328,000''.

(2) By substituting ''$74,905,000'' for ''$89,328,000''.

(3) By substituting ''2011'' for ''2010''.

SEC. 1587. Notwithstanding section 1101, the level for ''Independent Agencies, Securities and Exchange Commission, Salaries and Expenses'' shall be $1,069,916,000 and the proviso pertaining to prior year unobligated balances shall not apply to funds appropriated by this division.

Mrs. EMERSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 243, line 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1588. Notwithstanding section 1101, the level for ''Independent Agencies, Selective Service System, Salaries and Expenses'' shall be $24,032,000.

□ 0040

AMENDMENT NO. 98 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. 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:

Page 243, line 7, after the dollar amount, insert ''(reduced by $24,032,000)''.

Page 359, line 10, after the dollar amount, insert ''(increased by $24,032,000)''.

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

Mr. DEFAZIO. I had hoped to be joined by Dr. PAUL, who is a coauthor of this amendment. Unfortunately given the very late hour, I'm not certain he'll make it. However, we're talking tonight about making cuts. We've heard in the earlier debate of programs that actually have constituencies, actually serve Americans: The COPS program which puts officers on the beat and helps with drug interdiction, drug prevention; the LIHEAP program providing financial assistance to families who can't afford to heat their homes. The list is long. But there are a few programs in the government which have no constituency and no purpose, and this is one of them. And somehow it escaped the knife, which I assume was just an oversight. So I'm hoping to persuade the committee to adopt this amendment. This is the expenditures for the Selective Service System of the United States of America, i.e., the draft boards. That is, if we believe that at some time in the future that the United States of America is going to reimpose the draft, then one might want to maintain this bureaucracy in deep standby. On the other hand, it might not, because the few times that this agency has attempted to test its capabilities with its obsolete computer systems, which could be surpassed by anything available publicly on the Internet, they showed that they couldn't have conducted a legal draft. And even if they could have conducted a legal draft, we no longer have a surge capacity at our training bases so we would be drafting people for no purpose. Beyond that, I don't think there are many in this House who believe that we are going to go back to having a draft. The Pentagon doesn't want to go back to a draft. The Pentagon has said time and time and time again they believe in an all-volunteer military; the all-volunteer military is superior to forced enlistment, as in the years of the draft. We're a higher quality, we're using significant incentives to get people to enlist in the military, and we have the best military in the world as a result.

So why would we maintain this bureaucracy? Here's what they spent $25 million on, or intend to, this year. It will be used for expenses of attendance at meetings. For purchase of uniforms. Now beyond me, I'm not certain what the uniforms are. I served actually on a draft board once and we didn't have uniforms. I don't know. I guess now we've got uniforms for people who are going to go sit somewhere and hear claims, if we ever reimpose the draft. I really don't know who they're purchasing uniforms for or what the purpose might be or what a Selective Service member's uniform might look like. They also will hire passenger motor vehicles and for official reception and representation expenses—all for a dead bureaucracy that does nothing and never will do anything.

Now, colleagues, truly if we are serious here, if we are in a crisis and we're going to cut programs that actually have large constituencies; my phone's been ringing off the hook about public broadcasting. Other people are hearing about other programs. Here's one where you're not going to get a single call except maybe a thank-you if you eliminate this useless bureaucracy that will never be activated for any purpose, foreseeable, in the future.

Colleagues, we have twice actually in the House voted to end the Selective Service System: in 1993 when Democrats were in control and in 1999 when the Republicans were in control. Unfortunately, the termination of the program never became law. Now is the time. Now is the time. I'm just dedicating the money to deficit reduction. It could be used to restore some meritorious spending elsewhere within this title by somebody else.

With that, I would yield back the balance of my time and urge my colleagues to end this useless bureaucracy.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

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

Mrs. EMERSON. Thank you, Mr. Chairman.

While most would hope that we would never need to use the draft again, I think this agency is an important insurance policy against unforeseen threats. If we eliminate the Selective Service System, it would take us over a year to draft men into military service, whereas now it would take 90 to 120 days. And in any kind of an emergency, wartime situation, this could be disastrous. Further, we're almost 6 months into the budget year and the Selective Service has already spent money on salaries and expenses, so we really can't take all of their money away. This is a small agency with the potential to avert a crisis, should the draft ever be reinstated.

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

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, in opposition to this amendment.

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

Mr. DICKS. The Selective Service is a readiness issue. If we don't have the process all set up, it would take 2 years to restore it. And if we're in a national emergency—that's why we put the Selective Service thing in place—because if we were in a national emergency and we had to get more people and we couldn't do it through the all-volunteer force, we have to have a way to do it.

And so we put this in place several years ago. It was very bipartisan at the time. I can understand the gentleman's skepticism, but this is the first we've heard of this. I think it would be better for the committee to look at this and maybe have a hearing on this and then we can address it again in the 2012 bill.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 1589. Notwithstanding section 1101, the level for ''Independent Agencies, United States Tax Court, Salaries and Expenses'' shall be $52,093,000, of which $2,852,000 shall be for security improvements.

SEC. 1590. Section 814 of division C of Public Law 111–117 shall be applied to funds appropriated by this division by striking ''Federal''.

SEC. 1591. (a) Notwithstanding section 1101, and section 810 of division C of Public Law 111–117, none of the funds contained in this division may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this division and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this division.

TITLE VI—HOMELAND SECURITY

SEC. 1601. Within 30 days after the date of enactment of this division, the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan for fiscal year 2011 that displays the level of funding by program, project, and activity consistent with the table of detailed funding recommendations contained at the end of the joint explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83).

SEC. 1602. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Secretary and Executive Management'' shall be $136,818,000.

SEC. 1603. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Under Secretary for Management'' shall be $239,933,000.

SEC. 1604. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Chief Information Officer'' shall be $333,393,000, of which not less than $77,788,000 shall be available for data center development and migration.

SEC. 1605. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding'' shall be $0.

SEC. 1606. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses'' shall be $8,212,626,000: *Provided*, That for fiscal year 2011, the Border Patrol shall maintain an active duty presence of not fewer than 20,500 full-time equivalent agents throughout the fiscal year.

SEC. 1607. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection,

Automation Modernization'' shall be $341,575,000, of which $153,090,000 shall be for the Automated Commercial Environment.

SEC. 1608. (a) Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology'' shall be $450,000,000.

(b) Paragraph (11) of the first proviso and the third and fourth provisos under the heading ''Border Security Fencing, Infrastructure, and Technology'' of Public Law 111–83 shall not apply to funds appropriated by this division.

SEC. 1609. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement'' shall be $516,326,000.

SEC. 1610. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Construction and Facilities Management'' shall be $241,040,000.

SEC. 1611. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses'' shall be $5,399,894,000: *Provided*, That U.S. Immigration and Customs Enforcement shall maintain a level of not fewer than 33,400 detention beds throughout fiscal year 2011.

SEC. 1612. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Automation Modernization'' shall be $75,000,000.

SEC. 1613. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction'' shall be $0.

SEC. 1614. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Aviation Security'' shall be $5,113,796,000: *Provided*, That the amounts included under such heading in Public Law 111–83 shall be applied to funds appropriated by this division as follows: by substituting ''$5,113,796,000'' for ''$5,214,040,000''; by substituting ''$4,121,329,000'' for ''$4,358,076,000''; by substituting ''$607,891,000'' for ''$1,116,406,000''; by substituting ''$992,467,000'' for ''$855,964,000''; by substituting ''$291,266,000'' for ''$778,300,000''; by substituting ''9 percent'' for ''28 percent''; and by substituting ''$3,013,796,000'' for ''$3,114,040,000'': *Provided further*, That none of the funds in this division may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: *Provided further*, That not later than August 15, 2011, the Secretary of Homeland Security shall submit a detailed report on (1) the Department's efforts and the resources being devoted to develop more advanced, integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs, and (2) how the Transportation Security Administration is deploying its existing screener workforce in the most cost-effective manner.

SEC. 1615. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Surface Transportation Security'' shall be $105,961,000.

SEC. 1616. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Transportation Threat Assessment and Credentialing'' shall be $162,999,000.

SEC. 1617. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'' shall be $988,638,000: *Provided*, That within ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'', funding for intelligence and international programs shall be no less than the level provided for such purposes for fiscal year 2010: *Provided further*, That within ''Department of Homeland Security, Transportation Security Administration, Transportation Security Support'', funding for headquarters administration and information technology shall not exceed $705,239,000.

SEC. 1618. Notwithstanding section 1101, the level for ''Department of Homeland Security, Transportation Security Administration, Federal Air Marshals'' shall be $934,802,000.

SEC. 1619. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Operating Expenses'' shall be $6,885,432,000 of which $241,503,000 is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress), and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress): *Provided*, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU–25 aircraft, and one Maritime Safety and Security Team, and may make necessary staffing adjustments at the Coast Guard Investigative Service and other support units, as specified in the budget justification materials for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That the Coast Guard shall submit a future-years capital investment plan, as specified in the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), for fiscal years 2012 through 2016 to the Committees on Appropriations of the Senate and House of Representatives in conjunction with the budget justification materials for fiscal year 2012.

SEC. 1620. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements'' shall be $1,427,783,000, of which $42,000,000 shall be for vessels, small boats, critical infrastructure, and related equipment; of which $36,000,000 shall be for other equipment; of which $49,200,000 shall be for shore facilities and aids to navigation facilities; of which $106,083,000 shall be available for personnel compensation and benefits and related costs; and of which $1,194,500,000 shall be for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $101,000,000 is for aircraft and $938,000,000 is for surface ships.

SEC. 1621. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Alteration of Bridges'' shall be $0.

SEC. 1622. Notwithstanding section 1101, the level for ''Department of Homeland Security, United States Secret Service, Salaries and Expenses'' shall be $1,499,669,000.

SEC. 1623. Notwithstanding section 1101, the level for ''Department of Homeland Security, National Protection and Programs Directorate, Management and Administration'' shall be $43,577,000.

SEC. 1624. Notwithstanding section 1101, the level for ''Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security'' shall be $805,965,000.

SEC. 1625. Notwithstanding section 1101, the level for ''Department of Homeland Security, National Protection and Programs Directorate, United States Visitor and Immigrant Status Indicator Technology'' shall be $334,613,000.

SEC. 1626. Notwithstanding section 1101, the level for ''Department of Homeland Security, Office of Health Affairs'' shall be $134,250,000.

SEC. 1627. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Management and Administration'' shall be $773,350,000, of which $0 shall be for capital improvements at the Mount Weather Emergency Operations Center.

SEC. 1628. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs'' shall be $2,149,500,000: *Provided*, That of the amount provided by this division for the State Homeland Security Grant Program under such heading, $50,000,000 shall be for the Driver's License Security Grant Program and $10,000,000 shall be for the Citizen Corps Program: *Provided further*, That the amounts provided by this division for the Citizen Corps Program under such heading shall not be subject to the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.): *Provided further*, That the amounts included under such heading in Public Law 111–83 shall be applied to funds appropriated by this division as follows: in paragraph (1), by substituting ''$900,000,000'' for ''$950,000,000''; in paragraph (2), by substituting ''$800,000,000'' for ''$887,000,000''; in paragraph (3), by substituting ''$0'' for ''$35,000,000''; in paragraph (5), by substituting ''$0'' for ''$13,000,000''; in paragraph (6), by substituting ''$100,000,000'' for ''$300,000,000''; in paragraph (7), by substituting ''$100,000,000'' for ''$300,000,000''; in paragraph (8), by substituting ''$5,000,000'' for ''$12,000,000''; in paragraph (9), by substituting ''$0'' for ''$50,000,000''; in paragraph (10), by substituting ''$0'' for ''$50,000,000''; in paragraph (11), by substituting ''$0'' for ''$50,000,000''; in paragraph (12), by substituting ''$0'' for each amount in such paragraph; in paragraph (13), by substituting ''$203,500,000'' for ''$267,200,000''; in paragraph (13)(A), by substituting ''$112,500,000'' for ''$164,500,000''; in paragraph (13)(B), by substituting ''$0'' for ''$1,700,000''; and in paragraph (13)(C), by substituting ''$0'' for ''$3,000,000'': *Provided further*, That 4.5 percent of the amount provided for ''Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs'' by this division shall be transferred to ''Department of Homeland Security, Federal Emergency Management Agency, Management and Administration'' for program administration.

□ 0050

Mr. ADERHOLT (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 253, line 6 be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1629. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Firefighter Assistance Grants'' for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), shall be $300,000,000, of which

$30,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $0 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

AMENDMENT NO. 223 OFFERED BY MR. PASCRELL

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 253, line 12, after the first dollar amount, insert ''(increased by $510,000,000)''.

Page 253, line 12, after the second dollar amount, insert ''(increased by $90,000,000)''.

Page 253, line 14, after the dollar amount, insert ''(increased by $420,000,000)''.

Page 255, line 21, after the dollar amount, insert ''(reduced by $510,000,000)''.

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

Mr. PASCRELL. Mr. Chairman, as a former mayor, I have always believed that our Nation's first responders constitute both our first and our last line of defense for the American people. This continuing resolution before us today fails our first responders. Regrettably, we are treating these public safety officers as being non-security, discretionary spending and have subjected them to drastic cuts.

Real homeland security starts on our streets. We all remember on 9/11 when we were attacked on our own soil. It was our brave cops and firefighters who ran into the burning buildings. The Federal Government was not there. To say that funding our cops and firefighters is not national security spending is ludicrous. Our brave local police officers and firefighters who protect our streets day and night are the very essence of our national security.

Earlier in the process we debated the COPS Program. An amendment tonight restores critical funding for its counterpart, the FIRE Act and the SAFER Grant programs. The continuing resolution significantly reduces funding for the FIRE Act and eliminates all funding for SAFER grants, over $510 million in cuts in total. This would absolutely be devastating for our public safety professionals who rely on this funding for the equipment and personnel they need to protect our communities.

The FIRE and SAFER grants help local fire departments equip, train and maintain their personnel, preparing them to respond to all forms of an emergency. And things changed, didn't they, after 9/11? An independent evaluation of the FIRE program published by the U.S. Fire Administration concluded that it was highly effective in improving the readiness and capabilities of firefighters across the Nation.

I may add, Mr. Chairman, that the FIRE programs and the COPS programs are among the highest efficiency and most effective programs run by the Federal Government. The money goes directly to the communities, so States can't skim off the top. They are effective and they are competitive, and no one has challenged that in 10 years.

SAFER has been critical to many local departments who, as a result of recent economic downturns, have been forced to cut personnel and services.

What effect would cuts to these programs have? Let's go to the real world and not the video.

Bethesda Volunteer Fire Department in Coleman, Alabama, they used the FIRE grant to purchase personnel protective equipment which now allows them to enter a burning structure to search for victims and to extinguish the fires. Previously, the department did not have the proper equipment to do this. Today they have greatly reduced the amount of total-loss structures in their region.

North County Fire Protection District in Holbrooke, California, they were able to purchase emergency backup power generators. During the 2007 San Diego firestorms, power failed throughout the community early on the first day and was not completely restored in the community for 2 weeks. The emergency power generators they purchased with their FIRE grant allowed them to keep all of the facilities fully functional.

Before the Belle Chasse Volunteer Fire Department in Belle Chasse, Louisiana, received a SAFER grant in 2008, the department could not comply with the National Fire Protection Association standards. There is such a thing. Before we cut something, we should know what the alternatives are. Its initial alarm assignment capability was only 20 percent in that time. That insufficient level of service put the communities and the volunteer firefighters at considerable risk for injury or even the loss of life.

Thanks to a SAFER grant, the department was able to hire 45 firefighters, increase the rate of compliance, and it is now estimated that the compliance is 90 percent and they have increased their initial alarm dispatch with three more engine companies.

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

(By unanimous consent, Mr. PASCRELL was allowed to proceed for 1 additional minute.)

Mr. PASCRELL. Together, FIRE and SAFER grants have provided over $7 billion in firefighter jobs, equipment and training for local fire departments. It is serious business. We are talking life and limb, and we are talking about property here. To me, cutting these critical programs is wrong, especially when local fire department budgets are already strained. We are facing it in all of our districts. You know that.

My amendment restores the funding for FIRE and SAFER to their fiscal 2010 amounts: $390 million for FIRE, $420 million for SAFER. Because of the rule, we are forced to reluctantly take funding from DHS Science and Technology. If this amendment passes, I hope we can restore some of the funding during conference.

I hope that both sides will come together on this. It has bipartisan support. We need to protect our firefighters.

I yield back the balance of my time.

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

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

Mr. ADERHOLT. Mr. Chairman, this CR strikes the right balance between funding priority programs that are essential to our Nation's security and keeping our discretionary spending in check. Let me just say that $300 million is included in this CR for fire equipment, and this only applies to the SAFER grants. As has been stated, there are no funds in the bill for SAFER grants.

Just 5 years ago, this program was funded at $65 million, but last year it had ballooned to $420 million and included a waiver for the cost-share requirements with local governments. In 2009, Congress provided $210 million for the SAFER grants, supporting 1,236 jobs at the high cost of $170,000 per job.

In the just-released FY12 request, the Department of Homeland Security plans to create or retain 2,200 firefighters at a cost of $190,000 per job. This seems unrealistic at a time when our Nation faces serious fiscal constraints. While we all know local budgets are under fiscal pressures, the hiring of local firefighters at a cost of $190,000 per job should not be borne by the Federal Government. These cuts will not be easy, but they are long overdue and necessary to address our out-of-control Federal spending.

Beyond this, the proposed offset is not prudent and ignores the fact that this CR has already cut the Science and Technology Directorate funding. This enormous reduction to a budget that barely amounts to $1 billion would absolutely be devastating.

□ 0100

S&T is the single organization within the Department of Homeland Security that performs research and stimulates and funds related research initiatives within the private sector—to include work underway at the Transportation Security Laboratory in New Jersey and at the Pacific Northwest Laboratory. The projects that this funding supports are crucial to the homeland mission, and this cut will either significantly slow or end their progress.

I would urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in qualified support of this amendment.

The bill before us eliminates the firefighter hiring program, known as SAFER, and it reduces funding for grants to purchase fire equipment by 23 percent. If adopted, these cuts will result in over 2,400 firefighters being laid

off in 2011 and prevent fire departments from purchasing equipment, breathing apparatus, and protective gear that our firefighters depend on during a time of emergency. This is simply not acceptable.

During my tenure as chairman of the Homeland Security Appropriations Committee, we ensured that not only was funding providing for these critical firefighter programs, but that these dollars could be used flexibly in this time of economic stress to retain firefighters that might lose their jobs, to rehire firefighters that have been laid off due to economic conditions, as well as to hire new firefighters.

Repeatedly, I hear from communities that were able to use funds for these purposes. For example, in Plaquemines Parish, Louisiana, SAFER funding was used to hire and retain a total of 73 firefighters, ensuring that seven departments had salaried firefighters and that 12 parish fire stations could be manned 24 hours a day, 7 days a week.

The North Las Vegas Fire Department was able to hire 15 new firefighters with a SAFER grant, permitting them to open an eighth fire station, thereby reducing response times and enhancing the level of protection for city residents as well as the millions of visitors to Las Vegas.

Spanish Forth, Alabama, recently received a SAFER grant that allowed them to retain their whole roster of firefighters instead of letting some go. Collinsville, Illinois, received a recent grant, allowing them to retain five firefighters who otherwise would have been laid off.

Retaining this funding, Mr. Chairman, preserves government services that are critical to our public safety and security. Local governments are already facing serious budget constraints. The CR simply exacerbates the layoffs we're already seeing with public safety personnel. This amendment will help keep thousands of firefighters on the job.

Mr. Chairman, I must express some reservations about how the increase in firefighter grants is paid for in this amendment. The gentleman's amendment drastically reduces funding for research and development activities throughout the Department of Homeland Security. It's not desirable or wise to cut the Department's research and development budget so much. But, unfortunately, the majority has prevented us from paying for these amendments from other parts of the bill, and the overall allocation for Homeland Security and the rest of the domestic agencies is completely inadequate.

So I support this amendment, but I'll work diligently to restore these funding cuts as the bill progresses and we get down to responsible budgeting in negotiations with the Senate and the White House.

Mr. Chairman, Members have a choice to make: Support this amendment and support your local firefighters, or vote ''no'' and see a decline in critical first responder personnel in this country and in the options available to hard-pressed local communities.

I urge my colleagues to vote ''yes'' on this amendment.

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

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

Mr. ROGERS of Kentucky. I yield to the chairman of the subcommittee.

Mr. ADERHOLT. Let me say, Mr. Chairman, that I realize the importance that these grants do contribute, and the bottom line right now is we simply can't afford it in the position we're in right now. As we move forward for the FY12 budget, I'll be happy to work with the ranking member of the subcommittee and the gentleman from New Jersey as we move forward to try to work on this. But the bottom line is today we cannot afford this at this point, but I certainly would look forward to working with both of them as we move forward in FY12.

At the end of the day, on the amendment today, I do urge my colleagues to oppose the amendment that we have before us.

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

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PASCRELL. To zero out one of the most effective and efficient programs in the Federal Government—and all objective observers have come to that conclusion. And yes, we do have to cut. That's why we're here. But we don't have to cut what is an essential service when we know what the results of this legislation have brought. I have been on Homeland Security from day one. I think I know it. But that's beside the point.

Today, we know what the results have been of this legislation. So, for the 2,400 firefighters right off that bat that would be laid off, because this is a 3-year plan, there's certain matches that have to go into it. Those matches have been reduced so that other local communities can get involved.

When we see what happens with many Federal programs that go through States and never wind up to do what they have to do, this stands out above everything else. It is not enough for us to pat firefighters on the back, to bring our grandkids to get up on the fire engines when we are pulling the rug out from under them.

When this passed 10 years ago, there were fire companies throughout the United States that had to push their equipment to the fire. We are here at 1 o'clock in the morning questioning that this is not a priority of ours and we can't afford this right now. I can tell you what we can't afford. We can't afford other things in other places, but we need to protect our first responders. If we meant what we said on 9/12/2001, then we need to do something right now to protect them.

This is a visceral subject, there's no question about it. I have not heard one argument where this legislation has let us down one iota. In fact, it has delivered what it said it was going to deliver.

Whether you be volunteers or career firefighters, you are assisted by the SAFER bill, and we made it that way. When you look at the FIRE Act itself, that act went to all the small departments. In fact, we skewed it. The first 2 years of the program was to go to smaller fire departments, not to big cities, and we followed through on that.

Do you know how these applications are evaluated? They're evaluated by peers. It costs us very little to do it. That's why it's efficient as well as an effective program. We should all belong to the Police Caucus and the Fire Caucus. They don't need our pats on the back. They don't need our words of inspiration. What they need is some help to put enough people out there.

These are people's lives we're talking about. How dare we even consider. You talk about 6 years ago. The conditions of our municipalities large and small are quite different now than they were 6 years ago. They're laying off cops and firefighters.

Someone mentioned when we were discussing the COPS program earlier this evening—last night—they were talking about what happened in Camden, New Jersey. They're laying off half the fire department and half the police department. Don't we have some responsibility in this?

And, by the way, that part of Homeland Security which protects the Nation and protects them through our first responders, since they're the fire people there, God knows, when a catastrophe occurs, what, are we putting the brakes on that? Are we going out on recess? These are the line between us and perhaps disaster. We cannot.

Much of the equipment that was bought in the FIRE Act, competitive bidding, much of that equipment saved lives already. Most of the firefighters—all of the firefighters—who were hired, because we wanted to give someone in every town some edge when they were down below the ranks that they should have, those firefighters save lives.

□ 0110

Mr. Chairman, we need bipartisan support on this amendment. It is good for America, and it works. No one has questioned that this evening.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from New Jersey will be postponed.

Mr. ADERHOLT. Mr. Chairman, I ask unanimous consent that the bill through page 263, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 1630. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Emergency Management Performance Grants'' shall be $300,000,000.

SEC. 1631. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Disaster Relief'' shall be $3,165,000,000.

SEC. 1632. Notwithstanding section 1101, in fiscal year 2011, funds shall not be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) for operating expenses in excess of $110,000,000, and for agents' commissions and taxes in excess of $963,339,000: *Provided*, That notwithstanding section 1101, for activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be $169,000,000, which shall be derived from offsetting collections assessed and collected under 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), of which not to exceed $22,145,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $146,855,000 shall be available for floodplain management and flood mapping, which shall remain available until September 30, 2012.

SEC. 1633. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, National Predisaster Mitigation Fund'' shall be $65,000,000.

SEC. 1634. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, Emergency Food and Shelter'' shall be $100,000,000.

SEC. 1635. Notwithstanding section 1101, the level for ''Department of Homeland Security, United States Citizenship and Immigration Services'' shall be $275,776,000, of which $151,376,000 is for processing applications for asylum and refugee status, and of which $103,400,000 shall be for the E-Verify Program: *Provided*, That none of the funds made available under this heading may be used for grants for immigrant integration.

SEC. 1636. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Law Enforcement Training Center, Acquisitions, Construction, Improvements, and Related Expenses'' shall be $38,456,000.

SEC. 1637. Notwithstanding section 1101, the level for ''Department of Homeland Security, Science and Technology, Management and Administration'' shall be $141,200,000.

SEC. 1638. Notwithstanding section 1101, the level for ''Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations'' shall be $778,906,000: *Provided*, That the final proviso included under the heading ''Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations'' in the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) shall have no force or effect.

SEC. 1639. Notwithstanding section 1101, the level for ''Department of Homeland Security, Domestic Nuclear Detection Office, Management and Administration'' shall be $36,992,000.

SEC. 1640. Notwithstanding section 1101, the level for ''Department of Homeland Security, Domestic Nuclear Detection Office, Research, Development, and Operations'' shall be $293,537,000.

SEC. 1641. (a) Section 560 of Public Law 111–83 shall not apply to funds appropriated by this division.

(b) Upon completion of 50 percent of design planning for the National Bio- and Agro-Defense Facility, and prior to construction of that facility, the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-Defense Facility and addresses shortcomings identified in the National Academy of Sciences' evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment.

(c) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (b) shall—

(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-Defense Facility site;

(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and Federal authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-Defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

(d) The Department of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (b). The National Academy of Sciences shall submit a report on such evaluation within four months after the date the Department of Homeland Security concludes its risk assessment.

SEC. 1642. Section 503 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) is amended by adding at the end the following:

''(e) The notification thresholds and procedures set forth in this section shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.''.

SEC. 1643. For fiscal year 2011, sections 529, 541, and 545 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2174, 2176) shall have no force or effect.

SEC. 1644. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2010,'' and inserting ''Until September 30, 2011,''; and

(2) in subsection (d)(1), by striking ''September 30, 2010,'' and inserting ''September 30, 2011,''.

SEC. 1645. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2010'' and inserting ''2011''.

SEC. 1646. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) ''Operations'', $1,891,657;

(2) ''Violent Crime Reduction Program'', $4,912,245;

(3) ''U.S. Customs and Border Protection, Salaries and Expenses'', $21,210,423; and

(4) ''Office for Domestic Preparedness'', $10,568,964.

SEC. 1647. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2174) are rescinded: $886,665 from ''Office of the Secretary and Executive Management''; $604,342 from ''Office of the Under Secretary for Management''; $24,379 from the ''Office of the Chief Financial Officer''; $29,741 from ''Office of the Chief Information Officer''; $218,173 from ''Analysis and Operations''; $76,498 from ''Office of the Federal Coordinator for Gulf Coast Rebuilding''; $197,272 from ''Office of Inspector General''; $11,373,129 from ''U.S. Customs and Border Protection, Salaries and Expenses''; $691,552 from ''U.S. Immigration and Customs Enforcement, Salaries and Expenses''; $2,555,962 from ''Transportation Security Administration, Federal Air Marshals''; $8,617,331 from ''Coast Guard, Operating Expenses''; $2,965,312 from ''Coast Guard, Reserve Training''; $83,784 from ''National Protection and Programs Directorate, Management and Administration''; $551,737 from ''National Protection and Programs Directorate, Infrastructure Protection and Information Security''; $704,700 from ''United States Secret Service, Salaries and Expenses''; $863,628 from ''Federal Emergency Management Agency, Management and Administration''; $864,660 from ''Office of Health Affairs''; $7,945,983 from ''United States Citizenship and Immigration Services''; $960,828 from ''Federal Law Enforcement Training Center, Salaries and Expenses''; $353,524 from ''Science and Technology, Management and Administration''; and $45,468 from ''Domestic Nuclear Detection Office, Management and Administration''.

SEC. 1648. Of the funds appropriated to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:

(1) ''Department of Homeland Security, U.S. Customs and Border Protection, Automation Modernization'', $10,000,000.

(2) ''Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology'', $119,000,000.

(3) ''Department of Homeland Security, Office of Health Affairs'', $5,562,000.

(4) ''Department of Homeland Security, Federal Emergency Management Agency, National Predisaster Mitigation Fund'', $18,173,641.

(5) ''Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations'', $8,500,000.

(6) ''Department of Homeland Security, Domestic Nuclear Detection Office, Research, Development, and Operations'', $17,100,000.

(7) ''Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements'', $1,122,000.

SEC. 1649. Of the unobligated balances available for ''Department of Homeland Security, U.S. Customs and Border Protection, Construction'' for construction projects, $106,556,000 is rescinded: *Provided*, That the amounts rescinded under this section shall be limited to amounts available for Border Patrol projects and facilities as recommended by the Department of Homeland Security in the fiscal year 2011 budget request.

SEC. 1650. Of the unobligated balances made available under section 44945 of title 49, United States Code, $800,000 is rescinded.

SEC. 1651. Of the unobligated balances available for ''Department of Homeland Security, Transportation Security Administration'', $15,000,000 is rescinded: *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

SEC. 1652. Of the unobligated balances available for ''Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security'', the following amounts are rescinded:

(1) $6,000,000 from Next Generation Networks.

(2) $9,600,000 to be specified in a report submitted by the Secretary of Homeland Security to the Committees on Appropriations of the Senate and the House of Representatives no later than 15 days after the date of enactment of this division, that describes the amounts rescinded and the original purpose of such funds.

SEC. 1653. From the unobligated balances of funds made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102–393, $22,600,000 is rescinded.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALDERHOLT) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON ETHICS FOR THE 112TH CONGRESS

Mr. BONNER. Mr. Speaker, I submit for publication the attached copy of the Rules of the Committee on Ethics for the U.S. House of Representatives for the 112th Congress. The Committee on Ethics adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 15, 2011. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

FOREWORD

The Committee on Ethics is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 112th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) ''Committee'' means the Committee on Ethics.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigate,'' ''Investigating,'' and/or ''Investigation'' mean review of the conduct of a Member, officer or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) ''Board'' means the Board of the Office of Congressional Ethics.

(f) ''Referral'' means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer or employee, including any accompanying findings or other supporting documentation.

(g) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(i) ''Adjudicatory Subcommittee'' means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(l) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) ''Member'' means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee's travel regulations; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information required by the Committee's travel regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file a Traveler Form or Private Sponsor Certification Form may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. §1001.

(g) The Office of Advice and Education shall prepare for the Committee a response

to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(h) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(i) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(m), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(j) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to that individual in response. The Committee shall not release any internal Committee staff work product, communications or notes in response to such a request, except as authorized by the Committee.

(k) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(l) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(n) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(o) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

RULE 4. FINANCIAL DISCLOSURE

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) Any Financial Disclosure Reports filed by Members of the Board of the Office of Congressional Ethics that are forwarded to the Committee by the Clerk shall not be subject to paragraphs (d) through (q) of this Rule regarding Financial Disclosure Statements filed pursuant to Title I of the Ethics in Government Act of 1978. The Office of Congressional Ethics retains jurisdiction over review of the timeliness and completeness of filings by Members of the Board as the Board's supervising ethics office.

(d) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(e) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(f) Any individual who files a report required to be filed under Title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(g) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(h) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(i) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(0(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(j) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(k) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(l) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(m) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(n) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(o) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(p) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(q) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

RULE 5. MEETINGS

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or

subcommittee may waive such time period for good cause.

RULE 6. COMMITTEE STAFF

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

RULE 7. CONFIDENTIALITY

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Ethics, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House. This rule shall not prohibit the Chair or Ranking Minority Member from disclosing to the Board of the Office of Congressional Ethics the existence of a Committee investigation, the name of the Member, officer or employee of the House who is the subject of that investigation, and a brief statement of the scope of that investigation in a written request for referral pursuant to Rule 17A(k). Such disclosures will only be made subject to written confirmation from the Board that the information provided by Chair or Ranking Minority Member will be kept confidential by the Board.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) Except as provided in Rule 17A, the Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

RULE 8. SUBCOMMITTEES—GENERAL POLICY AND STRUCTURE

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

RULE 9. QUORUMS AND MEMBER DISQUALIFICATION

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is the respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

RULE 10. VOTE REQUIREMENTS

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adopting or amending of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adopting a recommendation to the House of Representatives that a sanction be imposed.

(7) Adopting a report relating to the conduct of a Member, officer, or employee.

(8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

RULE 11. COMMITTEE RECORDS

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

RULE 12. BROADCASTS OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(c) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(d) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

RULE 13. HOUSE RESOLUTION

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

RULE 14. COMMITTEE AUTHORITY TO INVESTIGATE—GENERAL POLICY

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, undertakes an investigation;

(4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(6) a referral from the Board is transmitted to the Committee.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

RULE 15. COMPLAINTS

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, ''Signed and sworn to (or affirmed) before me on (date) by (the name of the person)'' setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

RULE 16. DUTIES OF COMMITTEE CHAIR AND RANKING MINORITY MEMBER

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

RULE 17. PROCESSING OF COMPLAINTS

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within 5 days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information relevant to the case from

other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

RULE 17A. REFERRALS FROM THE BOARD OF THE OFFICE OF CONGRESSIONAL ETHICS

(a) The Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct pursuant to clause 1(g) of House Rule X. Receipt of referrals from the Board under this rule does not limit the Committee's discretion to address referrals in any way through the appropriate procedures authorized by Committee Rules. The Committee shall review the report and findings transmitted by the Board without prejudice or presumptions as to the merit of the allegations.

(b)(1) Whenever the Committee receives either (A) a referral containing a written report and any findings and supporting documentation from the Board; or (B) a referral from the Board pursuant to a request under Rule 17A(k), the Chair shall have 45 calendar days or 5 legislative days after the date the referral is received, whichever is later, to make public the report and findings of the Board unless the Chair and Ranking Minority Member jointly decide, or the Committee votes, to withhold such information for not more than one additional 45-day period.

(2) At least one calendar day before the Committee makes public any report and findings of the Board the Chair shall notify in writing the Board and the Member, officer, or employee who is the subject of the referral of the impending public release of these documents. At the same time, Chair shall transmit a copy of any public statement on the Committee's disposition of the matter and any accompanying Committee report to the individual who is the subject of the referral.

(3) All public statements and reports and findings of the Board that are required to be made public under this Rule shall be posted on the Committee's website.

(c) If the OCE report and findings are withheld for an additional 45–day period pursuant to paragraph (b)(1), Chair shall—

(1) make a public statement that the Committee has decided or voted to extend the matter referred from the Board on the day of such decision or vote; and

(2) make public the written report and findings pursuant to paragraph (b) upon the termination of such additional period.

(d) If the Board transmits a report with a recommendation to dismiss or noting a matter as unresolved due to a tie vote, and the Committee votes to extend the matter for an additional period as provided in paragraph (b), the Committee is not required to make a public statement that the Committee has voted to extend the matter pursuant to paragraph (b)(1).

(e) If the Committee votes to dismiss a matter referred from the Board, the Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c) unless the Committee's vote is inconsistent with the recommendation of the Board. A vote by the Committee to dismiss a matter is not considered inconsistent with a report from the Board that the matter is unresolved by the Board due to a tie vote.

(f) Except as provided by paragraph (g):

(1) If the Committee establishes an investigative subcommittee respecting any matter referred by the Board, then the report and findings of the Board shall not be made public until the conclusion of the investigative subcommittee process pursuant to Rule 19. The Committee shall issue a public statement noting the establishment of an investigative subcommittee, which shall include the name of the Member, officer, or employee who is the subject of the inquiry, and shall set forth the alleged violation.

(2) If any such investigative subcommittee does not conclude its review within one year after the Board's referral, then the Committee shall make public the report of the Board no later than one year after the referral. If the investigative subcommittee does not conclude its review before the end of the Congress in which the report of the Board is made public, the Committee shall make public any findings of the Board on the last day of that Congress.

(g) If the vote of the Committee is a tie or the Committee fails to act by the close of any applicable period(s) under this rule, the report and the findings of the Board shall be made public by the Committee, along with a public statement by the Chair explaining the status of the matter.

(h)(1) If the Committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on a matter referred by the Board under paragraph (b)—

(A) The Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c), except that if the recommendation of the Board is that the matter requires further review, the Committee shall make public the written report of the Board but not the findings; and

(B) The Committee shall make a public statement that it is deferring taking action on the matter at the request of such law enforcement or regulatory authority within one day (excluding weekends and public holidays) of the day that the Committee agrees to the request.

(2) If the Committee has not acted on the matter within one year of the date the public statement described in paragraph (h)(1)(B) is released, the Committee shall make a public statement that it continues to defer taking action on the matter. The Committee shall make a new statement upon the expiration of each succeeding one-year period during which the Committee has not acted on the matter.

(i) The Committee shall not accept, and shall return to the Board, any referral from the Board within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate.

(j) The Committee may postpone any reporting requirement under this rule that falls within that 60-day period until after the date of the election in which the subject of the referral is a candidate. For purposes of calculating any applicable period under this Rule, any days within the 60-day period before such an election shall not be counted.

(k)(1) At any time after the Committee receives written notification from the Board of the Office of Congressional Ethics that the Board is undertaking a review of alleged conduct of any Member, officer, or employee of the House at a time when the Committee is investigating, or has completed an investigation of the same matter, the Committee may so notify the Board in writing and request that the Board cease its review and refer the matter to the Committee for its consideration immediately. The Committee shall also notify the Board in writing if the Committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities by the end of any applicable time period specified in Rule 17A (including any permissible extension).

(2) The Committee may not request a second referral of the matter from the Board if the Committee has notified the Board that it is unable to resolve the matter previously requested pursuant to this section. The Board may subsequently send a referral regarding a matter previously requested and returned by the Committee after the conclusion of the Board's review process.

RULE 18. COMMITTEE-INITIATED INQUIRY OR INVESTIGATION

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established. The Chair and Ranking Minority Member may also jointly take appropriate action consistent with Committee Rules to resolve the matter.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an investigation into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e)(1) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

(2) Not later than 30 days after a Member, officer or employee of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

RULE 19. INVESTIGATIVE SUBCOMMITTEE

(a)(1) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may

serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(2) The respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from participating in the inquiry pursuant to Rule 9(e).

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chair of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chair or subcommittee member designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its inquiry.

(e) Upon completion of the inquiry, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

RULE 20. AMENDMENTS TO STATEMENTS OF ALLEGED VIOLATION

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

RULE 21. COMMITTEE REPORTING REQUIREMENTS

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

RULE 22. RESPONDENT'S ANSWER

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

RULE 23. ADJUDICATORY HEARINGS

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from serving on the subcommittee pursuant to Rule 9(e).

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other relevant evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(1) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the relevant provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

RULE 24. SANCTION HEARING AND CONSIDERATION OF SANCTIONS OR OTHER RECOMMENDATIONS

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall

prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

RULE 25. DISCLOSURE OF EXCULPATORY INFORMATION TO RESPONDENT

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

RULE 26. RIGHTS OF RESPONDENTS AND WITNESSES

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(i) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing the respondent of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

RULE 27. FRIVOLOUS FILINGS

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

RULE 28. REFERRALS TO FEDERAL OR STATE AUTHORITIES

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

ADJOURNMENT

Mr. CHAFFETZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 13 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, February 16, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

479. A letter from the Director, Human Capital and Resource Management, Department of Defense, transmitting a letter providing notification that the Department intends to approve the following additions to the current limitations on purchase quantities of specific merchandise items; to the Committee on Armed Services.

480. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1162] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

481. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1156] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

482. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1135] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

483. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1157] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

484. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1150] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

485. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1146] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

486. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

487. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

488. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

489. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's fiscal year 2010 Performance Report for the Animal Drug User Fee Act; to the Committee on Energy and Commerce.

490. A letter from the Secretary, Department of Health and Human Services, transmitting fiscal year 2010 Performance Report to Congress for the Animal Generic Drug User Fee Act; to the Committee on Energy and Commerce.

491. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle program report for FY 2010; to the Committee on Energy and Commerce.

492. A letter from the Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the September 30, 2010 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on Foreign Affairs.

493. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of a proposed lease with the Government of France (Transmittal No. 09-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

494. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

495. A letter from the Deputy Secretaries, Department of the Interior and the Department of State, transmitting draft legislation to amend Title I of Pub. L. 99-658, 100 Stat. 3672; to the Committee on Foreign Affairs.

496. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

497. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

498. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

499. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the South Atlantic States; Emergency Rule To Delay Effectiveness of the Snapper-Grouper Area Closure; Correction [Docket No.: 101124587-0586-01] (RIN: 0648-BA47) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

500. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XA017) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

501. 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; Atlantic Surfclam and Ocean Quahog Fishery; Proposed 2011-2013 Fishing Quotas for Atlantic Surfclam and Ocean Quahog [Docket No.: 101013504-0504-02] (RIN: 0648-XY27) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

502. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders (RIN: 0648-XZ20) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

503. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Shipping Act, Merchant Marine, and Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Provisions; Fishing Vessel, Fishing Facility and Individual Fishing Quota Lending Program [Docket No.: 0908061221-0533-02] (RIN: 0648-AY16) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

504. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Final Rule to Implement Addenda to 17 Fishing Year (FY) 2010 Sector Operations Plans and Contracts [Docket No.: 100818375-0600-02] (RIN: 0648-XX84) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

505. A letter from the Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as amended by Public Law 110-81, codified at 2

U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on July 1, 2009, pursuant to 2 U.S.C. section 1605(b)(1); to the Committee on the Judiciary.

506. A letter from the President and Chief Executive Officer, Little League International, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2010, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

507. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 93. A resolution providing for consideration of the Senate amendment to the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011 (Rept. 112–14). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROE of Tennessee:

H.R. 702. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require States to delay certifying the results of regularly scheduled general elections for Federal office in order to ensure the counting of any marked absentee ballots of absent overseas uniformed services voters that are collected by the Presidential designee under such Act for delivery to State election officials; to the Committee on House Administration.

By Mr. KING of New York (for himself, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. WALSH of Illinois, Mr. MEEHAN, Mr. LONG, and Mr. LATHAM):

H.R. 703. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. DEFAZIO, Mr. SMITH of Texas, Mr. SHERMAN, Mr. WOLF, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. MARCHANT, Mrs. MYRICK, Mr. GALLEGLY, Mr. KING of Iowa, Mr. WEST, and Mr. BILBRAY):

H.R. 704. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 705. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 706. A bill to direct the Secretary of Energy to establish a pilot program to award grants and loan guarantees to hospitals to carry out projects for the purpose of reducing energy costs and increasing resilience to improve security; to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mrs. SCHMIDT, and Mr. TERRY):

H.R. 707. A bill to prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test; to the Committee on Energy and Commerce.

By Mr. SHUSTER (for himself and Mr. HOLDEN):

H.R. 708. A bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Transportation and Infrastructure.

By Mr. SIRES (for himself, Ms. LEE of California, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. TOWNS, Mr. NADLER, Mr. CARNAHAN, Mrs. MALONEY, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. JACKSON of Illinois, Mr. ELLISON, Mr. COHEN, Mr. ACKERMAN, Mr. HASTINGS of Florida, Ms. CLARKE of New York, Mr. ENGEL, Mr. RANGEL, Mr. SCHIFF, Mr. GONZALEZ, Mr. POLIS, Mr. MCNERNEY, Mr. WEINER, Mr. TURNER, Mrs. NAPOLITANO, Mr. SERRANO, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. FATTAH, and Ms. BORDALLO):

H.R. 709. A bill to authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide Federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN:

H.R. 710. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Ways and Means.

By Ms. HIRONO (for herself, Mr. ANDREWS, and Ms. MATSUI):

H.R. 711. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Education and the Workforce.

By Mr. CAPUANO (for himself, Mrs. CHRISTENSEN, Mr. COHEN, Mr. DEFAZIO, Mr. JACKSON of Illinois, Mr. MCGOVERN, Ms. MOORE, Mr. NADLER, Ms. NORTON, Ms. RICHARDSON, Mr. SABLAN, Mr. SHULER, and Mr. COSTELLO):

H.R. 712. A bill to require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 713. A bill to amend the Immigration and Nationality Act to restore certain provisions relating to the definition of aggravated felony and other provisions as they were before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 714. A bill to amend the Immigration and Nationality Act to permit certain Mexican children, and accompanying adults, to obtain a waiver of the documentation requirements otherwise required to enter the United States as a temporary visitor; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 715. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grant funds to be used for the Troops-to-Cops Program; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 716. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize a fire station construction grant program for 5 years, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. FILNER:

H.R. 717. A bill to authorize Federal payment to first responders for costs associated with providing emergency services at the international borders of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 718. A bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 719. A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol; 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. HOLT (for himself and Mr. NADLER):

H.R. 720. A bill to establish the National Commission on the Anthrax Attacks Upon the United States to examine and report upon the facts and causes relating to the anthrax letter attacks of September and October 2001, and investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent and respond to acts of bioterrorism; to the Committee on the Judiciary.

By Ms. JENKINS (for herself, Mr. BLUMENAUER, Mr. SHUSTER, and Mr. COSTELLO):

H.R. 721. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 722. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 723. A bill to deauthorize a portion of the project for navigation, Potomac River,

Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN of New Jersey:

H.R. 724. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit; to the Committee on Ways and Means.

By Mr. RYAN of Ohio:

H.R. 725. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''; to the Committee on Oversight and Government Reform.

By Mr. SCHRADER (for himself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 726. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 727. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. STUTZMAN:

H.R. 728. A bill to require that the Government give priority to payment of all obligations on the debt held by the public, payment of Social Security benefits, and military funding in the event that the debt limit is reached; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. DINGELL, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. GONZÁLEZ, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. MORAN, Mr. NADLER, Mr. ROSS of Arkansas, Mr. RUPPERSBERGER, Mr. SHERMAN, Mr. SHULER, Mr. TERRY, Mr. TIBERI, Mr. TOWNS, and Mr. WEINER):

H.R. 729. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WOODALL:

H. Con. Res. 17. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to. considered and agreed to.

By Mr. FILNER:

H. Con. Res. 18. Concurrent resolution urging the President to authorize the return to the people of the Philippines of two church bells that were taken by the United States Army in 1901 from the town of Balangiga on the island of Samar, Philippines, and are currently displayed at F.E. Warren Air Force Base, Wyoming; to the Committee on Foreign Affairs.

By Mr. FILNER:

H. Res. 94. A resolution calling for an end to the violence, unlawful arrests, torture, and ill treatment perpetrated against Iranian citizens, as well as the unconditional release of all political prisoners in Iran; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 730. A bill for the relief of Fernando Javier Cervantes; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 731. A bill for the relief of Aluisa Zace and Ledia Zace; to the Committee on the Judiciary.

By Mr. GONZÁLEZ:

H.R. 732. A bill for the relief of Benita Veliz-Castillo; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROE of Tennessee:

H.R. 702.

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 4, Clause 1 of the United States Constitution.

By Mr. KING of New York:

H.R. 703.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing 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. GOODLATTE:

H.R. 704.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization.

By Mr. CAMP:

H.R. 705.

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 and Amendment XVI of the United States Constitution.

By Mr. ENGEL:

H.R. 706.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution: Article I, Section 1; Article I, Section 8, Clause 3; and Article I, Section 8, Clause 18.

By Mr. ENGEL:

H.R. 707.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. SHUSTER:

H.R. 708.

Congress has the power to enact this legislation pursuant to the following:

Clause 3, of Section 8, of Article I of the Constitution.

By Mr. SIRES:

H.R. 709.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. WITTMAN:

H.R. 710.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the Sixteenth Amendment.

By Ms. HIRONO:

H.R. 711.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. CAPUANO:

H.R. 712.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FILNER:

H.R. 713.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish a uniform Rule of Naturalization; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 714.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish a uniform Rule of Naturalization; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 715.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1 and 18), which grants Congress the power to provide for the common Defense and general Welfare of the United States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 716.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1 and 18), which grants Congress the power to provide for the common Defence and general Welfare of the United States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 717.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1 and 18), which grants Congress the power to provide for the common Defence and general Welfare of the United States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 718.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1, 3, 14, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to make rules for the Government; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 719.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper to execute these powers.

By Mr. HOLT:

H.R. 720.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution.

By Ms. JENKINS:

H.R. 721.

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 and Amendment XVI to the United States Constitution.

Description: The first is ''The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises . . .'' And; the second grants Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. NADLER:

H.R. 722.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 1, 3, and 18.

By Ms. NORTON:

H.R. 723.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Clause 3 of Section 8 of Article I of the Constitution.

By Mr. ROTHMAN of New Jersey:

H.R. 724.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect duties, imposts and excises, to pay the debts and provide for the general welfare of the United States; as enumerated in Article I, Section 8.

By Mr. RYAN of Ohio:

H.R. 725.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8 of the U.S. Constitution: To establish Post Offices and post Roads;

By Mr. SCHRADER:

H.R. 726.

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. SENSENBRENNER:

H.R. 727.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 18, and Article III, Section 1 of the United States Constitution.

By Mr. STUTZMAN:

H.R. 728.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

Article 1, Section 8, Clause 1 of the United States Constitution bestows upon Congress the authority ''to pay the Debts and provide for the common Defence and general Welfare of the United States.''

Congress is within its constitutionally prescribed role to direct payment of the nation's obligations. The ability to prioritize existing expenditures is subsumed under the authority to pay debts.

By Mr. THOMPSON of California:

H.R. 729.

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. FILNER:

H.R. 730.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish an uniform Rule of Naturalization and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 731.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish an uniform Rule of Naturalization and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. GONZALEZ:

H.R. 732.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

Article 1, Section 8, Clause 4.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. NUNES, Mr. JOHNSON of Ohio, Mr. LABRADOR, and Mr. WEST.

H.R. 4: Mr. COSTELLO.

H.R. 11: Mr. JACKSON of Illinois, Ms. ESHOO, and Mr. GARAMENDI.

H.R. 23: Mr. BISHOP of New York and Mr. WU.

H.R. 49: Mr. SCHOCK, Mr. BISHOP of Utah, Mr. BURTON of Indiana, and Mr. GRIFFITH of Virginia.

H.R. 59: Mr. COBLE and Mr. SAM JOHNSON of Texas.

H.R. 135: Ms. HIRONO.

H.R. 136: Mr. MURPHY of Connecticut.

H.R. 217: Mr. WILSON of South Carolina.

H.R. 302: Mr. SAM JOHNSON of Texas.

H.R. 303: Ms. NORTON.

H.R. 308: Mr. PRICE of North Carolina, Ms. FUDGE, Mr. STARK, and Mr. GARAMENDI.

H.R. 330: Ms. FUDGE.

H.R. 332: Mr. BLUMENAUER.

H.R. 358: Mr. CAMP, Mr. HUNTER, and Mr. PEARCE.

H.R. 371: Mr. CHAFFETZ and Mr. GRIFFIN of Arkansas.

H.R. 413: Mr. COHEN.

H.R. 423: Mr. DEUTCH.

H.R. 440: Mrs. ELLMERS, Mr. FALEOMAVAEGA, and Mr. LOBIONDO.

H.R. 456: Mr. JACKSON of Illinois, Mr. HINCHEY, Mr. FILNER, Mr. CARNAHAN, MR. KILDEE, and Mr. MCINTYRE.

H.R. 459: Mr. BARLETTA, Ms. GRANGER, Mr. MACK, and Mr. THORNBERRY.

H.R. 502: Mr. CARNAHAN, Mr. POLIS, Mr. HONDA, and Mr. MICHAUD.

H.R. 509: Mr. TERRY, Mr. HUELSKAMP, Mr. ALTMIRE, Mr. ALEXANDER, and Mr. COFFMAN of Colorado.

H.R. 517: Mr. DAVIS of Kentucky and Mr. REHBERG.

H.R. 523: Mr. GENE GREEN of Texas.

H.R. 548: Mr. CALVERT and Mr. GOWDY.

H.R. 572: Mr. FRANK of Massachusetts.

H.R. 591: Mr. PRICE of North Carolina.

H.R. 609: Mr. COFFMAN of Colorado, Mr. YOUNG of Indiana, Mr. CANSECO, and Mr. LONG.

H.R. 615: Mr. BOREN.

H.R. 620: Mrs. MYRICK, Mr. YOUNG of Florida, Mr. REICHERT, Mr. WALSH of Illinois, Mr. ROSS of Florida, Mr. KING of Iowa, Mr. SENSENBRENNER, and Mr. CONAWAY.

H.R. 639: Mr. ANDREWS, Mr. HARPER, Mr. LUETKEMEYER, Mr. MCINTYRE, Mr. RANGEL, Mr. FITZPATRICK, Mr. GERLACH, Mr. JACKSON of Illinois, Mr. ROGERS of Michigan, Mr. SARBANES, Mr. WALZ of Minnesota, and Mr. LYNCH.

H.R. 651: Mr. CONYERS, Mr. COHEN, Ms. SCHAKOWSKY, Mr. WELCH, and Mr. JACKSON of Illinois.

H.R. 657: Mr. KINGSTON, Mr. BISHOP of Utah, and Mr. GOSAR.

H.R. 674: Mr. DUNCAN of Tennessee.

H.R. 675: Mr. SAM JOHNSON of Texas and Mr. SCHOCK.

H.R. 676: Mr. KUCINICH.

H.R. 683: Mr. RICHMOND.

H.R. 688: Mr. CLAY.

H.J. Res. 23: Mr. CHAFFETZ.

H. Res. 15: Mr. GUINTA.

H. Res. 88: Mr. RYAN of Ohio, Ms. BORDALLO, Mr. PAYNE, Mr. CAPUANO, Mr. ELLISON, Ms. HANABUSA, Mr. GARAMENDI, Mr. TOWNS, Ms. ESHOO, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. MILLER of Florida, and Mr. OLVER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1

OFFERED BY: MR. WALDEN

AMENDMENT NO. 404: At the end of the bill (before the short title), insert the following:

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

H.R. 1

OFFERED BY: MR. THOMPSON OF PENNSYLVANIA

AMENDMENT NO. 405: At the end of [the bill (before the short title)] [title ____ of division ____], insert the following:

SEC. ____. Section 3136(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395m note) is amended (1) by striking ''2011'' and inserting ''2012''; and (2) by inserting '', provided that payments otherwise

made for such standard power wheelchairs furnished in 2011 are subject to a 1 percent reduction in the covered item update otherwise made under Section 1834(a)(14) of the Social Security Act (42 U.S.C. 1395m(a)(14)'' after ''such date''.

H.R. 1

OFFERED BY: MR. WELCH

Amendment No. 406: Page 273, line 14, insert before the period at the end the following:

Provided further, That, of the funds made available by this section, $15,000,000 is for small and rural community technical and compliance assistance authorized under section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)). In providing such assistance, the Administrator of the Environmental Protection Agency shall give preference to nonprofit organizations that, as determined by the Administrator, are most qualified, experienced, effective, and supported by small community water systems in the States.

H.R. 1

OFFERED BY: MR. HALL

AMENDMENT NO. 407: Page 273, after line 3, insert the following new section:

SEC. 1738. The Environmental Protection Agency is directed to enter into a contract, within 60 days after the date of enactment of this Act, with the National Academy of Sciences to perform a comprehensive review of non-mercury hazardous air pollutants emitted by electric generating units and industrial boilers, and related health and economic data (including impacts on job creation and energy price, supply, and reliability) associated with potential regulation of such non-mercury hazardous air pollutants. The National Academy of Sciences shall prepare recommendations on appropriate regulatory standards for addressing non-mercury hazardous air pollutants and shall establish appropriate health-based exposure standards for such emissions. Upon completion of the study, the National Academy of Sciences shall report findings and recommendations to the Environmental Protection Agency and the Congress within 24 months of entering into the contract. The Environmental Protection Agency is discouraged from issuing any regulatory determination for non-mercury hazardous air pollutants, including a maximum achievable control technology standard for non-mercury hazardous air pollutants from electric generating units and industrial boilers, until the Environmental Protection Agency fully reviews the results and recommendations of such study.

H.R. 1

OFFERED BY: MR. CLYBURN

AMENDMENT NO. 408: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Of the funds made available by this Act for each of the following accounts or activities, 10 percent shall be allocated for assistance in persistent poverty counties:

(1) ''Department of Agriculture, Rural Development Programs''.

(2) ''Department of Commerce, Economic Development Administration, Economic Development Assistance Programs''.

(3) ''Department of Commerce, National Institute of Standards and Technology, Construction''.

(4) ''Department of Education, Fund for the Improvement of Education''.

(5) ''Department of Education, Fund for the Improvement of Postsecondary Education''.

(6) ''Department of Labor, Employment and Training Administration, Training and Employment Services''.

(7) ''Department of Health and Human Services, Health Resources and Services Administration''.

(8) ''Department of Housing and Urban Development, Economic Development Initiative''.

(9) ''Department of Justice, Office of Justice Programs''.

(10) ''Environmental Protection Agency, State and Tribal Assistance Grants, Water and Wastewater''.

(11) ''Department of Transportation, Federal Highway Administration, Transportation Community and System Preservation''.

(12) ''Department of the Treasury, Community Development Financial Institutions''.

(b) For purposes of this section, the term ''persistent poverty counties'' means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses.

(c) Not later than six months after the date of the enactment of this Act, each department or agency listed in subsection (a) shall submit to Congress a progress report on the implementation of this section.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 409: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division B may be used by the Department of Health and Human Services to implement or enforce section 2718 of the Public Health Service Act, as added by section 1001(5) and replaced by section 10101(f) of the Patient Protection and Affordable Care Act (Public Law 111–148).

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 410: Page 303, line 19, after the dollar amount insert ''(reduced by $233,400,000)''.

Page 359, line 15, after the dollar amount insert ''(increased by $233,400,000)''.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 411: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $45,000,000,000 in appropriated discretionary funds is rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under section (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 412: Page 228, line 12, strike ''$80,000,000'' and insert ''$0''.

Page 228, line 18, strike ''$80,000,000'' and insert ''$0''.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 413: At the end of the bill (before the short title), insert the following:

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

H.R. 1

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT NO. 414: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division B of this Act may be used for the National Bio and Agro-Defense Facility in Manhattan, Kansas.

H.R. 1

OFFERED BY: MS. EDWARDS

AMENDMENT NO. 415: Page 275, line 19, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 274, line 16, after the dollar amount, insert ''(increased by $2,816,446,000)''.

H.R. 1

OFFERED BY: MR. PALLONE

AMENDMENT NO. 416: Page 305, line 15, after the dollar amount, insert ''(reduced by $639,463,000)''.

At the end of the division A, insert the following:

SEC. ____. Each amount made available by this division (other than an amount required to be made available by a provision of law) is hereby reduced, on a pro rata basis, so that the total of the reduction in amounts under this division resulting from the operation of this section equals $639,463,000.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 417: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the National Institutes of Health to study the impact of integral yoga on hot flashes in menopausal women.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 418: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the National Institutes of Health to examine the potential impact of a soda tax on population health.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 419: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the National Institutes of Health to research the use of marijuana in conjunction with opioid medications, such as morphine.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 420: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Health and Human Services to study condom use skills in adult males.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 421: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Health and Human Services to study the concurrent and separate use of malt liquor and marijuana among young adults.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 422: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the National Science Foundation to study whether video games improve mental health for the elderly.

H.R. 1

OFFERED BY: MRS. BLACKBURN

AMENDMENT NO. 423: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act (except for amounts made available by division A and titles VI and X of division B) is hereby reduced by 5 percent.

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT NO. 424: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to provide any of the following types of assistance to Chad: international military education and training (IMET), foreign military financing (FMF), provision of excess defense articles, foreign military forces capacity assistance (section 1206 of the National Defense Authorization Act for Fiscal Year 2006), and direct commercial sales of military equipment.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 425: Page 171, line 21, after the dollar amount, insert ''(reduced by $750,000)(increased by $750,000)''.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 426: Page 173, line 14, after the dollar amount, insert ''(reduced by $750,000)(increased by $750,000)''.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 427: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for—

(1) the investigation or criminal prosecution under any State or local law of any person for the manufacture, distribution, dispensation, or possession of marijuana; or

(2) the enforcement of any Federal law prohibiting the manufacture, distribution, dispensation, or possession of marijuana in jurisdictions where such activity is not prohibited under State or local law.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 428: Page 246, line 13, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 246, beginning on line 13, strike the colon and all that follows through ''2011.'' and insert a period.

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 429: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the payment of attorney's fees or other legal expenses of any former senior executive officer of the Federal National Mortgage Corporation or Federal Home Loan Mortgage Corporation.

H.R. 1

OFFERED BY: MR. PITTS

AMENDMENT NO. 430: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury who takes any action to specify or define, through regulations, guidelines, or otherwise, essential benefits under section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022).

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT NO. 431: Page 199, line 6, after the dollar amount, insert ''(reduced by $44,000,000)''.

Page 359, line 5, after the dollar amount, insert ''(increased by $44,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 432: Page 215, lines 8 and 9, strike ''(other than nuclear power facilities and front-end nuclear facilities)''.

Page 215, line 13, after the dollar amount insert ''(increased by $22,000,000,000)''.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 433: Page 217, line 13, after the dollar amount, insert ''(reduced by $586,600,000)''.

Page 359, line 8, after the dollar amount, insert ''(increased by $586,600,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 434: Page 227, line 9, after the dollar amount, insert ''(reduced by $30,000,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 435: Page 228, beginning on line 10, strike section 1517.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 436: Page 303, strike lines 3 through 9 and insert the following:

(b) For payment to the Corporation for Public Broadcasting (''Corporation''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2013, $460,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose.

(c) For taxable years beginning after the date of the enactment of this Act, the allowance under section 611 of the Internal Revenue Code of 1986 with respect to an oil or gas well shall be calculated without regard to subsection (c) or (d) of section 613A of such Code.

H.R. 1

OFFERED BY: MR. WOODALL

AMENDMENT NO. 437: Page 195, line 6, strike ''in excess of $112,000,000.''

H.R. 1

OFFERED BY: MR. WOODALL

AMENDMENT NO. 438: Page 195, line 6, strike ''in excess of $112,000,000'' and insert ''other than amounts contractually obligated by the United States prior to enactment of this section.''

H.R. 1

OFFERED BY: MR. DOYLE

AMENDMENT NO. 439: At the end of the bill (before the short title), insert the following:

SEC. ____. The policy regarding public access to research results established for the National Institutes of Health by section 217 of division F of Public Law 111–17 shall apply to all Departments funded in this Act having more than $100,000,000 in annual expenditures for extramural research. Except with respect to the National Institutes of Health, the Secretaries of the Departments affected may designate other suitable online depositories to be used in lieu of the National Library of Medicine's PubMed Central.

H.R. 1

OFFERED BY: MR. MICA

AMENDMENT NO. 440: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of two-thirds of the current staff at headquarters and one-half of the current staff, not including screeners, at regional offices.

H.R. 1

OFFERED BY: MR. DENHAM

AMENDMENT NO. 441: Page 239, line 16, after the first dollar amount, insert ''(reduced by $20,000,000)''.

H.R. 1

OFFERED BY: MR. DENHAM

AMENDMENT NO. 442: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for high-speed rail in the State of California, for the California High Speed Rail Authority, or for projects designed to further high speed rail in the State of California.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 443: Page 199, line 6, after the dollar amount, insert ''(reduced by $150,000,000)''.

Page 203, line 23, after the dollar amount, insert ''(increased by $150,000,000)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $150,000,000)''.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT NO. 444: Page 199, line 6, after the dollar amount, insert ''(reduced by $298,000,000)''.

Page 203, line 23, after the dollar amount, insert ''(increased by $298,000,000)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $298,000,000)''.

H.R. 1

OFFERED BY: MR. KINZINGER OF ILLINOIS

AMENDMENT NO. 445: At the end of the bill (before the short title), insert the following:

SEC. ____. No funds made available in this Act may be used to participate in any lawsuit that seeks to invalidate those provisions of the Arizona Revised Statutes amended by Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 6 2010) (as amended by Arizona House Bill 2162, 49th 7 Leg., 2nd Reg. Sess., Ch. 211 (Az. 2010)).

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 446: Page 131, line 24, after the dollar amount, insert ''(reduced by $1,500,000,000)''.

Page 359, line 6, after the dollar amount, insert ''(increased by $1,500,000,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 447: Page 198, line 3, after the dollar amount, insert ''(reduced by $309,500,000)''.

Page 203, line 23, after the dollar amount, insert ''(increased by $309,500,000)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $309,500,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 448: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Transportation Security Administration for the acquisition or deployment of backscatter x-ray full body scanner technology.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 449: Page 268, line 12, after the dollar amount, insert ''(increased by $40,000,000)'' and strike on line 14 ''by substituting ''$0'' for ''$40,000,000'';''.

Page 270, line 24, after the dollar amount, insert ''(reduced by $40,000,000)''.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT NO. 450: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the programs under the National Community Service Act of 1990 (42 U.S.C. 12501 et seq.) or part A of title I of the Domestic Volunteer Service Act (42 U.S.C. 4952 et seq.).

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT NO. 451: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the American Community Survey.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT NO. 452: At the end of the bill (before the short title), add the following:

SEC. ____. None of the funds made available by this Act may be used to administer the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT NO. 453: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the National Railroad Passenger Corporation.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT NO. 454: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT NO. 455: At the end of the bill (before the short title), insert the following:

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

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT NO. 456: Page 281, line 21, strike ''$145,000,000'' and insert ''$0''.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT NO. 457: Page 293, line 25, insert ''(reduced by $100,000,000)'' after the dollar amount.

Page 294, line 1, insert ''(reduced by $100,000,000)'' after the dollar amount.

Page 359, line 15, insert ''(increased by $100,000,000)'' before the period at the end.

H.R. 1

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 458: At the end of the bill (before the short title), insert the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for the ''Department of the Treasury, Internal Revenue Service, Enforcement'', by reducing the amount made available for the ''Department of the Treasury, Internal Revenue Service, Operations Support'', by reducing the amount made available for the ''General Services Administration, Real Property Activities, Federal Building Fund'', by reducing the amount made available for the ''General Services Administration, General Activities, Government-Wide Policy'', and by increasing the amount made available for the ''Independent Agencies, Securities and Exchange Commission, Salaries and Expenses'', by $77,000,000, $46,000,000, $7,000,000, $1,000,000, and $131,000,000, respectively.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 459: Page 218, line 5, after the dollar amount insert ''(reduced by $700,000) (increased by $700,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 460: Page 276, beginning on line 4, strike section 1746.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 461: At the end of the bill (before the short title), insert the following:

SEC. 4002. There is hereby enacted into law H.R. 131 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 132 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 133 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 134 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 135 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 462: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for a program for which the authorization expired more than 5 years prior to the date of enactment of this Act.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 463: At the end of the bill (before the short title), insert the following:

SEC. ____. The unobligated balances of appropriations (and transfers of funds) listed in Table 2 of the Congressional Research Service report (R41301) entitled ''Appropriations and Fund Transfers in the Patient Protection and Affordable Care Act (PPACA)'' and dated February 10, 2011, are hereby rescinded and any such transfers so rescinded are restored to the fund from which the transfer originated. Insofar as such appropriation or transfer relates only to an increase in the amount of such an appropriation or transfer, the previous sentence shall only apply to the amount of such increase.

H.R. 1

OFFERED BY: MR. FILNER

AMENDMENT NO. 464: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Department of Housing and Urban Development, Administration, Operations and Management'', increasing the amount made available for ''Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance'', and increasing the amount made available for activities specified in paragraph (6) under the heading ''Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance'' of division A of Public Law 111-117, by $40,000,000.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 465: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available by this Act may be appropriated to any agency for the implementation, enforcement, or administration of section 1501 of the Patient Protection and Affordable Care Act, and the amendments made by such section, as amended.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT NO. 466: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources that is issued or becomes applicable or effective after January 1, 2011.

(b) In this section, the term ''stationary source'' has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 467: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed.

H.R. 1

OFFERED BY MR. GOODLATTE

AMENDMENT NO. 468: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to subsidize wireless service under the Low Income Fund program of the Universal Service Fund.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 469: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for construction of the Richard H. Poff Federal Building in Roanoke, Virginia.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 470: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out title XX of the Public Health Service Act (42 U.S.C. 300z et seq.; relating to adolescent family life demonstration projects).

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT NO. 471: At the end of the bill, before the short title, insert the following:

LIMITATION ON FUNDS FOR NON-FEDERAL MUSEUMS

SEC. 4002. None of the funds appropriated, or otherwise made available, by this Act may be used to fund non-Federal museums.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 472: Page 198, lines 4 through 7, strike section 1312 which states ''SEC. 1312. Notwithstanding section 1101, the level for ''Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities'' shall be $865,097,000.''

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 473: Page 208, at lines 11 through 15 of Section 1340 shall be amended to read ''the Legal Services Corporation'' in division B of Public Law 111–117 in the manner authorized in Public Law 111–117 for fiscal year 2010, except that for fiscal year 2011 the amounts specified in division B of Public Law 111–117 shall be—(1) ''$420,000,000''; and (2) ''394,400,000''.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 474: Page 208, lines 21 through 24, strike section 1342 which rescinds $1,740,000,000 of the funds made available for ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs''.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 475: Page 245, lines 1 through 3, strike section 1605 which reduces the level of funding for ''Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding'' to $0.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 476: Page 262, lines 22 through 24 and page 263, lines 1 through 4, strike Section 1649 which rescinds $106,556,000 of unobligated balances available for ''Department of Homeland Security, U.S. Customs and Border Protection, Construction'' for construction projects.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 477: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Related Programs, United States Institute of Peace'', and increasing the amount made available for ''Department of Health and Human Services, Administration for Children and Families, Low Income Home Energy Assistance'', by $42,676,000.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT NO. 478: Page 215, line 19, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 220, line 21, after the dollar amount, insert ''(reduced by $1,000,000)''.

H.R. 1

OFFERED BY: MR. SHULER

AMENDMENT NO. 479: Add at the end of title V the following section:

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(C) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.''.

(b) The funds dedicated in this Act to the Head Start program shall be supplemented by an amount equal to the total revenues lost by the general treasury in fiscal year 2010 as a result of tax incentives issued under paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 to entities that meet the exception requirements of subsection (a) of this section.

H.R. 1

OFFERED BY: MR. SHULER

AMENDMENT NO. 480: Add at the end of title VII the following new section:

SEC. ____ (a) IN GENERAL.—None of the funds appropriated in this Act may be used for re-contouring of roads, construction of earthen berms or ''tank traps'' to block roads, or for the decommissioning of any roads within the Roy Taylor area of the Nantahala National Forest in North Carolina.

H.R. 1

OFFERED BY: MR. FRANKS OF ARIZONA

AMENDMENT NO. 481: Page 334, line 23, insert before the colon the following: ''and that the new Government of Egypt fulfills its commitment to the Egypt-Israel Peace Treaty signed on March 26, 1979, and to freedom of navigation of the Suez Canal''.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT NO. 482: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to designate monuments under the Act of June 8, 1906, (commonly known as the ''Antiquities Act of 1906''; 16 U.S.C. 431, et seq.).

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT NO. 483: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for or in sterilization campaigns.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 484: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay the travel expenses of the Secretary of the Treasury.

H.R. 1

OFFERED BY: MR. BURTON

AMENDMENT NO. 485: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the gathers and removals of free-roaming wild horses and burros, except for the purpose of fertility control.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 486: Page 198, line 7, after the dollar amount insert ''(reduced by $29,000,000)''.

Page 201, line 12, after the dollar amount insert ''(increased by $29,000,000)''.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 487: Page 264, line 23, after the dollar amount insert ''(reduced by $6,679,000)''.

Page 271, line 6, after the dollar amount insert ''(increased by $6,679,000)''.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 488: Page 346, line16, strike ''and''.

Page 346, line 18, before the period, insert ''; and of which $24,000,000 shall be for the ground-based augmentation system of the NextGen air traffic control system''.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT NO. 489: Page 203, line 23, after the dollar amount, insert ''(increased by $501,500,000)''.

Page 204, line 4, after the first dollar amount, insert ''(increased by $25,385,000)''.

Page 204, line 5, after the first dollar amount, insert ''(increased by $25,385,000)''.

Page 204, line 6, after the first dollar amount, insert ''(increased by $168,723,000)''.

Page 204, line 7, after the first dollar amount, insert ''(increased by $168,723,000)''.

Page 204, line 8, after the first dollar amount, insert ''(increased by $298,000,000)''.

Page 206, line 10, after the dollar amount, insert ''(reduced by $501,500,000)''.

H.R. 1

OFFERED BY: MS. CHU

AMENDMENT NO. 490: Page 301, line 16, strike ''$4,015'' and insert ''$4,860''.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 491: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act to the Food and Drug Administration may be used to approve any application submitted under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) for approval of genetically engineered salmon (or any product derived from genetically engineered salmon) intended for human consumption.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 492: Page 217, line 13, after the dollar amount insert ''(reduced by $133,625,000)''.

Page 218, line 5, after the dollar amount insert ''(increased by $445,625,000)''.

Page 218, line 21, after the dollar amount insert ''(reduced by $312,000,000)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 493: Page 218, lines 5 through 10, strike '': *Provided,*'' and all that follows through ''et seq.)''.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 494: Page 268, line 12, after the dollar amount, insert ''(increased by $40,000,000)''.

Page 268, line 15, after the first dollar amount, insert ''(increased by $40,000,000)''.

Page 270, line 24, after the dollar amount, insert ''(reduced by $40,000,000)''.

H.R. 1

OFFERED BY: MR. HALL

AMENDMENT NO. 495: At the end of the bill (before the short title) insert the following new section:

Sec. 4002. None of the funds made available by this Act may be used to implement, establish, or create a NOAA Climate Service (NCS) as described in the ''Draft NOAA Climate Service Strategic Vision and Framework'' published at 75 Fed. Reg. 57739 (September 22, 2010) and updated on 12/20/2010.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 496: At the end of the bill (before the short title), insert the following:

SEC. ____. The total amount of appropriations made available by this Act (other than for the Departments of Defense and Homeland Security) is hereby reduced by $600,000,000.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 497: At the end of the bill (before the short title), insert the following:

SEC. ____. The total amount of appropriations made available by this act (other than for Department of Defense and the U.S. Postal Service) is hereby reduced by $280,000,000.

H.R. 1

OFFERED BY: MR. JOHNSON OF OHIO

AMENDMENT NO. 498: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 499: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the expenses of official travel (within the meaning of subchapter I of chapter 57 of title 5, United States Code) for the Secretary of the Treasury.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 500: Page 246, line 13, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 246, beginning on line 13, strike the colon and all that follows through ''2011.'' and insert a period.

Page 359, line 11, after the dollar amount, insert ''(increased by $200,000,000)''.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 501: Page 230, line 6, after the dollar amount, insert ''(reduced by $24,886,000)''.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 502: Page 230, line 6, after the dollar amount, insert ''(reduced by $24,886,000)''.

H.R. 1

OFFERED BY: MR. LAMBORN

AMENDMENT NO. 503: Page 155, after line 20 (before the short title at the end of division A), insert the following:

TITLE X—ADDITIONAL APPROPRIATIONS AND OFFSET

SEC. 10001. (a) ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF DEFENSE.—In addition to amounts otherwise appropriated or made available by this division for the Department of Defense, there is appropriated to the Secretary of Defense an amount equal to the difference between—

(1) the sum of the amounts authorized to be appropriated for the Department of Defense by division A of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383); and

(2) the sum of the amounts actually appropriated or made available for the Department of Defense by titles I through IX of this division.

(b) OFFSET.—The amount appropriated by subsection (a) shall be offset by reductions in future appropriations for the executive branch generally, not merely the Department of Defense, and the Chairman of the Committee on the Budget of the House of Representatives shall provide the necessary adjustments in allocations, aggregates, and other appropriate levels in the concurrent resolution on the budget for fiscal year 2012 and such subsequent fiscal years as may be necessary to achieve such reductions.

H.R. 1

OFFERED BY: MR. LAMBORN

AMENDMENT NO. 504: At the end of the bill (before the short title), insert the following new section:

SEC. ____. (a) ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF DEFENSE.—In addition to amounts otherwise appropriated or made available by this Act for the Department of Defense, there is appropriated to the Secretary of Defense an amount equal to the difference between—

(1) the sum of the amounts authorized to be appropriated for the Department of Defense by division A of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383); and

(2) the sum of the amounts actually appropriated or made available for the Department of Defense by division A of this Act.

(b) OFFSET.—The amount appropriated by subsection (a) shall be offset by reductions in future appropriations for the executive branch generally, not merely the Department of Defense, and the Chairman of the Committee on the Budget of the House of Representatives shall provide the necessary adjustments in allocations, aggregates, and other appropriate levels in the concurrent resolution on the budget for fiscal year 2012 and such subsequent fiscal years as may be necessary to achieve such reductions.

H.R. 1

OFFERED BY: MS. DEGETTE

AMENDMENT NO. 505: On page 287, lines 17 through 20, strike paragraph (2) (prohibiting the availability of funds for the program under title X of the Public Health Service Act) and redesignate paragraph (3) as paragraph (2).

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 506: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise made available by this Act are revised by reducing the amount made available for ''Department of the Treasury, Internal Revenue Service, Enforcement'', and increasing the amounts provided in section 1517(a) for transfer from the Federal Reserve to the Bureau of Consumer Financial Protection for activities authorized to be carried out by such Bureau under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act and amounts made available in section 1517(b) for obligation by such Bureau during fiscal year 2011, by $63,000,000, respectively.

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT NO. 507: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by division A of this Act may be used for termination liabilities with respect to assault vehicles of the Marine Corps or the Expeditionary Fighting Vehicle.

H.R. 1

OFFERED BY: MR. BARTLETT

AMENDMENT NO. 508: At the end of the bill (before the short title), insert the following:

SEC.____. No funds made available in this Act, or any prior Act, may be used for grant agreements or contracts with facilities defined in 7 U.S.C. §2132(e) if those agreements or contracts allow or encourage the breeding of chimpanzees.

H.R. 1

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT NO. 509: Page 175, line 5, after the dollar amount, strike ''1,975,000,000'' and insert ''1,775,000,000.''

Page 347, strike lines 8 through 10.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT NO. 510: Page 243, add after line 24 the following:

SEC. ____. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1—206.02(c)(1), D.C. Official Code), the Closing of a Public Alley in Square 0441, S.O. 09–8516, Act of 2010 (D.C. Act 18–0639) shall take effect on the date of the enactment of such Act.

H.R. 1

OFFERED BY: MR. NADLER

AMENDMENT NO. 511: Beginning on page 346, strike line 12 and all that follows through page 348, line 2.

On page 348, strike line 17 and all that follows through page 351, line 17.

H.R. 1

OFFERED BY: MR. GRIMM

AMENDMENT NO. 512: Page 206, line 10, after the dollar amount insert ''(reduced by $195,150,000)''.

Page 293, line 4, after the dollar amount insert ''(increased by $195,150,000)''.

Page 293, line 8, after the dollar amount insert ''(increased by $195,150,000)''.

H.R. 1

OFFERED BY: MR. GRIMM

AMENDMENT NO. 513: Page 347, line 10, insert ''Reductions required under this section for 'Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service' shall not be applied to maintenance programs. Such reductions shall be applied to routes with the highest operating losses, excluding maintenance costs.'' after ''Transit Authority'.''.

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT NO. 514: At the end of the bill (before the short title), insert the following:

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

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

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

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

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

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

H.R. 1

OFFERED BY: MR. BISHOP OF UTAH

AMENDMENT NO. 515: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for the National Landscape Conservation System.

H.R. 1

OFFERED BY: MR. CAMP

AMENDMENT NO. 516: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used for the opening of the locks at the Thomas J. O'Brien Lock and Dam or the Chicago River Controlling Works.

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT NO. 517: Page 323, line 23, after the dollar amount, insert ''(reduced by $200,000,000) (increased by $200,000,000)''.

H.R. 1

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 518: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act (except for amounts for the Departments of Defense, Homeland Security, and Veterans Affairs, and other than an amount required to be made available by a provision of law) is hereby reduced by 5.5 percent.

H.R. 1

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 519: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) for the Departments of Defense and Homeland Security is hereby reduced by 3.5 percent.

H.R. 1

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 520: Page 231, beginning on line 22, strike section 1535.

H.R. 1

OFFERED BY: MR. BRALEY OF IOWA

AMENDMENT NO. 521: Page 276, line 11, after ''climate change'' insert '': *Provided*, That nothing in this section shall prohibit the Administrator of the Environmental Protection Agency from implementing or enforcing section 211(o) of the Clean Air Act (relating to the renewable fuel program)''.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 522: Page 173, line 20, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 172, line 4, after the dollar amount, insert ''(increased by $5,000,000)''.

H.R. 1

OFFERED BY: MR. PAUL

AMENDMENT NO. 523: Page 325, line 7, after the dollar amount, insert ''(reduced by $1,000,000,000)''.

Page 325, line 12, after the dollar amount, insert ''(reduced by $5,385,000,000)''.

Page 325, line 13, after the dollar amount, insert ''(reduced by $3,000,000,000)''.

Page 325, line 14, after the dollar amount, insert ''(reduced by $1,300,000,000)''.

Page 325, line 15, after the dollar amount, insert ''(reduced by $300,000,000)''.

Page 325, line 21, after the dollar amount, insert ''(reduced by $789,000,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $1,000,000,000)''.

Page 359, line 20, after the dollar amount, insert ''(increased by $5,385,000,000)''.

H.R. 1

OFFERED BY: MR. CONYERS

AMENDMENT NO. 524: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

H.R. 1

OFFERED BY: MR. SCHWEIKERT

AMENDMENT NO. 525: At the end of the bill (before the short title), insert the following:

SEC. ____. In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

H.R. 1

OFFERED BY: MR. WU

AMENDMENT NO. 526: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce section 3(e) of the Natural Gas Act (15 U.S.C. 717b(e)).

H.R. 1

OFFERED BY: MR. DEUTCH

AMENDMENT NO. 527: Page 357, after line 22, insert the following:

SEC. 2239. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Department of Housing and Urban Development, Management and Administration, Administration, Operations and Management'', and increasing the amount made available for ''Department of Housing and Urban Development, Community Planning and Development, Community Development Fund'', by $25,000,000: *Provided*, That the additional amount made available by this section for the Community Development Fund shall be only for activities to mitigate, replace, or otherwise address problem drywall, to remain available until expended: *Provided* further, That such funds shall be treated as if the funds were made available for purposes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the funds shall be allocated by the Secretary of Housing and Urban Development to States and local governments evidencing significant numbers of homes and other real property affected by problem drywall as defined by the Consumer Product Safety Commission: *Provided further*, That the funds made available by this section for the Community Development Fund shall be exempt from the national objective and overall low- and moderate-income benefit requirements of such title I: *Provided further*, That in administering such funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation or the use of such funds except for requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: *Provided further*, That the Secretary shall publish any such waiver or alternative requirement in the Federal Register no later than 30 days before the effective date of such waiver or alternative requirement.

H.R. 1

OFFERED BY: MR. CARTER

AMENDMENT NO. 528: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by this Act may be used to pay the salary or expenses of any position identified in subsection (b).

(b) The positions identified in this subsection are as follows:

(1) Senior Advisor to the Secretary of the Treasury Assigned to the Presidential Task Force on the Auto Industry.

(2) Assistant to the President for Homeland Security and Counterterrorism.

(3) Assistant to the President for Energy and Climate Change.

(4) White House Director of Urban Affairs.

(5) Associate Director, Technology Policy, Office of Science and Technology Policy.

(6) Senior Advisor, Environmental Protection Agency, Great Lakes Restoration Plan.

(7) Director, White House Office of Health Reform.

(8) Chair of the Recovery Accountability and Transparency Board.

(9) Special Counsel to the President for Ethics and Government Reform.

(10) Intellectual Property Enforcement Coordinator.

(11) Special Master for TARP Executive Compensation, Department of the Treasury.

(12) Special Envoy To Oversee the Closure of the Detention Center at Guantanamo Bay.

(13) Special Envoy for Sudan.

(14) Special Representative for Afghanistan and Pakistan.

(15) Chairman, Council on Jobs and Competitiveness.

(16) Special Advisor for Green Jobs, Enterprise and Innovation, Council on Environmental Quality.

(17) Associate General Counsel and Chief Diversity Officer, Federal Communications Commission.

(18) Special Envoy for the Middle East.

(19) Director of Recovery for Auto Communities and Workers.

(20) Special Advisor for the Persian Gulf and Southwest Asia.

(21) Special Assistant and Senior Director to the President and Weapons of Mass Destruction Coordinator.

(22) Assistant to the President and Special Advisor to the Secretary of the Treasury on the Bureau of Consumer Financial Protection.

(23) Deputy Director for Management, Office of Management and Budget.

(24) Special Envoy to Monitor and Combat Anti-Semitism.

H.R. 1

OFFERED BY: MR. ALEXANDER

AMENDMENT NO. 529: At the end of Sec. 1632, insert the following:

For Fiscal Year 2011, the Administrator of the Federal Emergency Management Agency may not use the assumption that a currently existing levee or flood control structure does not exist to designate an area as having new flood hazards pursuant to issuance, revision, updating, or other process to implement changes in flood insurance maps, except in cases where no affected community notifies the Federal Emergency Management Agency of objections to the Administrator's hazard modeling processes within 90 days of enactment of this Act. Nothing in this section shall be construed to establish, provide, or otherwise imply that the presence of an existing levee or flood control structure pursuant to the prior sentence thereby accredits such levee with providing 1-percent-annual-chance flood protection.

H.R. 1

OFFERED BY: MR. NUNES

AMENDMENT NO. 530. At the end of the bill (before the short title), insert the following:

The amount otherwise provided by this act for the Mid-Pacific Region of the Bureau of Reclamation within the Water and Related Resources account is hereby reduced by $72,000,000.

H.R. 1

OFFERED BY: MR. NUNES

AMENDMENT NO. 531. Page 216, line 19, after the period insert the following: ''The amount otherwise provided by this section for the Mid-Pacific Region of such Bureau is hereby reduced by $72,000,000.''.

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 532: Page 298, line 12, insert, ''or'' after ''title II,''.

Page 298, beginning on line 12, strike '', part B of title VII, or part C of title VII''.

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 533: At the end of the bill, (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT NO. 534: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act for motor vehicles for any civilian agency listed in the worldwide inventory of the most recent Federal fleet report of the General Services Administration is hereby reduced by 20 percent.

H.R. 1

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT NO. 535: Page 198, line 3, after the dollar amount, insert ''(reduced by $100,000,000)''.

Page 203, line 8, after the dollar amount, insert ''(increased by $100,000,000)''.

H.R. 1

OFFERED BY: MR. WELCH

AMENDMENT NO. 536: At the end of the bill (before the short title), insert the following new section:

SEC. ____. The amount otherwise provided by this Act for ''Operation and Maintenance, Defense-Wide'' is hereby reduced by, and amount otherwise provided by this Act for ''Operation and Maintenance, Army National Guard'' is hereby increased by, $150,000,000 and $150,000,000, respectively.

H.R. 1

OFFERED BY: MR. WELCH

AMENDMENT NO. 537: Page 9, line 15, after the dollar amount, insert ''(reduced by $150,000,000)''.

Page 12, line 25, after the dollar amount, insert ''(increased by $150,000,000)''.

H.R. 1

OFFERED BY: MR. WELCH OF VERMONT

AMENDMENT NO. 538: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out section 456(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087f(a)(4)).

H.R. 1

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 539: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds that this Act makes available to the Department of Transportation may be used for any program to check helmet usage or create checkpoints for motorcycle drivers or riders.

H.R. 1

OFFERED BY: MR. LATOURETTE OF OHIO

AMENDMENT NO. 540: Strike all after the enacting clause and insert the following:

DIVISION A—FULL-YEAR CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SECTION 101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for each account, program, project, or activity (including the costs of direct loans and loan guarantees) for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 (division B of Public Law 111–117).

(3) The Department of Defense Appropriations Act, 2010 (Public Law 111–118).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(5) The Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117).

(6) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (division D of Public Law 111–117).

(9) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(10) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–117).

(11) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111–117).

(12) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117).

(13) Section 102(c) (except the last proviso relating to waiver of fees) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(14) The appropriation under the heading ''Department of Commerce—United States Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) For purposes of this division, the term ''level'' means an amount.

(c)(1) Except as provided in paragraphs (2) and (3), the level referred to in subsection (a) shall be, with respect to the amounts appropriated in the appropriations Acts referred to in the following paragraphs of such subsection, including transfers and obligation limitations, equal to the following percentage of such amounts:

(A) In paragraph (1), 69.18 percent.

(B) In paragraphs (2) and (14), 79.77 percent.

(C) In paragraph (3), 101.30 percent.

(D) In paragraph (4), 89 percent.

(E) In paragraph (5), 81.25 percent.

(F) In paragraph (6), 95.26 percent.

(G) In paragraph (7), 80.94 percent.

(H) In paragraph (8), 82.66 percent.

(I) In paragraph (9), 93.69 percent.

(J) In paragraphs (10) and (13), 71.4 percent.

(K) In paragraph (11)—

(i) 100 percent, with respect to amounts made available for the Veterans Benefits Administration and the Veterans Health Administration; and

(ii) 96.19 percent, with respect to all other amounts.

(L) In paragraph (12)—

(i) 100 percent, with respect to amounts made available for Israel; and

(ii) 88.08 percent, with respect to all other amounts.

(2) Such level shall not include any amount previously designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(3) Such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 101(a) shall continue in effect through the date specified in section 106.

SEC. 105. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2011.

SEC. 107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111–242), shall be charged to the applicable appropriation, fund, or authorization provided by this division.

SEC. 108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 109. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2010.

(b) In addition to the amounts otherwise provided by section 101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) ''Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners'', for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, $41,000,000, to remain available until expended.

(2) ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid'', for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, $86,445,289,000, to remain available until expended.

(3) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs'', for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and

the Act of July 5, 1960 (24 U.S.C. ch. 9), $1,200,000,000, to remain available until expended.

(4) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency'', for payments to States or other non-Federal entities under title IV–E of the Social Security Act, $1,850,000,000.

(5) ''Social Security Administration, Supplemental Security Income Program'', for benefit payments under title XVI of the Social Security Act, $13,400,000,000, to remain available until expended.

SEC. 110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress).

SEC. 111. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this division. For purposes of this section, the term ''earmark'' means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 112. Notwithstanding section 101, none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 113. (a)(1) Notwithstanding section 101, except as provided in paragraph (2), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term ''individual detained at Guantanamo'' means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 114. (a) Notwithstanding section 101, none of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 115. None of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 116. Section 550(b) of Public Law 109–295, as amended by section 550 of Public Law 111–83, shall be applied by substituting the date specified in section 106 of this division for ''October 4, 2010''.

SEC. 117. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106 of this division for ''September 30, 2010''.

SEC. 118. (a) Section 1115(d) of Public Law 111–32 shall be applied by substituting the date specified in section 106 of this division for ''October 1, 2010''.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106 of this division for ''October 1, 2010'' in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106 of this division for ''October 1, 2010'' in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106 of this division for ''October 1, 2010'' in subparagraph (B).

SEC. 119. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106 of this division.

SEC. 120. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106 of this division; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

DIVISION B—STIMULUS RESCISSIONS

SEC. 201. (a) There are hereby rescinded all unobligated balances remaining available as of February 11, 2011, of the discretionary appropriations provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(b) Subsection (a) shall not apply to funds appropriated or otherwise made available to Offices of Inspector General and the Recovery Act Accountability and Transparency Board by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

SEC. 202. Hereafter, no Federal agency administering funds provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) may provide funding or reimbursement to any entity awarded funds from such Act for the cost associated with physical signage or other advertisement indicating that a project is funded by such Act.

DIVISION C—MISCELLANEOUS PROVISIONS

SPENDING REDUCTION ACCOUNT

SEC. 4001. [Here insert the text of section 4001 in the pending text, as perfected, such that the matter proposed to be inserted under the heading SPENDING REDUCTION ACCOUNT is identical to the matter proposed to be stricken under that heading.]

This Act may be cited as the ''Full-Year Continuing Appropriations Act, 2011''.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 541: Page 201, strike lines 9 through 18.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 542: Page 294. Beginning on line 4, strike ''and'' and all that follows through ''Act'' on line 5.

H.R. 1

OFFERED BY: MR. MICA

AMENDMENT NO. 543: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed two-thirds of the current employees at headquarters or one-half of the current non-screener workforce at regional offices.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT NO. 544: Page 245, strike lines 11 through 15.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT NO. 545: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out any of the activities described in section 6A of the Consumer Product Safety Act (15 U.S.C. 2055a).

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT NO. 546: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Consumer Product Safety Commission to promulgate, implement, administer, or enforce a final rule relating to testing and labeling pertaining to product certification based on the proposed rule published in the Federal Register on May 20, 2010 (75 Fed. Reg. 28336).

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT NO. 547: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Consumer Product Safety Commission to publish a notice of requirements for accreditation of third party conformity assessment bodies for testing the conformity of products with section 106 or 108 of the Consumer Product Safety Improvement Act of 2008 or rules promulgated under either such section.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT NO. 548: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to develop or approve a new limited access privilege program (as that term is used in section 303A the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a)) for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Council.

H.R. 1

OFFERED BY: MR. WELCH

AMENDMENT NO. 549: Page 187, line 24, insert before the period the following: '': *Provided further*, That, from the funds made available by this title, the Secretary of Agriculture shall transfer an additional $149,000,000 to the Commodity Futures Trading Commission to ensure that the Commodity Futures Trading Commission is able to carry out its duties under the law''.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 550: Page 288, line 20, and line 21, after the dollar amount on each such line, insert ''(reduced by $750,000,000)''.

Page 359, line 15, after the dollar amount, insert ''(increased by $750,000,000)''.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 551: Page 288, line 20, after the dollar amount, insert ''(reduced by $750,000,000)''.

Page 288, beginning on line 21, strike ''$750,000,000'' through ''such Public Law; (2)''.

Page 289, line 1, strike ''(3)'' and insert ''(2)''.

Page 359, line 15, after the dollar amount, insert ''(increased by $750,000,000)''.

H.R. 1

OFFERED BY: MR. SCHRADER

AMENDMENT NO. 552: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act (other than a provision relating to amounts required to be made available by a provision of law), divisions A and B of this Act appropriate for fiscal year 2011, for each agency for which amounts were made available (with respect to division A) in the Department of Defense Appropriations Act, 2010 (Public Law 111–118) or (with respect to division B) an appropriations Act referred to in section 1101(a), such amounts as may be necessary, under the authority and conditions provided in applicable appropriations Acts and at the level specified in section 1101(c), except that such level, with respect to the following appropriations Acts, shall be equal to the following percentages of the amounts made available for such agency in such Acts for fiscal year 2010 (other than amounts required to be made available by a provision of law), including transfers and obligation limitations:

(1) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 (division B of Public Law 111–117), 89 percent.

(2) The Department of Defense Appropriations Act, 2010 (Public Law 111–118), 101 percent.

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to $42,517,000,000.

(4) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111–117), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to $74,682,000,000.

(5) All other appropriations Acts referred to in section 1101(a), 96 percent.

(b) Notwithstanding any other provision of this Act, expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111–242), shall be charged to the applicable appropriation, fund, or authorization provided by division A in the same manner as provided by this Act with respect to division B.

(c) Amounts appropriated by subsection (a) may be allocated by the applicable agency head among agency accounts, programs, projects, and activities, notwithstanding any other provision of this Act.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT NO. 553: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay salaries of officers and employees of the Department of the Treasury who implement any of the following sections of Public Law 111–148 (including the amendments made by such sections):

(1) Section 1501.

(2) Section 1502.

(3) Section 1513.

(4) Section 1514.

(5) Section 10108.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 554: At the end of the bill before the short title, insert the following:

SEC. ____. It is the sense of the House of Representatives that the current budgetary framework as provided for in the Congressional Budget and Impoundment Control Act of 1974 and subsequent Acts should be repealed and replaced with a new framework which—

(1) Forces Congress to balance the budget;

(2) Relies on zero-growth based budgeting;

(3) Sets forth binding spending limits;

(4) Makes it easier to review and eliminate federal programs and agencies; and

(5) Narrows the criteria for designating emergency spending.

H.R. 1

OFFERED BY: MR. BOUSTANY

AMENDMENT NO. 555: Page 215, beginning on line 9, strike ''and front-end nuclear facilities'' and insert '', front-end nuclear facilities, and conditional loan guarantee commitments''.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 556: On page 263, line 22, after the dollar amount, insert ''(reduce by $2,590,000)''.

On page 264, line 3, after the dollar amount, insert ''(reduced by $2,750,000)''.

On page 264, line 20, after the dollar amount, insert ''(reduced by $23,737,000)''.

On page 264, line 23, after the dollar amount, insert ''(reduc by $15,055,000)''.

On page 267, line 17, after the dollar amount, insert ''(reduced by $171,713,000)''.

On page 268, line 12, after the dollar amount, insert ''(reduced by $14,100,000)''.

On page 278, line 3, after the dollar amount, insert ''(reduced by $9,100,000)''.

SEC. ____. None of the funds made available by this Act may be used for the Land and

On page 359, line 12, after the dollar amount, insert ''(increases by $239,045,000)''.

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT NO. 557: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by this Act or any other Act in any fiscal year may be used by the Environmental Protection Agency to propose, finalize, implement, or enforce any regulation that includes any article or substance described in subsection (b) as a chemical substance subject to regulation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

(b) Articles and substances described in this subsection are the following:

(1) Any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986, and any component of such an article thereof.

(2) Any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in paragraph (1) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 under section 4182, section 4221, or any other provision of that Code).

(3) Any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4161 of the Internal Revenue Code of 1986, and any component of such an article thereof.

(4) Any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in paragraph (3).

H.R. 1

OFFERED BY: MR. ALEXANDER

AMENDMENT NO. 558: Page 254, after line 17, insert the following new section:

SEC. 1633. For fiscal year 2011, the Administrator of the Federal Emergency Management Agency may not use the assumption that a currently existing levee or flood control structure does not exist to designate an area as having new flood hazards pursuant to issuance, revision, updating, or any other process to implement changes in flood insurance maps used under the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), except in cases where no affected community notifies the Federal Emergency Management Agency of objections to the Administrator's hazard modeling processes within 90 days of the enactment of this Act. Nothing in this section shall be construed to establish, provide, or otherwise imply that the presence of an existing levee or flood control structure pursuant to the preceding sentence thereby accredits such levee with providing protection from a flood of a level that has a 1-percent chance of being equaled or exceeded in any single year.

H.R. 1

OFFERED BY: MR. ALEXANDER

AMENDMENT NO. 559: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available by this Act may be used to designate an area protected by a currently existing levee or flood control structure as having new flood hazards pursuant to issuance, revision, updating, or any other process to implement changes in flood insurance maps used under the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and pursuant to an assumption that such currently existing levee or flood control structure does not exist, except in cases where no affected community notifies the Federal Emergency Management Agency of objections to the Administrator's hazard modeling processes within 90 days of the enactment of this Act.

H.R. 1

OFFERED BY: MR. FLORES

AMENDMENT NO. 560: At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise made available by this Act for the following accounts are hereby reduced by the following amounts:

(1) ''Executive Office of the President and Funds Appropriated to the President, The White House, Salaries and Expenses'', $4,530,000.

(2) ''Executive Office of the President and Funds Appropriated to the President, Executive Residence at the White House, Operating Expenses'', $332,000.

(3) ''Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration'', $405,000.

(4) ''Executive Office of the President and Funds Appropriated to the President, National Security Council, Salaries and Expenses'', $2,979,000.

(5) ''Executive Office of the President and Funds Appropriated to the President, Office of Administration, Salaries and Expenses'', $17,771,000.

(6) ''Executive Office of the President and Funds Appropriated to the President, Office of Management and Budget, Salaries and Expenses'', $10,220,000.

H.R. 1

OFFERED BY: MR. PETERS

AMENDMENT NO. 561: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used by the Animal and Plant Health Inspection Service to conduct lethal wildlife control activities under the Wildlife Services program for the purpose of protecting livestock, crops or other agricultural interests, and the amount otherwise provided by this Act for ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses'' is hereby reduced by $28,000,000.

H.R. 1

OFFERED BY: MR. REYES

AMENDMENT NO. 562: Page 245, line 7, after the dollar amount, insert ''(increased by $60,000,000)''.

Page 245, line 19, after the dollar amount, insert ''(reduced by $60,000,000)''.

H.R. 1

OFFERED BY: MRS. NOEM

AMENDMENT NO. 563: At the end of the bill (before the short title), insert the following:

SEC. ____. No funds made available by this Act may be used to modify the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to coarse particulate matter under section 109 of the Clean Air Act.

H.R. 1

OFFERED BY: MR. BASS OF NEW HAMPSHIRE

AMENDMENT NO. 564: Page 291, line 11, after the dollar amount, insert ''(reduced by $98,000,000)''.

Page 293, line 4, after the dollar amount, insert ''(increased by $50,000,000)''

Page 293, line 8, after the dollar amount, insert ''(increased by $50,000,000)''.

Page 359, line 15, after the dollar amount, insert ''increased by ''(increased by $48,000,000)''.

H.R. 1

OFFERED BY: MR. BASS OF NEW HAMPSHIRE

AMENDMENT NO. 565: Page 291, line 11, after the dollar amount, insert ''(reduced by $98,000,000)''.

Page 293, line 4, after the dollar amount, insert ''(increased by $50,000,000)''.

Page 293, line 8, after the dollar amount, insert ''(increased by $50,000,000)''.

H.R. 1

OFFERED BY: MR. BOREN

AMENDMENT NO. 566: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

H.R. 1

OFFERED BY: MS. HAYWORTH

AMENDMENT NO. 567: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement section 1899A of the Social Security Act (42 U.S.C. 1395kkk), as added by section 3403 of the Patient Protection and Affordable Care Act (Public Law 111–148).

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 568: At the end of the bill (before the short title), insert the following:

SEC. ____.

(a) None of the funds made available by this Act may be used to provide grants (within the meaning of section 6302 and section 6304 of Title 31 of the United States Code).

(b) Subsection (a) shall not apply to grants allocated under a statutory formula or grants to states, territories, tribal areas, the District of Columbia, outlying areas and freely associated states.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 569: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund periodic step increases described in Section 5335 of Title V of the United States Code.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 570: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act for motor vehicles for any civilian agency listed in the worldwide inventory of the most recent Federal fleet report of the General Services Administration is hereby reduced by 20 percent.

H.R. 1

OFFERED BY: MR. HULTGREN

AMENDMENT NO. 571: In Division B, at the end of TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES, add the following new section:

SEC. ____. Notwithstanding any other provision of law, the Department of Energy is hereby authorized to proceed with the new experiments requested for the High Energy Physics program.

H.R. 1

OFFERED BY: MR. RUSH

AMENDMENT NO. 572: Page 287, line 23, insert the following:

(4) not more than $100,000,000 shall be available until expended for carrying out the provisions of Section 3505(b) [Trauma Service Availability Grants] of Public Law 111–148 (Patient Protection and Affordable Care Act).

H.R. 1

OFFERED BY: MR. COOPER

AMENDMENT NO. 573: At the end of the bill (before the short title), insert the following:

SEC. ____. Notwithstanding any other provision of this Act (other than a provision relating to amounts required to be made available by a provision of law), this Act appropriates for fiscal year 2011, for each account, program, project or activity for which amounts were appropriated in an appropriations Act referred to in section 1101(a), such amounts as may be necessary, at the level specified in section 1101(c), except that such level, with respect to the following appropriations Acts, shall be equal to the following percentages of the amounts appropriated in such appropriations Acts, including transfers and obligation limitations:

(1) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), 100 percent.

(2) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (division D of Public Law 111–117)—

(A) with respect to amounts made available by such Act for Pell Grants, 100 percent; and

(B) with respect to all other amounts made available by such Act, 95 percent.

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111–117), 100 percent.

(4) All other appropriations Acts referred to in section 1101(a), 95 percent.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 574: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to make any contribution on behalf of the United States to the Intergovernmental Panel on Climate Change (IPCC).

H.R. 1

OFFERED BY: MR. REHBERG

AMENDMENT NO. 575: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be paid to any employee, officer, contractor, or grantee of any department or agency funded by title VIII of division B of this Act to implement the provisions of Public Law 111–148 or title I or subtitle B of title II of Public Law 111–152.

H.R. 1

OFFERED BY: MS. ESHOO

AMENDMENT NO. 576: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to enter into any contract with a corporation or other business entity that does not disclose its political contributions.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 577: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel to carry out and implement Title X (Bureau of Consumer Financial Protection) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 578: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel to carry out and implement the National Labor Relations Act (29 U.S.C. 151 et seq.).

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 579: Page 261, lines 22 through 25, and page 262, lines 1 through 4, strike Section 1649 which rescinds $106,556,000 in unobligated balances available for ''Department of Homeland Security, U.S. Customs and Border Protection, Construction'' for construction projects.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 580: Page 245, lines 1 through 3, strike Section 1605 which reduces the level of funding for ''Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding'' to $0.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 581: Page 358, beginning on line 9, strike section 3002.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 582: Page 357, beginning on line 24, strike section 3001.

H.R. 1

OFFERED BY: MR. REED OF NEW YORK

AMENDMENT NO. 583: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to change any rate of salary or basic pay pursuant to section 1113 of Public Law 111–32.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, FEBRUARY 15, 2011 No. 24

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Unto You, O Lord, do we lift our hearts this day in praise and thanksgiving. You are our God and we put our trust in You. Lead us away from shame, for You are our rock and refuge.

Today, give Your grace and strength to our lawmakers. Empower them to live worthy of every trust this Nation commits to their hands. Make them champions of liberty, messengers of peace, and servants of Your kingdom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 15, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business until 11 a.m. Senators will be permitted to speak for up to 10 minutes each during that period of time. At 11 a.m. the Senate will resume consideration of the FAA authorization bill.

At 11:40 a.m. the Senate will resume consideration of the Nelson of Nebraska amendment. There will be up to 20 minutes of debate equally divided prior to a vote in relation to the amendment, as amended. The Nelson amendment relates to criminal penalties for the unauthorized distribution of advanced imaging technology. At about noon, the Senate will proceed to vote in relation to the Nelson amendment, as amended.

The Senate will then recess from 12:30 until 2:15 p.m. for our weekly caucus meetings. After caucus, there will be 10 minutes for debate equally divided prior to a vote in relation to the Wicker amendment, as modified. The Wicker amendment relates to the collective bargaining rights of TSA employees. Senators should expect a vote in relation to the Wicker amendment to begin at about 2:30, 2:25 p.m.

Both of these amendments are subject to 60-vote thresholds. Additional rollcall votes in relation to FAA amendments are expected to occur throughout the day.

MEASURE PLACED ON THE CALENDAR—H.R. 359

Mr. REID. Madam President, H.R. 359 is at the desk and due for a second reading, I am told.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

Mr. REID. I object to any further proceedings at this time, Madam President.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

TRIBUTE TO MANNY PACQUIAO

Mr. REID. Madam President, I am going to take a few minutes today to talk about a friend of Nevada's and a friend of mine. This man is from the other side of the world. His name is Manny Pacquiao. He is in Washington today. Every time I visit with him, I come away more impressed than the last time.

Although those of us who serve here are close with our colleagues in the U.S. Congress—and some even achieve celebrity status inside the beltway itself, the so-called beltway bubble—few of our names and faces are recognizable beyond our shores.

Senator Ted Kennedy was an exception to that rule with fame he earned through the decades he and his family dedicated to public service. So was Senator Clinton—and in her current role as Secretary of State, even more of the world recognizes and respects her. I traveled to Europe with Senator John Glenn. He was a rock star all over Europe. He was a global hero because he orbited the globe.

But no one in our national legislature comes close to the level of worldwide fame of the Congressman from the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

southern tip of the Philippines, Manny Pacquiao.

The bond between the Philippines and the United States is deep and strong. During World War II, when the Pacific nation was a commonwealth of this country, brave and patriotic Filipino troops served under the American flag. With the leadership of Senator DAN INOUYE, who acted so heroically in the Second World War, we fought in the legislative branches of our government to give those troops, those Filipino troops, the well-deserved and long-overdue pensions they earned during a time of war.

Now Congressman Pacquiao is a Member of Congress from the Philippines. He is also a boxer who holds many other titles than that of Congressman. He holds the title of Super Welterweight Champion. He is the only person in the history of boxing to hold eight world titles. He is the first person in history to win 10 world titles in 8 different weight divisions. He started out being a champion at 106 pounds.

He has fought them all. He has fought people who outweighed him 35, 40 pounds. He has been declared the fighter of the decade and three times the fighter of the year. He is rated the No. 1 pound-for-pound best boxer in the world. From Flyweight to Light Middleweight Champion, Welterweight Champion, Lightweight Champion—no other boxer in history has achieved what he has achieved.

He is an ambitious young man with a closet full of championship belts and the start of a promising political career already under his belt. I am most gratified, as I mentioned, that he is a friend of Nevada's, where his sport is a major player in our economic arena. He is someone I really admire.

Manny Pacquiao and I come from opposite sides of the globe, but in our hearts we come from the same place. Manny grew up with nothing. He was just a kid when he had to leave his home and live in the streets. He started fighting in the streets and went into the ring where he certainly has been one of the all-time greats.

He fought for money when he was a mere boy. He has done so well in life. He has fought to get an education he was not able to get as a young boy. He is married to a wonderful woman named Jinkee. They have four children. He is a devout Roman Catholic. When he stepped into the ring for the first time, it changed his life.

He is a fighter. I have talked about that. There is near unanimous agreement he is the best pound-for-pound fighter on the planet today and perhaps ever, and that takes into consideration some great fighters—Sugar Ray Leonard, Sugar Ray Robinson.

He is a man who is so fun to watch. In his last fight—I watched that fight—he was outweighed by some 30 pounds. He won the fight. He won every round of that fight, and the man he fought had been a champion. But he knows it is not enough just to fight for yourself—and he does that very well—or to be a world champion many times over. You have to be a champion for others. That is what he believes.

He is very tough—we know that—not because he can take punches as forcefully as he gives one but because he fights for those who cannot fight for themselves.

The large and vibrant Filipino community in Nevada looks up to Manny, as do Filipinos and fight fans all over the world. He sets a welcome example of an athlete who does good for many. He is someone who is not in public service for fame or glory or money but because he knows his people need his advice and need his voice.

He is a friend, I repeat, of Nevada's, a friend of America, and—I am happy to say—a friend of mine.

THE PRESIDENT'S BUDGET

Mr. REID. Madam President, when President Obama released his budget yesterday, he made one thing very clear: getting our economy back above water will require shared sacrifice.

Few documents are more intricate and complex than our national budget. But beyond the numbers, what I found deep in this budget is an affirmation of our principles. Among those values is a commitment to recognize and adapt to reality—investing in what works and changing what does not.

I appreciate the President's call for shared sacrifice and living within our means and, more than that, his willingness to do more than just talk but actually lead toward fiscal responsibility. He did not just talk about tough choices, he made them. I do not agree with all of his choices. I disagree with some of his cuts. But I cannot deny that by making the difficult decisions he showed leadership.

I also found in the President's budget the recognition that we are not in a competition to determine who can cut the most; rather, we need to cooperate to discover where we can cut the smartest.

This budget proposes a long-term plan to responsibly cut the deficit in half in President Obama's first term. It does not do that by blindly chopping zeros off bottom lines or eliminating programs wholesale. It invests in that which will grow our economy—such as education, such as innovation, and such as infrastructure.

It does not buy into the partisan talking point that there is no difference between spending and investing, because there is. In other words, it recognizes we can lower the deficit not just by subtraction but also by addition. When we invest in education, we create a smarter and stronger workforce. When we invest in innovation, we create jobs before the rest of the world beats us to those jobs. When we invest in our infrastructure—from the interstates to the Internet—we lay the foundation for prosperity.

I am disappointed the congressional Republicans seem to have learned nothing from recent history. They are again trying to slash the programs that keep us safe and eliminate the programs that keep us competitive. They are still fighting for billions in special breaks for oil and gas companies, the insurance industry, and billionaires.

In the last few days, the former president of Chevron oil said: We don't need those subsidies. But yet Republicans are fighting for subsidies for oil companies when the oil company executives say they do not need them.

We have already tried it their way. They are fighting and substantiating billions in special breaks for oil and gas companies, the insurance industry, and billionaires. We tried it. It does not work. That is why we are in the mess we are in. But the Republican reaction to the President's budget has been an attempt to go back in time.

If they want to time travel in search of fiscal responsibility, they should not stop at President Bush's failed administration; they should keep going to his predecessor's, when we balanced the budget with President Clinton.

We live in the present and we budget for the future. We have spending challenges before us. We cannot afford to forget those challenges will not be solved by extreme rhetoric or unrealistic idealism. They will be solved only when reasonable partners are willing to come to negotiate with responsible proposals that find a critically important balance: one that brings down our deficit while keeping our economy moving in the right direction.

When we find that middle ground, we will leave the next generation with an economy they can count on, with the confidence we seek in our future, and with the knowledge that when difficult decisions need to be made, Americans do not shirk that responsibility; when presented with a tough choice, we make it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business 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.

The Senator from Illinois.

EDUCATION FUNDING

Mr. DURBIN. Madam President, the President presented to Congress a budget. It is the annual process or ritual where the President makes the first move, presenting a budget, and then Congress responds. The House and

the Senate come up with a budget resolution within the confines of the President's spending and decide how to spend money. We are now at that phase. But I want to say a word about what the President suggested and what we are hearing from across the Rotunda from the House Republicans.

The President understands we have two challenges as a nation. The first is to create more jobs because we have too many people out of work. Secondly, we need to reduce our deficit. It seems they are cross-purposes, but they do not have to be.

The President is trying to chart a course that moves us forward in a responsible way, cutting spending where it will not hurt economic recovery and growth and investing with the Federal funds we will spend in programs that count. He has talked about an agenda for more education, more innovation, more infrastructure, and economic growth. That is the appropriate balance.

However, when we look at what the Republicans have done in the House of Representatives, we see they have ignored that balance. They believe just cutting spending by itself, without concern about the impact, is best for America's future, but it defies our common human experience. If we said to our family just starting out: There are going to be tough economic times ahead; there are some things we will have to do without, but is there one thing we want to make certain we invest in, most families would say: Well, we want to get the kids educated. We want to make sure our children go to school because that is their only chance. If they don't get a good education, their lives are not going to be as full. They will not make as great a contribution. The same thing is true at the national level. What the President has suggested is, we need sound investment in education.

Unfortunately, the House Republicans, in their approach, cut some of the most basic programs when it comes to education. The President understands—and I think all of us appreciate—the United States has slipped from first to No. 6 in the world in the percentage of high school graduates going to college. How can we be more competitive in this century? How can we expect to attract good businesses and the right kind of inventors and innovators who will spark growth in our economy if we don't have more of our students attending and graduating from college?

We have also slipped from 1st to 12th in the percentage of people holding college degrees. America better wake up and look around the world. I recently spoke at a commencement for a law school in Chicago, and I was surprised when it came to the master's degrees in law. Those are advanced degrees. Anyone with that degree has been in school at least 20 years of their life. When I looked at the graduates with master's degrees from a law school in the city of Chicago, more than half of them were women from China. I thought to myself: I never would have dreamed this. During my time—and this goes back quite a few years—there weren't that many women in law school. Now they make up the majority of law students. But who would have guessed that Chinese women would have the majority of graduate degrees from a law school in Chicago? Wake up, America. That is what is happening.

China, India, and other countries are focused on promoting education for those with the skills to lead their countries in the future. Can we do anything less? Our Nation's strength lies in its ability to outcompete and outinnovate every other country in the world. We can't do it if we are not preparing the next generation of scientists, entrepreneurs, and innovators.

Let's take a look at what the House Republicans did. They are promising we can cut off investments in education, even as quickly as the remainder of this fiscal year, and still prosper. I question that. They released their continuing resolution for the fiscal year on Friday night. Their proposal cuts $4.9 billion in education programs from prekindergarten through college, the money that helps schools teach and helps students get to college. Here is what they cut: $1.1 billion from Head Start, a program that helps low-income, disadvantaged kids enter kindergarten ready to learn. The Presiding Officer has seen these Head Start programs, and I have too. We think to ourselves: Where would these kids be without it? Many of them come from single-parent families, and many of their parents are struggling, making basic minimum wage and hardly any more, and this is where they send their kids during the day so the kids, at an early age—3, 4, and 5 years old—are exposed to socialization, getting to know other children, having mentors and teachers in the room, and learning the basics. Then, when the day comes when they are ready to go to kindergarten, they are truly prepared and ready to go. The House Republicans' cut in Head Start would drop 127,000 low-income preschoolers from the program—over 5,000 in Illinois. That means cutting the rolls by 20 percent and laying off 55,000 teachers and staff. So is that where we start to build for the future, by taking these children out of the Head Start classrooms and laying off 55,000 teachers? What does that say about the future of those children? Will it be as good or worse? I think we know the answer to that.

Under the House Republicans' proposal, $700 million would be cut from schools serving more than 1 million disadvantaged students. We understand, because we are testing, that kids who go to school and who happen to be from lower income families, disadvantaged families, many times don't do as well. We know it. We see it in the test scores. We try to put money into the districts, for what purpose? To reduce the size of the class, provide extra help, including mentoring and teaching after school, and give these students who would otherwise fall behind and might drop out a chance to succeed. Well, the Republicans say: There is an area to cut. They take $700 million out and end up firing 10,000 teachers in these programs—over 280 of those from schools in my State.

Innovative programs that are working today to move our States toward reform in education would be seriously cut. Race to the Top gave to our Secretary of Education, Arne Duncan, incentives of millions of dollars to offer to States if they will do things that are bold, innovative, and successful in improving education. It is interesting that the first two States to be awarded, if I am not mistaken, were Delaware and Tennessee. It is pretty clear the Department of Education wasn't looking for any political agenda here; they were looking for States truly committed to reform. I am sorry Illinois didn't make the cut. One would have thought the President's State might have had an advantage. We didn't make it. In fairness, there are things we could have done that would have improved our chances. But other States changed the laws, moved forward, to try to make sure there is accountability in education as well as good results.

What did the House Republicans think about that? Well, they think we should cut that, dramatically cut that program.

They would cut Pell grants by $845 per student. What does that mean? I know the Senator now presiding over the Senate, similar to myself, has met many of the students receiving Pell grants. A lot of these kids come from families where no one has ever gone on to college. Many of them come from low-income families who can't give them any financial support, and many of them struggle to try to stay in school and still take a job and earn enough money to get by. The Pell grant helps them. The Pell grant says: If you are from a low-income family, we are going to give you a helping hand. To say we are going to cut that grant means many of these students will not be able to continue in school. They will quit. Some may return at a later time; many will not. We will have wasted an opportunity for young, ambitious students who use the Pell grants and student loans to have an education that can lead somewhere.

I might say, in fairness, that I know a little bit about this subject because I went to college and law school borrowing money from the Federal Government. Had I not been able to do that, I am not sure I would be standing here today. It gave me my chance. I still had to go to classes and take the tests and earn the grades and eventually pass the bar exam, but the fact is that money made all the difference in the world to me. There was no way my widowed mother was ever going to pay

for my education in those days. She couldn't do it.

That was my story. Now repeat that story millions of times across America and ask ourselves: What are the House Republicans thinking? They are going to cut Pell grants for these students who are struggling to go through college? Why would we do that when 80 percent of our Nation's fastest growing jobs require higher education? In Illinois, an estimated 61,000 students are going to see their Pell grants significantly reduced or eliminated.

The House Republicans also want to eliminate $1.5 billion in grants to States for job training. When we think about the number of unemployed in America today and how few of them will be able to return to the same job they left, we understand they need new skills, new training. They have to move into new areas of opportunity. Job training offers that. The Republicans eliminate it.

Now take a look at what the President does. The President makes a dramatic cut in spending, freezing our spending, reducing our spending by over $400 billion over the next 5 years, and bringing domestic discretionary spending in America as a percentage of our gross domestic product down to a level lower than it was in the 1950s under President Eisenhower. So he calls for sacrifice, as we should. But the President understands the importance of education. His budget includes $8.1 billion for Head Start to serve nearly 1 million children and families. It includes $1.3 billion to support almost 2 million children and families through the childcare development block grant program.

The President's budget also includes $26.8 billion, an increase of about 7 percent, for elementary and secondary education, focused on raising standards, encouraging innovation, and rewarding success.

Last week, the heads of many school districts in Illinois came to see me. They are struggling. We can understand why. With real estate prices going down and values going down, property tax receipts are not what they used to be. Our State is in bankruptcy. It doesn't have the money to send back to school districts. A small amount—about 5 percent that comes from the Federal Government—is important to them. If Republicans have their way, that amount will be reduced. The President tries to maintain that contribution from the Federal level to help local school districts.

There is something else the President does which I think is essential to better education. He invests $185 million for a new Presidential teaching fellows program which would provide scholarships to talented and aspiring teachers who commit to teaching for 3 years in a high-needs school. It also invests $80 million to improve teacher training in the STEM subjects—science, technology, engineering, and math.

I think most would agree the success of an education depends, first, in my case and many others, on strong family support and encouragement but also on the quality of the teacher in the classroom. We want to make sure we have the best teachers so we have the best students, the best graduates who are then in the best position to compete in the years ahead.

The President's budget maintains a maximum Pell grant award of $5,550 per year, ensuring nearly 8 million students across the country can continue to pursue a college degree.

There is also money in the President's budget for worker training, which we desperately need.

There is also an investment of $1.4 billion in competitive programs to bring about reform in education, including the Early Learning Challenge Fund, spurring States to improve quality; the new Race to the Top, bringing resources to school districts willing to make reforms; and a new First in the World competition, which encourages colleges and universities to demonstrate success in graduating more high-needs students and preparing them for employment.

There are skeptics who believe that no matter what the government does, it is not going to create jobs or create opportunity in America. I think we can go too far in selling the government's role, and we shouldn't. But we can understand in education that the government's role does make a difference.

I try to calculate in my mind. It has been barely 50 or 54 years since we made a decision in Congress that we were going to invest in student loans to help young people go to college—the same program that helped me go to college. It happened after Sputnik was launched and we were concerned about the Russian effort to put satellites in outer space, followed by missiles, followed by a Cold War face-off that we might experience. So we said we need more engineers and scientists and more college grads. We made the investment and it worked. We not only made it to the Moon, but we moved the American economy forward to lead the world in the last half of the 20th century. It was no accident. Part of it was the investment of our government in education for our citizens. The President believes we have to keep that commitment. I agree with him.

I think the House Republicans have gone too far in their cuts. I think they start with the skepticism that government cannot do anything right. Many of them were the beneficiaries of college student loans through the government, and they have forgotten. They shouldn't. Families across America count on it, and we should too. We have to make sure we have a strong budget that cuts deficits—and I agree we must—but maintains essential economic investment. Congress needs to enact a plan that will lead to fiscal sustainability over the long term if we want to ensure a strong economic future. The President has provided an excellent starting point in that conversation.

Madam President, before I yield the floor, I ask unanimous consent that the time consumed in any quorum call during the period of morning business be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. 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. ISAKSON. Madam 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.

HAPPY 70TH BIRTHDAY TO T. ROGERS WADE

Mr. ISAKSON. Madam President, I rise to speak for a few minutes about a gentleman whose 70th birthday will be celebrated next Monday night in Atlanta, GA. He is a gentleman who has deep ties to the Senate. His name is T. Rogers Wade.

He came to the Senate in 1973 as an administrative assistant and later chief of staff to Georgia Senator Herman Talmadge. During those years, Senator Talmadge was chairman of the powerful Agriculture Committee which, in my State of Georgia, is instrumental. Rogers Wade is one of those unique people whom all of us, such as the Presiding Officer and myself, are lucky enough to have in our offices, somebody who supports us, keeps us moving in the right direction, helps us back home with our people—in other words, kind of drives our ship of State. My chief of staff does. Rogers Wade did it for Herman Talmadge.

He took those talents and brought them back to Georgia after 1980 to do a number of memorable and tremendous things. For example, when he first came back he founded a firm called Edington Wade & Associates, a public affairs firm that represented many Fortune 500 companies throughout the State of Georgia and their locations.

Following that, he did many other things in Georgia. He founded Leadership Georgia, a program today celebrating over 40 years in our State, generating new leaders for our State. It is a great program. He came to the Fanning Institute of Leadership at the University of Georgia and serves on its board. He serves on the board of the Richard Russell Foundation. Most importantly, he is a can-do guy who became president of something known as the Georgia Public Policy Foundation, an organization that is nonpartisan and dedicates itself to opine on legislation going through the Georgia Legislature or initiatives coming before the people on the ballot to give them an unvarnished, nonpolitical, straight-talk expression of what that law or what that issue would be. It has become one of the most respected foundations in our State and, in fact, around

the country. He served as president of that foundation from 1997 to 2009 and today is a trustee of the foundation.

One of the interesting things T. Rogers Wade did—a lot of people talk about what they want to do to reform education and help kids in need. T. Rogers Wade did it. He founded something called Tech High in Atlanta, GA, a school in an old dilapidated building that he raised the money to rehabilitate. He brought in excellent faculty in STEM math and science and opened it as a charter school approved by the State of Georgia for the most in need, free-and-reduced-lunch kids in the metropolitan city of Atlanta public school system. He began attracting those kids to that charter school. So successful has Tech High been that Arne Duncan, the Secretary of Education, chose it to be one of his first visits after he became Secretary of Education under President Obama. It still is a guiding light today of what can be done, with a focus on excellence and helping kids in need to brighten their future.

Just recently, with the election of Nathan Deal as the new Governor of Georgia, he picked one person out of our State to guide him in his transition team. It was T. Rogers Wade.

T. Rogers Wade has touched the lives of American servicemen by being on the board of the USO, Georgia businesses by being on the board of the chamber of commerce, and citizens around our State by being the president of the Public Policy Foundation.

Next Monday night, I am going to have dinner with a great Georgian and great American. And I rise at this moment on the floor of the Senate to pay tribute to T. Rogers Wade on the occasion of his 70th birthday.

I yield back the remainder of my time. 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. BAUCUS. Madam 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.

ESSENTIAL AIR SERVICE

Mr. BAUCUS. Madam President, I realize we are in morning business, but I rise to oppose the McCain amendment to the FAA bill, which will probably come up later when we get to the bill.

The McCain amendment will eliminate the Essential Air Service Program. I applaud my colleague for exploring ways to address our deficit, and I want to join him in looking for opportunities to control spending, but this is one program we must preserve. We won't improve the deficit by stifling local economies.

The Department of Transportation estimates that 1.1 million travelers from more than 150 communities rely on the Essential Air Service Program. The Essential Air Service Program is a promise to rural America, which absolutely needs airports for economic development, as noted in the 2009 Journal of Rural Studies report entitled, ''The Economic Importance of Air Travel in High-Amenity Rural Areas.''

Nearly half of the American West consists of publicly owned lands containing mountain ranges, forests, rivers, lakes, parks, and areas for wilderness, wildlife, and grazing. Many people come to the West to visit—especially from the East—especially in the summer, to go fly fishing, camping, for tourism, and in the winter for skiing. People enjoy public lands in the West. We have so many public lands in the West, we don't have private land for development. This means we have tremendous distances between population centers, and we need reliable air travel to ensure jobs, private enterprise, and access to medical assistance.

Montana is primarily a rural State. We rank 47th in population—that is only three States with less populace than we—while being the fourth largest in land mass. To put it differently, although we are slightly larger than the country of Japan, we have fewer citizens than the State of Rhode Island, the smallest State in the Nation.

Montana has eight Essential Air Service communities: Sidney, Glendive, Wolf Point, Miles City, Glasglow, Havre, and West Yellowstone. The first seven rely on industries such as agricultural and mineral extraction—industries that are vital to America's growth and industries which exist in rural America rather than in downtown metropolitan areas. A couple of those airports also lie near Indian reservations where economic needs are paramount. Without the Essential Air Service all these areas risk isolation.

In 2008, Montana's Essential Air Service provider went out of business. We lost air travel for months. At this point, I want to read a passage from a recent Great Falls Tribune article to illustrate the impact on jobs and the economy. It says:

> When Havre, a city of about 10,000 people, lost its air service . . . BNSF Railway closed its local office and moved its operation to Billings.

Think of that. Think of the irony. The railroad needs reliable air services. They didn't have them so they moved to another location. That shows how interconnected our economy is.

I want to take this opportunity to also announce that I have launched a Senate Essential Air Service Caucus. Senator COLLINS from Maine is cochairman of the bipartisan caucus, and several other Democratic and Republican Senators have already joined us, and I encourage my other colleagues to join and stand with us.

It is important to rein in the deficit. That is clear. But let us be responsible about how we do it. Pulling the rug out from under programs such as Essential Air Service will shrink the economy rather than shrinking the deficit. I will not turn my back on communities that rely on this program as a lifeline.

Madam President, I yield the floor, 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. ROCKEFELLER. Madam 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

> Wicker modified amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.
>
> Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.
>
> Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008.
>
> Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.
>
> Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.
>
> Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.
>
> McCain amendment No. 4, to repeal the Essential Air Service Program.
>
> Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include

nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Reid amendment No. 55, to require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, NV.

Udall (NM)/Bingaman amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Nelson (NE) amendment No. 58, to impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Rockefeller (for Baucus) modified amendment No. 75, of a perfecting nature.

The ACTING PRESIDENT pro tempore. I understand the Senator from Montana wants to make a modification?

Mr. BAUCUS. That is correct.

AMENDMENT NO. 75, AS FURTHER MODIFIED

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask that my amendment No. 75 be modified further with the changes that are at the desk.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendment, as further modified, is as follows:

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2011'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''April 1, 2011'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Air Transportation Modernization and Safety Improvement Act;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2011'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(B) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(C) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Paragraph (2) of section 4081(d) is amended by striking ''(a)(2)(C)(ii)'' and inserting ''(a)(2)(A)(iv)''.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking ''(4)(C) or (5)'' and inserting ''(4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(C) Subsection (l) of section 6427 is amended by striking ''DIESEL FUEL AND KEROSENE'' in the heading and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Paragraph (1) of section 6427(l) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (4) of section 9503(b) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(5),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION-GRADE KEROSENE.—The term ''aviation-grade kerosene'' means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT AVIATION-GRADE KEROSENE.—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 is amended by adding at the end the following new subsection:

''(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2011, and annually thereafter the Secretary shall transfer $400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9502(d) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (f), amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

''(A) IN GENERAL.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(ii) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(B) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

''(i) the ownership of an interest in a program aircraft,

''(ii) the holding of a multi-year leasehold interest in a program aircraft, or

''(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

''(3) DRY-LEASE AIRCRAFT EXCHANGE.—The term 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional

ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—the first sentence of section 4281 is amended by inserting ''or when such aircraft is a turbine engine powered aircraft'' after ''an established line''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: ''Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

Mr. BAUCUS. I thank my friend from West Virginia. He is a good man.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I am here to speak on the legislation that is pending before us. We all know this country faces big challenges. We face a declining infrastructure that is critical to our business. We need safe, reliable transportation if we are going to keep the flow of commerce moving. But as President Obama mentioned in his State of the Union Address, when American engineers took a look at our transportation infrastructure, they gave us a ''D'' grade. That is not quite failing, but it is certainly not very good.

Our declining infrastructure threatens not only our safety but also our global economic competitiveness. America is falling behind economic competitors such as Europe and China which are making significantly more robust investments in their infrastructure. In the United States, we currently spend about 2 percent of our GDP on infrastructure. That is a 50-percent decline since 1960. China and Europe, on the other hand, spend close to 9 percent for China and 5 percent for Europe of their GDP respectively on infrastructure. We need to make the kind of smart investments that will help keep America competitive.

That is why I am very glad we are moving forward with this bipartisan FAA reauthorization bill. It has been almost 4 years since Congress passed an FAA bill, and in that time our economic competitors have continued to invest in their 21st century aviation systems.

Airports are critical to commerce and economic activity in all of our States. The major airport in my home State of New Hampshire, Manchester Airport, generates over $1.2 billion in economic activity every year. Much of that comes from out-of-State residents and foreign travelers. Without that airport, without that air infrastructure, we would not be able to generate that kind of economic activity. The aviation industry in New Hampshire and across the country also provides good jobs for pilots, flight attendants, mechanics, air travel controllers, and so many others. Manchester Airport alone provides over 1,900 jobs.

The FAA legislation that is now before us will accomplish the long overdue task of upgrading one critical component of our aviation infrastructure, the air traffic control system. It will upgrade the system to an efficient 21st-century system called NextGen.

I do not think very many people realize that when they get into an airplane, the pilots and the air traffic controllers are using 20th-century technology to navigate the skies. I was just at a meeting of the High Tech Council in New Hampshire and having this conversation with them. They did not realize that that is the kind of aviation system we use to fly our planes.

So although our cell phones and cars have GPS systems, our multimillion-dollar airplanes use World War II era radar systems. The system we have now is inefficient. It wastes the time and money of everyone involved in the aviation industry. As Chairman ROCKEFELLER has pointed out so many times, even Mongolia has a more advanced air traffic control system than we do. That is unacceptable.

Not surprisingly, our outdated system is at capacity. According to the FAA, delays resulting from the constraints on the system cost the United States over $9 billion every year. That number is going to continue to rise if we do nothing.

We need to take action. The FAA forecasts that the aviation system will carry more than 1 billion airline passengers annually by 2023. We cannot afford to let such an important part of our 21st-century economy languish with 20th-century technology.

By investing in NextGen, our air traffic controllers will finally have the 21st-century technologies they need to make our system more efficient. Let me give an example of the progress NextGen would make. Right now, air traffic controllers give all of their commands to pilots over the radio. They tell them when and where they will be landing. Now, because all of the pilots in the area are listening, there is the potential for miscommunication sometimes. Our pilots and controllers are very professional. They do their jobs well. But sometimes people talk over each other and pilots hear the wrong information. This system we currently have wastes time, and it puts the flying public in jeopardy. Once NextGen is in place, controllers will be able to type a command and send it directly to the plane. To all of us who use e-mail, this sounds pretty basic, but it is an example of the kinds of upgrades that are needed to make our aviation system more efficient and safer.

By funding NextGen, this bill will bring our air traffic control system into the 21st century. NextGen will reduce congestion by allowing planes to fly more direct routes, it will conserve energy, and it will make flying safer for everyone.

Of course, some flight delays are unavoidable. We cannot control the weather, as we all know. But when delays cannot be avoided, we can make sure airlines are treating their customers fairly. That is another critical component of this legislation. That is why this bill includes the passengers' bill of rights.

I cosponsored the passengers' bill of rights after a businesswoman from Bedford, NH—a woman named Jennifer Shirkani—told me her stories of being stuck on tarmacs for hours without access to food or water. These experiences were so frustrating to Jennifer that she became a leader in the movement to get this legislation passed. Unfortunately, her stories have been all too common in recent years. According to the Department of Transportation, hundreds of thousands of passengers have been stuck on a tarmac for more than 3 hours. This bill will codify protections put in place last year by the Department of Transportation so we will not go back to the days when airlines left travelers on the tarmac.

I wish to commend Chairman ROCKEFELLER and Ranking Member HUTCHISON for producing a strong bill, and I look forward to being able to support this legislation with all of my colleagues and pass it very soon so we can upgrade our transportation system to compete with the rest of the world.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. 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.

Mrs. HUTCHISON. 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. HUTCHISON. Mr. President, we are working very hard to have an amendment on the perimeter rule that would accommodate all the concerns of western Senators who do not have easy access to Reagan Washington National Airport and the concerns of the Virginia Senators who are concerned about congestion and other Senators from the Far West who want to try to have a better chance at a direct flight.

Senator ROCKEFELLER and I have filed an amendment that we think is a fair approach. We did this because we did not have enough consensus, and we are trying to drive that consensus. So I would like to ask that the amendment be brought up. It is our intention then to set it aside for Senator NELSON's amendment, which is scheduled for a vote. I have informed everyone that I am going to ask the Chair to call up amendment No. 84, the Rockefeller-Hutchison amendment on the perimeter rule.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Mr. President, reserving the right to object, I know my colleagues, the ranking member and the chairman of the committee, have been working diligently to try to resolve this issue. It certainly is a thorny one, given the history of the Commerce Committee and previous votes on this issue.

For me, the issue is that I certainly do want access to the West, and I certainly want to make sure the Nation's Capital is accessible to all parts of the country, but we also want to make sure there is a fair process, that a decision to open access to National Airport is run through the Department of Transportation in an FAA process, that we do not handpick here on the Senate floor any of the people who would be winners in this process but that we make the decision on how much access is available.

I would say to my colleagues that the whole issue here about airports is that anytime you have a limited footprint, you have had discussion about how to give access to that through a process of the FAA.

So I would say to my colleague, let's keep dialoguing and working on this issue. But a process and an amendment that includes conversion; that is to say, that a predominant carrier out of National Airport can continue to hold that dominance in the marketplace, I think is the wrong approach. I look at what is happening now with what the Department of Justice has said about the Delta-US Air swap between New York and DCA. It basically said they have too much market share and they ought to divest if they want to engage in that kind of swap behavior. So any kind of conversion process that would allow slots to be converted is like saying, if you own real estate around the Capitol, then you can buy more real estate around the Capitol.

So I hope we can come up with a process that puts the FAA in charge of this, opens up how much access, but not make the decision here on the Senate floor; allow the FAA and DOT to do their job, as they have on this issue in the past. So at this point in time, I object to the Senator's proposal.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 1 minute to respond to the objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the reason for the conversions was to accommodate the needs of the Washington National Airport people and to also understand that the incumbent carriers—of which there are four—have mostly paid the lion's share of the cost of the additions to Washington National Airport.

We do want a fair process. That is why we have separated the new entrants, which would be five, to accommodate carriers that have no presence but also have conversions of flights that are already in place, so there would be fewer new flights into Washington National and there would be a fair process with the incumbent carriers who have paid such a lion's share of the cost at the airport to keep it competitive and fair.

So, with that, we will continue to discuss. We hope we will have an amendment that can be voted on, and I think it is imperative that we vote on this issue so there is a Senate position.

Mr. President, I yield the floor.

AMENDMENT NO. 58

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate equally divided on the Nelson amendment No. 58.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, the amendment which Senators SCHUMER, AKAKA, SHAHEEN, TESTER—our Presiding Officer—WHITEHOUSE, MENENDEZ, BILL NELSON of Florida, and I have offered, which we will be voting on shortly, is a commonsense approach to addressing the serious issue of protecting an individual's privacy when they pass through security checkpoints at airports and public buildings.

Nebraskans and Americans understand that every step must be taken to keep Federal buildings and air travel safe in America, particularly after the 9/11 attacks. However, as we promote security, safeguards are necessary to protect everybody's privacy from misuse of images generated by body scanning machines.

Our legislation sends a commonsense message: We will not ignore people's privacy as we make sure air travel and Federal buildings are safe. The amendment is very straightforward.

It would, No. 1, make it a crime to photograph or record a body scan image or distribute a body scan image, taken at either an airport or any Federal building, without express authorization to do so either by law or regulation.

Second, it imposes a penalty of up to 1 year in prison and $100,000 fine on violators.

Third, we provide an exception from prosecution if the actions taken occur while an individual is engaged in their official duties during the course of an authorized intelligence investigation or criminal prosecution. This language, which was worked out with officials at the FBI and DNI, is important. This is not an abstract concern. There has already been a case where these images have been taken and posted on line inappropriately. So it is my hope that by creating a very strong deterrent and establishing criminal penalties for those who take and distribute body scan images inappropriately, we will help prevent that from occurring again.

By adopting this amendment, we are telling our constituents we are not going to ignore their privacy in the process of making sure we have safe airports and Federal buildings.

I ask my colleagues to support our amendment.

AMENDMENT NO. 85, AS MODIFIED, TO AMENDMENT NO. 58

Mr. NELSON of Nebraska. Mr. President, I call up my second-degree amendment No. 85 which is at the desk and ask unanimous consent that it be modified with the changes that are at the desk.

The amendment is as follows:

Beginning on page 2 of the amendment, strike line 18 and all that follows through page 3, line 21, and insert the following:

''(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account of the performance of official duties, distributes, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

''(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term 'advanced imaging technology'—

''(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing;

''(2) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'; and

''(3) does not include a device equipped with software that produces a generic representation of the human form instead of a visual image of an individual.''.

The PRESIDING OFFICER. Under the previous order, the second-degree amendment, as modified, is agreed to.

(The amendment (No. 85), as modified, was agreed to.

Mr. NELSON of Nebraska. Mr. President, I ask my colleagues to support our amendment, and I ask for the yeas and nays. I believe other colleagues are here to respond.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. NELSON of Nebraska. Mr. President, I believe other colleagues are here to speak. I notice Senator SCHUMER is here. I appreciate very much his support. Working together very carefully with total collaboration, we have been able to, with our colleagues, bring about what I think is important privacy legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

First I wish to congratulate my good friend and hunting buddy, the Senator from Nebraska, for the great work he has done. It has been a pleasure to work with him. We have had parallel interests and his amendment hopefully will solve a problem that has arisen lately because of the full-body scanners that are being installed at airports.

As everyone knows, late last year the TSA began installing full-body advanced imaging scanners at airports across the country. These new scanners are better able to quickly and accurately detect explosives than the older scanners and would likely have thwarted the Christmas Day bomber before he had even gotten on the plane.

But from the get-go, legitimate questions popped up about the potential for privacy violations from the use of these scanners. What happens if a rogue TSA employee disseminates your full-body image? What happens if a fellow passenger or reporter takes pictures of body scan images with his phone and e-mails it to his friends or places the pictures on a Web site or in a newspaper? Are there safeguards to prevent such abuses? If it happens, what are the consequences?

Obviously, airline safety is our paramount concern. We can oftentimes, by carefully legislating, have our cake and eat it too—to make sure safety stays No. 1, but to also make sure, as the Senator from Nebraska and I are trying to do, that privacy is protected whenever possible. That is why Senator NELSON and I teamed up to work with TSA and privacy advocates to devise a sensible solution to the problem—a solution that would protect privacy without sacrificing safety.

The legislation we came up with, which Senator NELSON is now offering as an amendment to the FAA bill, strikes just the right balance. First and foremost, the amendment makes it a Federal crime to record and disseminate images from airport scanners. It provides a sentence of up to 1 year in prison and a fine of up to $100,000 per violation to anyone who is convicted of violating the law.

I should note the amendment not only covers the misuse of the original images recorded from the scanners but also photographs of scans taken by security personnel, airline employees, passengers, or anybody else.

Americans want to know when they take to the skies that every possible precaution has been taken for their safety. At the same time, they want to know that precautions have been taken to ensure their privacy. The amendment would offer the flying public that much-needed assistance.

Again, I applaud Senator NELSON, who is a member of the Emerging Threats and Capabilities Subcommittee, for his leadership on this issue. I urge my colleagues to support the smart, practical amendment we are offering today, and I urge that it be passed as quickly as possible by this body.

Mr. President, I yield the floor, and 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.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. 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. NELSON of Nebraska. Mr. President, I ask unanimous consent to add Senator BILL NELSON of Florida to amendment No. 58 as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. 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.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I wish to say, very briefly, that I strongly support the Nelson amendment for a whole variety of reasons, all of which are very logical, extremely well ordered, and which I do not have time to give.

The yeas and nays have been ordered. Perhaps we can proceed with the vote.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I too wish to say I support the Nelson amendment and appreciate his working with the Intelligence Committee and the Judiciary Committee to assure all the bases are covered. I will be supporting it as well.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 58, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—98

Akaka	Crapo	Lee
Alexander	DeMint	Levin
Ayotte	Durbin	Lieberman
Barrasso	Ensign	Lugar
Baucus	Enzi	Manchin
Begich	Feinstein	McCain
Bennet	Franken	McCaskill
Bingaman	Gillibrand	McConnell
Blumenthal	Graham	Menendez
Blunt	Grassley	Merkley
Boozman	Hagan	Mikulski
Boxer	Harkin	Moran
Brown (MA)	Hatch	Murkowski
Brown (OH)	Hoeven	Murray
Burr	Hutchison	Nelson (NE)
Cantwell	Inhofe	Nelson (FL)
Cardin	Inouye	Paul
Carper	Isakson	Portman
Casey	Johanns	Reed
Chambliss	Johnson (SD)	Reid
Coats	Johnson (WI)	Risch
Coburn	Kirk	Roberts
Cochran	Klobuchar	Rockefeller
Collins	Kohl	Rubio
Conrad	Kyl	Sanders
Coons	Landrieu	Schumer
Corker	Lautenberg	Sessions
Cornyn	Leahy	Shaheen

Shelby	Toomey	Webb
Snowe	Udall (CO)	Whitehouse
Stabenow	Udall (NM)	Wicker
Tester	Vitter	Wyden
Thune	Warner	

NOT VOTING—2

Kerry Pryor

The amendment (No. 58), as amended, was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on Nelson of Nebraska amendment No. 58, as amended, to the FAA reauthorization bill. If I had attended today's session, I would have voted in support of that amendment.•

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that at 2:15 p.m. on this day there be 20 minutes of debate equally divided in the usual form on the Wicker amendment prior to the vote in relation to the Wicker amendment, and that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent I speak on my amendment and ask the time not be counted or charged from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4

Mr. MCCAIN. Mr. President, a few days ago I offered an amendment that would eliminate the Essential Air Service Program, which is at least authorized in this bill at about $200 million. I had no idea we would approach the end of Western civilization as we know it if we eliminated this obviously outdated and unnecessary $200 million of the taxpayers' money.

I am reminded of a comment once made by President Ronald Reagan. To paraphrase what he said: The closest thing to eternal life here on Earth is a government program. There is nothing that illustrates that point more than the Essential Air Service Program.

I ask unanimous consent that three letters be printed in the RECORD. One is from FreedomWorks, one from the National Taxpayers Union, and another is from the Citizens Against Government Waste.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FREEDOMWORKS,
Washington, DC, February 14, 2011.

DEAR SENATOR, On behalf of over a million FreedomWorks members nationwide, I urge you to vote YES on Sen. McCain's (R–Ariz.) amendment to S. 223 the Federal Aviation Administration (FAA) Air Transportation Modernization and Safety Improvement Act which would eliminate the Essential Air Service (EAS). The EAS was created in the 1970's to help a small number of rural communities retain access to air service after airline deregulation. Like so many other government programs, Congress initially enacted it to be a relatively small and temporary ten year program costing several million dollars annually. However, the needless program has continued for 23 years while costing taxpayers $200 million every year.

Along with many fiscally conservative groups, even the Government Accountability Office (GAO) questioned the usefulness of the EAS by stating ''current conditions raise concerns about whether the program can continue to operate as it has . . . the growth of air service especially by low-cost carriers—weighted against the relatively high fares and inconvenience of EAS flights.'' Los Angeles Times reports that taxpayers are forced to subsidize airline service to small communities at a loss. Most of the money provides service to rural airports with fewer than 30 passengers a day.

The ESA is a prime example of wasteful spending. A graph produced by the FAA shows that 99.95 percent of all Americans live within 120 miles of a major public airport. Airports should operate where there are consumers to support such an airport. Taxpayers should not be forced to subsidize rural airports with too little demand to justify their existence. I urge you to repeal the EAS to save taxpayers $1 billion over the next five years. It's a step in the right direction to cut excessive spending wherever we find it.

This, however, is a modest step and should be easily supported by anyone serious about reining in the federal government. In order to produce even more savings, Congress should look into privatizing airports to allow private capital to flow in. Many other countries have successfully and fully privatized some of their airports including Britain, Italy and Australia. The private sector has produced more efficient airports which have led to an increase in airport revenue. The privatization of airports has been beneficial for consumers, airlines and taxpayers.

We will count your vote on Sen. McCain's amendment to the FAA Air Transportation Modernization and Safety Improvement Act as a KEY VOTE when calculating the FreedomWorks Economic Freedom Scorecard for 2011. The Economic Freedom Scorecard is used to determine eligibility for the Jefferson Award, which recognizes members of Congress with voting records that support economic freedom.

Sincerely,

MATT KIBBE,
President and CEO.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, February 15, 2011.

DEAR SENATOR: On behalf of the 362,000-member National Taxpayers Union (NTU), I urge you to vote ''Yes'' on Senator John McCain's amendment to S. 223, the Federal Aviation Administration (FAA) Reauthorization Bill. Approving this amendment, which would repeal the Essential Air Service (EAS) program, is an ideal way for the Senate to demonstrate its commitment toward eliminating low-priority expenditures and beginning to restore fiscal responsibility to the federal budget.

Created in 1978 as a 10-year venture that would ease the transition to a more market-driven commercial aviation sector, EAS has, like many other federal programs, engendered constituencies that have kept the program alive far beyond any demonstrable purpose. Indeed, NTU questioned the need for EAS in the first place, given the fact that robust and competitive air services would fulfill consumers' needs more efficiently than any government subsidization scheme. Unfortunately, many of the taxpayers' worst fears about EAS have come true. The program now operates in more than 100 areas of the country, even as air travelers' choices are numerous. In fact, the Government Accountability Office concluded in 2009 that many Americans are shunning EAS-subsidized flights and airports in favor of lower-cost fares offered at hubs that are still reasonably accessible by automobile. This free-market evolution can be encouraged by easing tax and regulatory burdens on airlines and customers.

Just as other federal transportation programs like Amtrak pour tax dollars into unprofitable and low-traveled routes which consumers bypass out of preference for other commercial alternatives, EAS seems to operate more out of satisfying political considerations than addressing any perceived market defects. Your colleague Senator Coburn provided a vivid illustration of these flaws in a report, Wastebook 2010, late last year:

The cities of Macon and Athens, Georgia are both less than a 90-minute drive from Atlanta's Hartsfield-Jackson International airport. Despite this, the U.S. Department of Transportation subsidized 26 flights per week to and from each city at a clip of $464 per passenger for Macon and $135 for Athens. Passengers pay $39 each for a seat on the 50-minute flight. . . . The local newspaper reports that the Macon [service] averaged 10 passengers a day, while Athens averaged 12 EAS-subsidized flights. By law, the Department of Transportation subsidies are capped at $200 for flights to airports less than 210 miles from a large or medium hub, which Atlanta is.

EAS's justification may always have been dubious, but in today's fiscal environment its continued existence is even less defensible. The savings at stake from passage of the McCain Amendment—$200 million—certainly won't erase the current fiscal year's projected $1.5 trillion deficit, but if the Senate cannot eliminate this blatant example of low-priority spending, taxpayers will have every right to question Congress's sincerity in the vital endeavor of bringing the budget back under control.

NTU has expressed concerns over several portions of the FAA bill, including the threat of higher Passenger Facility Charges and a lack of progress in moving toward a private sector-driven model for air traffic control. Senator McCain's proposal provides a key opportunity to break from the tax-and-spend philosophy that has dominated past FAA legislation and to recognize the role of commercial aviation in America's economic recovery. Once again, NTU asks that you support the McCain Amendment; roll call votes pertaining to this measure

will be significantly weighted in our annual Rating of Congress.

Sincerely,

PETE SEPP,
Executive Vice President.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, February 11, 2011.

U.S. Senate,
Washington, DC.

DEAR SENATOR, Senator John McCain (R–Ariz.) recently introduced Amendment #4 to S. 223, the FAA Air Transportation Modernization and Safety Improvement Act. Senator McCain's amendment would repeal a $200 million government subsidy for the Essential Air Service. On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this amendment.

Federal spending has ballooned out of control and taxpayers are bracing themselves as the nation rapidly approaches its statutory $14.3 trillion debt limit. Yet, Congress continues to fund wasteful and unnecessary programs. The Essential Air Service was created in 1978 to subsidize airline carriers that provide service to small communities. Originally funded at $7 million, the program has since grown to cost taxpayers $200 million, subsidizing a dozen airline carriers in more than 100 communities.

Ironically, this air service program is anything but essential, as 99.95 percent of Americans live within 120 miles of a public airport that accommodates more than 10,000 takeoffs and landings each year. CCAGW has been a long-time proponent of eliminating funding for worthless, money-draining airports that have long been protected under the Essential Air Service. One such egregious example is the John Murtha Johnstown-Cambria ''Airport for No One.'' This airport services fewer than 30 people per day, yet it has received more than $1.3 million under this program. This is hardly an efficient use of taxpayer dollars, especially when the government is facing a record-breaking $1.5 trillion budget deficit.

The Essential Air Service program has been repeatedly cited in CAGW's Prime Cuts, a proprietary database comprised of 763 recommendations that would save taxpayers $350 billion in the first year and $2.2 trillion over five years.

Congress cannot continue on a spending rampage while ignoring the nation's balance sheets. Senator McCain's amendment would cut a profligate, indefensible government program that Americans do not need and taxpayers simply cannot afford. All votes on Amendment #4 to S. 223 will be among those considered in CCAGW's 2011 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

Mr. McCAIN. FreedomWorks says:

The ESA is a prime example of wasteful spending. A graph produced by the FAA shows that 99.95 percent of all Americans live within 120 miles of a major public airport. Taxpayers should not be forced to subsidize rural airports with too little demand to justify their existence. I urge you to repeal the EAS to save taxpayers $1 billion over the next 5 years.

The National Taxpayers Union cites:

The cities of Macon and Athens, Georgia are both less than a 90-minute drive from Atlanta's Hartsfield-Jackson International Airport. Despite this, the U.S. Department of Transportation subsidized 26 flights per week to and from each city at a clip of $426 per passenger from Macon and $135 for Athens.

Then, of course, the Citizens Against Government Waste points out that:

Congress cannot continue on a spending rampage while ignoring the nation's balance sheets.

Probably the loudest complaints have been from the State of Alaska, a State I love and enjoy. There is a great article that appeared in an Alaskan newspaper. It is called ''Self-Sustainability—Is it time for Alaska to grow up?''

Among other things I didn't know about is:

While the nation faces a $14 trillion fiscal hole and Congress is looking to tighten its belt, it's inevitable that Alaska is going to feel some of the pain.

But what is interesting is that the State of Alaska, he goes on to state, has ''$12 billion in reserves and another $40 billion banked away in the permanent fund.''

Wow. I don't know of another State in the Union that is that well off. He, Andrew Halcro, goes on to say:

We Alaskans fancy ourselves as rugged individualists, who are quick to eschew the long arm of the federal government and Big Brother. However our actions sometimes don't match our rhetoric.

He goes on:

What about the amendment to eliminate essential air service subsidies in small rural communities throughout Alaska? Currently the feds subsidize air service to more than 44 communities to the tune of $12 million per year.

The author goes on to say:

Is it really the federal government's role to subsidize air service to Rampart, a community with 15 people?

An interesting question. He goes on to say:

We've known this day was coming but have done little to prepare our communities for it. We have continued to live in a subsidized world, where one of the biggest issues so far this legislative session has been a debate over suspending Alaska's measly gas tax. . . .

This past week, Alaska Senator Mark Begich, in response to the announced ban on earmarks stated, ''I have said many times Alaska is a young State with many needs, and we deserve our fair share of Federal funding to develop our resources and our infrastructure.''

The author goes on to say:

While I would absolutely agree that federal policies have restricted Alaska's ability to develop its vast resources, the ''young state'' argument has been used for decades to justify growing demands on the Federal budget for things like the Denali Commission and earmarks for controversial bridges.

This year Alaska turns 52, so arguably we are not kids anymore. Is it time for us to grow up?

Is it time for all of us to grow up and eliminate these Federal programs that cost billions of dollars of the taxpayers' money, which originally may have—and I emphasize ''may have''—in 1978, when we deregulated the airlines, have had a legitimate reason? Obviously, it does not anymore.

I look forward to the fact that our conservative organizations are all judging these as a key vote. I also point out to my colleagues, if we are serious, if we are serious about cutting spending and going about making tough decisions, this is an easy decision. If we vote against my amendment, if the majority votes against my amendment to eliminate essential air service, the message to the American people as of November 2 is, we aren't serious. We aren't serious. If we can't eliminate a program like this, how can we make the tough decisions that are coming?

The yeas and nays have been ordered. I hope we will have a vote as soon as reasonably possible, and I look forward to the continued debate on this issue which seems to have created quite a large degree of controversy throughout the country.

I yield the floor.

AMENDMENT NO. 14, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate equally divided prior to a vote in relation to amendment No. 14 offered by the Senator from Mississippi, as modified.

The Senator from Mississippi.

Mr. WICKER. Mr. President, under the previous order I yield 4 minutes to the Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the amendment of Senator WICKER to provide additional workforce protections for Transportation Security Officers while at the same time ensuring the management flexibility that is vital to the operational efficiency of the TSA, and thus the security of the American people. Instead of dramatically changing the TSA personnel system in a way that could interfere with TSA's ability to carry out its essential mission, as the administration plans, we should, instead, make some targeted but important reforms in the system to ensure that TSA employees are treated fairly.

First, we should bring TSA employees under the Whistleblower Protection Act, which safeguards the rights of whistleblowers throughout the Federal Government.

Second, we should give TSA workers the right to an independent appeal of adverse personnel actions—for example, a demotion would qualify. What we are proposing is that a TSA employee so affected would be able to appeal to the Merit Systems Protection Board.

Third, we should make clear that TSA members can, in fact, join a union. That is a different issue from collective bargaining. So our amendment specifically provides that we are not depriving employees of that choice—which they have right now.

I have just received a letter from former TSA Administrator Kip Hawley, who was extremely well regarded and served as the head of TSA for 4 years. He expresses support for the amendment that Senator WICKER and I are offering. Mr. Hawley knows firsthand how important it is for TSA to have

the flexibility in order to respond quickly and effectively to changing conditions, to emerging threats, to new intelligence, and to impending crises. I note this is not theoretical. TSA has used this authority in the past.

In 2006, for example, TSA had to respond virtually overnight to the liquids plot to blow up airplanes that originated in Great Britain. Overnight, TSA had to retrain its workers and redeploy them to different airports. This is not a theoretical concern.

Another example was the blizzard that occurred in Denver, where TSA screeners had to be flown in from another city to cover the shifts of TSA employees at that airport. This kind of management flexibility was also used in the wake of the gulf coast hurricanes when there were massive evacuations.

In his letter, Mr. Hawley states that although TSA's recent determination states that security policies and procedures will not be issues subject to collective bargaining, the dividing line between security and nonsecurity practices ''is not a bright one.''

He makes the same point that former Homeland Security Secretary Chertoff made the last time we debated this issue, and that is defining what is and what is not subject to collective bargaining undoubtedly will be subject to subsequent litigation.

He further notes:

> The resolution of these issues could rest with an arbitrator with no direct knowledge of security issues, intelligence, and transportation security. [This could] place the performance of TSA's security mission in the hands of someone who neither has the expertise to make these decisions, nor [a person who] is accountable for them.

I ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 2011.

Hon. SUSAN M. COLLINS,
Ranking Member, Senate Committee on Homeland Security and Governmental Affairs, Washington, DC.

DEAR SENATOR COLLINS, I am writing in support of the Amendment to S. 223 offered by you, Senator Wicker, and others that would exclude Transportation Security Administration employees from collective bargaining.

This issue has a long history and the arguments are well known, so I will focus on two specific elements of the administration's recently released policy on collective bargaining for Transportation Security Officers: (1) inherent ambiguity in the definition of security activities; and (2) the issue of performance management.

TSA's memorandum states that collective bargaining will be ''within a framework unique to TSA that does not adversely impact the resources and agility necessary to protect the security of the traveling public.'' It further states that within this framework, ''security policies and procedures,'' or ''internal security practices'' will not be issues subject to collective bargaining. Given that security practices and procedures frequently change, this dividing line is not a bright one and will likely be the subject to collective bargaining and subsequent litigation. The resolution of these issues could rest with an arbitrator with no direct knowledge of security issues, intelligence, and transportation security. This could result in the very thing that TSA does not want, and that is to place the performance of TSA's security mission in the hands of someone who neither has the expertise to make these decisions, nor is accountable to them.

Secondly, the decision document drives a stake through the heart of what makes risk-based security work: meaningful performance-based incentives. The decision here uses the words ''high performance,'' ''engaged,'' describes an organization that ''truly values and promotes initiative,'' and vows that security will not be compromised. This decision, however, imposes a wall between a TSO's job performance and pay incentives.

Cash incentives are effective motivators to officers who are willing to be accountable and base their personal success on good security results—something air travelers should want very much. ''The performance management process'' is explicitly included among the issues subject to collective bargaining, but at the same time in the next section, ''pay and policies affecting pay'' are specifically excluded. In other words, this decision means that better performance does not mean better pay. The union will bargain to define ''performance,'' probably seniority-based, and TSA agrees not to use cash incentives to motivate employees' performance. For an agency that depends on its security officers to constantly adjust and improve their skills so that they are prepared for ever-changing terrorist tactics, this disconnect between pay and performance could be disastrous.

TSA has a robust pay-for-performance system in place today and those who perform their security duties better get significant bonuses and pay raises. Reversing the logic to de-link pay incentives from job performance can only sap the energy of TSOs who are motivated to be actively engaged, use initiative, and strive to achieve high performance team objectives. That cannot be good for security, or performance of any kind.

There are many other issues worthy of discussion, but these cut across philosophy and politics and gets to the issue of the security of the flying public. Action is needed now to stop the imposition of this flawed decision on TSA's fine workforce and all of us who depend on them.

Respectfully,

KIP HAWLEY,
TSA Administrator, 2005–2009.

The PRESIDING OFFICER. The Senator has used her time.

Ms. COLLINS. I urge our colleagues to support this amendment. I think it is a balanced approach that will give these employees more rights than they currently have without interfering with the essential mission of this law enforcement agency.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, do I understand I have 6 minutes remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 4 seconds.

Mr. WICKER. I was under the impression I had yielded 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. Would the majority object to the Senator from Mississippi taking 6 minutes? Without objection, it is so ordered. The Senator has 6 minutes.

Mr. WICKER. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself 5 minutes, if I can.

I listened carefully to the statement of my friend, the Senator from Maine. Frankly, I wonder if we are in parallel worlds and we are talking about the same thing but in a different context. My friend, the Senator from Maine, seems to be ignoring the very careful limitations that TSA has placed on collective bargaining rights. For example, under the provisions of TSA, the transportation security officers cannot bargain over pay.

They cannot bargain over pay. They cannot bargain over deployment procedures—who works where. The Senator mentioned the incident involving Great Britain; they had to train people overnight. Well, they cannot bargain on training either. That is not part of the bargaining rights they would have.

The Senator mentioned about the deployment of people to Denver because of a blizzard. Well, deployment procedures, who works where, is not again subject to collective bargaining. Emergency response measures, that was the one dealing with Great Britain. On emergency response measures, who goes where, how long they have to be there for an emergency response, is not negotiable. It is not part of the collective bargaining agreement.

So I am at a loss to understand what the Senator from Maine was talking about. They cannot bargain over emergency response procedures, deployments or other security issues. So, again, this is not something that is part of the collective bargaining agreement.

Last week, the Transportation Security Administration said—the Administrator, John Pistole, testifying before the House subcommittee, said that the employee morale is a security issue—employee morale. Why did he say that? A recent survey ranked TSA 220 out of 224 Federal employers as the best place to work. In other words, 224 would be the worst place to work in the Federal Government. TSA was rated at 220. They have a high turnover rate, they have a high injury rate, and extremely low morale.

So what we are trying to do is give them that boost in morale. Here is what the TSA Administrator said last week:

> The safety of the traveling public is our top priority, and we will not negotiate on security. But morale and employee engagement cannot be separated from achieving superior security.

While some of my colleagues have suggested that providing collective bargaining rights could jeopardize security, nothing could be further from the truth. Unionized security personnel are just as effective, dedicated, and willing to put their lives on the line in an emergency.

I point out, for example, Border Patrol personnel have collective bargaining rights. Immigration and Customs officials have collective bargaining rights. Our Capitol police officers who protect us have collective bargaining rights. Why should TSOs be any different? To suggest that unionized security personnel are somehow less effective, less dedicated, less willing to put their lives on the line in an emergency I believe is an insult to every man and woman in uniform in this country who works under a collective bargaining agreement.

I only need to remind everyone, remember 9/11. Remember that image of all the people in New York running away from those towers as they came down, the thousands of people running away from that calamity, and the picture was of other people running into it—our police, our firefighters, our emergency personnel, who not only risked their lives but gave their lives to help save people in that tragedy.

Every single one of them, every firefighter, every policeman, the emergency personnel, were all union people, belonged to a union with collective bargaining rights. Yet look at what they did during that emergency.

So, again, I think it is important to add that under this agreement, they get limited collective bargaining rights. They cannot bargain over security procedures and policies, deployment, disciplinary standards or ''any action deemed necessary by the administrator or his or her designees to carry out the agency mission during emergencies.''

They cannot negotiate on that. So, again, we just want to help raise the morale there, to give these people bargaining rights so——

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. HARKIN. I yield myself 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Here is what they can bargain on: grievance procedures—that helps on morale—nonemergency scheduling—that helps on morale—awards and recognitions, uniforms, bidding on shifts and procedures used for how they bid on shifts—who gets the 2 a.m. shift, who gets the 7 a.m. shift—all nonemergency types of situations.

This will help give them better morale and will help in terms of ensuring security. Do not take my word for it. Take the Administrator's word for it, Administrator John Pistole, who said this will help ensure the safety of the traveling public.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I yield myself 5 minutes.

I rise in support of the Wicker amendment. Senator COLLINS, who spoke earlier, is a cosponsor of this amendment. I might also note that Senator COBURN has joined as a cosponsor also. The Wicker amendment has everything to do with public safety. It has everything to do with preventing excessive litigation when it comes to the definitions of the roles of our TSA workers. It has everything to do with preventing increased deficits here in the United States and in the Federal Government.

For that reason, groups that support the Wicker amendment today and urge an ''aye'' vote include the Heritage Foundation, the Workforce Fairness Institute, and Americans for Tax Reform.

Just a little history for those who have not followed this debate over the last several days. Currently, TSA employees are not allowed to collectively bargain. That has been the policy of the Federal Government since the inception of the Transportation Security Administration. For a decade, TSA employees have not been allowed to collectively bargain.

Their rights and considerations and morale issues have been taken care of in other ways. Since the creation of TSA, its employees have been treated similar to those in the FBI, the CIA, and the Secret Service, for purposes of collective bargaining. In fact, in a 2003 memo, the Under Secretary of Transportation for Security, which is now the TSA Administrator, prohibited TSA security screeners from unionizing with collective bargaining rights.

The Under Secretary at the time made this decision ''in light of their critical national security responsibilities.'' That has been the regime under which we have operated the TSA for the entire existence of the agency.

Now, however, the Obama administration is intent on dolling out rewards to campaign supporters and they are moving to reverse this decades-long decision and to allow TSA workers to collectively bargain. My amendment would prevent that and, as I say, would keep the TSA employees under the same restrictions as the FBI, CIA, and Secret Service.

Senator COLLINS, in her modification to my amendment, provided some very important safeguards. It allows TSA workers to be under the Merit Systems Protection Board. It also provides Whistleblower Protection Act protections for TSA employees.

We are told our concerns about safety have been taken care of because the agreement or the decision by the TSA Administrator says we cannot have collective bargaining over other security issues. It named several, and then it says ''other security issues.'' What does that mean?

Well, that is what the former Administrator was talking about in the letter to Senator COLLINS. This is going to require litigation to determine what ''other security issues'' are. I will tell you what, apparently, is allowed under the Administrator's proposal. It does allow bargaining over the selection process for special assignment. It allows collective bargaining over the policies for transfers. It allows collective bargaining for shift training, as my friend from Iowa just acknowledged. All of these are going to make the TSA less flexible and less efficient in going about their business of protecting America.

I would close by saying this: There is a budget debate also. At the other end of this building, we are having hour after hour of debate about how to keep this deficit from ballooning, how to keep the cost of government from going up.

Does anybody think that allowing collective bargaining for 50,000 additional Federal employees is going to cut the cost of the Federal Government?

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. WICKER. I yield myself 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. What is happening out in the States? State after State after State is facing bankruptcy, and a large part of it is the cost of government brought on by employee union contracts. That is just a fact. State after State, Governor after Governor, they are coming to Washington, DC and saying: We are going to have to do something about this. We are going to have break these contracts and save us from financial ruin.

At a time when Governors are moving in that direction and trying to get out from under these public employee collective bargaining agreements, would it not be the height of irresponsibility, would it not be the height of irony for the Federal Government to go in the other direction?

Vote for the Wicker amendment and save the taxpayers the additional money it will take to move to collective bargaining.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I rise to speak against the Wicker amendment. This is the Republican's first of what I worry will be a sustained attack in the 112th Congress against Federal employees.

As the Senator from Maryland and for Maryland, I represent more than 130,000 Federal employees. These men and women are dedicated and duty driven. They are on the frontlines protecting America every day securing our borders inspecting our food, and performing critical health research. They deserve a decent wage, safe working conditions and our thanks and respect.

This amendment would deny TSA workers the collective bargaining rights that many other employees at DHS currently have, including the Bureau of Prison Guards, Customs and Border Protection, and the Capitol Police.

TSA currently suffers from low morale, high injury rates, and high staff turnover. Giving these employees a voice at work representing their interests will lead to a more stable, more

experienced, and healthier workforce. That would increase productivity, performance, and safety for the flying public.

Like all Federal employees, the employees at DHS with collective bargaining rights must follow civil service rules that prohibit the right to strike and allows managers to move employees to different areas in the event of an emergency. They bargain in a way that does not compromise the agency's mission and that does not endanger national security.

Congress has been debating allowing collective bargaining for TSA employees for a decade. Republicans have been vocally against it.

In 2001, Congress took up FAA. It gave the administrator the authority to determine whether TSA employee would get collective bargaining rights.

In 2004, the 9/11 Commission recommended granting TSA workers collective bargaining.

In 2006, the Senate passed a bill granting collective bargaining for TSA workers. But we couldn't get it across the finish line because of the threat of a Presidential veto. Every Democratic Senator voted in favor of collective bargaining for TSA.

Finally, this month, the TSA completed its review of the potential impact of collective bargaining rights for TSA workers on the safety and security of American travelers. And the TSA Administrator announced that TSA workers do have collective bargaining rights, and they will soon be able to determine whether or not they wish to exercise those rights. In the coming months, TSA workers will be able to decide whether or not they want to be represented by a union to bargain on their behalf on nonsecurity employment issues.

But the Wicker amendment would bring all of this to a screeching halt.

We should not stand in the way of something that TSA employees want, and the Secretary of Homeland Security and the President support.

Federal employees serve their communities and country every day. They should be empowered to fight for their rights on the job without any fear of retribution.

Whether you are at the IRS or the TSA, you deserve collective bargaining rights. And if anyone wants to block, or take away those rights, you will have to get through me first.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Four minutes four seconds.

Mr. ROCKEFELLER. Let me just say that the TSA Administrator has the right to allow collective bargaining for TSA employees through the authority he was provided in the original Aviation and Transportation Security Act passed in 2001.

When Congress passed that, we came to an agreement that left the determination of allowing collective bargaining rights for Transportation Security Officers to the TSA Administrator. I firmly believe this authority should remain with the TSA Administrator.

The current agreement was approved under the Bush administration and approved by a Republican-controlled House of Representatives. I see no reason to alter this compromise at this time. There are valid reasons to keep the authority with the TSA Administrator. He works firsthand with the employees every day. The nature of his work is very hands on. He is better qualified to determine the agency's mission, how it can be improved, with or without collective bargaining—he more than anybody.

On Friday, Administrator Pistole announced his intention to allow collective bargaining over workforce issues, but security and pay will not be subject to negotiation. Most other Federal law enforcement agencies, including others housed within the Department of Homeland Security, such as Customs and Border Patrol, have collective bargaining rights.

I do not believe the sponsors of this amendment would question the dedication of these law enforcement officers, despite their right to collectively bargain. TSA employees must still follow civil service rules that prohibit the right to strike and allow managers to move workers to different areas and roles in the event of an emergency and security as needed.

I cannot support this amendment. I feel it could negatively impact security if TSA permits collective bargaining rights to improve employee retention. Finally, this amendment is a security issue, and one that is better addressed when a TSA reauthorization comes to the floor. This is our problem. We are not talking about security here, we are talking about other matters.

Accordingly, I urge my fellow Senators to oppose the Wicker amendment.

I yield the floor.

Mr. HARKIN. Would the Senator yield? How much time is remaining?

The PRESIDING OFFICER. There is 1 minute 39 seconds.

Mr. HARKIN. Mr. President, listening to my friend from Mississippi talk about deficits—and we have to be concerned about deficits. The first thing on which they cannot bargain is pay. That is not something they can bargain on. Generally, Federal employees do not bargain on pay, I might add.

So I do not know what that means. I mean, he is talking about deficits, but they cannot bargain about pay anyway.

Then he talked about the FBI and the CIA and the Secret Service, that they did not collectively bargain. Those agencies all deal with very highly sensitive national security information. What are we talking about here? We are talking about the people who check your bags. We are talking about the people at screenings and who do the patdowns, but we are also talking about an agency that has one of the highest turnovers of any Federal agency. I do not want a high turnover rate among those people at the airport. I want them to be highly skilled, highly trained, highly motivated. I want a good morale system there. Everyone says it is one of the lowest in terms of morale and has one of the highest turnovers of any Federal agency.

Giving these people the right to organize and to bargain collectively on things that are not of national security measures—not pay, not emergency procedures, but other things that make life a little bit better for them so they know basically: What is the procedure for me being posted here, what is the procedure for me working at 2 a.m. or 7 a.m., so they have a system whereby they know what is expected of them—to me, that is the way to build morale.

Lastly——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I just ask for 30 seconds. I gave him 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. I just gave him 2 minutes. I did not object.

The PRESIDING OFFICER. Objection is heard. The time that was given to the other side was due to an error in the chair.

The question is on agreeing to the Wicker amendment No. 14, as modified.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—51

Akaka	Blumenthal	Carper
Baucus	Boxer	Casey
Begich	Brown (OH)	Conrad
Bennet	Cantwell	Coons
Bingaman	Cardin	Durbin

Feinstein	Levin	Rockefeller
Franken	Lieberman	Sanders
Gillibrand	Manchin	Schumer
Hagan	McCaskill	Shaheen
Harkin	Menendez	Stabenow
Inouye	Merkley	Tester
Johnson (SD)	Mikulski	Udall (CO)
Klobuchar	Murray	Udall (NM)
Kohl	Nelson (NE)	Warner
Landrieu	Nelson (FL)	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wyden

NOT VOTING—2

Kerry	Pryor

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is withdrawn.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the vote in relation to Wicker amendment No. 14, as modified, to the FAA reauthorization bill. If I had attended today's session, I would have voted in opposition to that amendment and would have supported any motion to table that amendment.●

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Paul amendment No. 21; that there be 100 minutes of debate equally divided between Senators PAUL and ROCKEFELLER or their designees; that upon the use or yielding back of time, the Senate vote in relation to the Paul amendment; that there be no amendments in order to the amendment prior to the vote; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that if we have quorum calls during this period of time, the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 21

Mr. ROCKEFELLER. Mr. President, the pending Paul amendment will cut the FAA's authorization levels for fiscal year 2011 to 2008 levels, $14.7 billion for the entire agency, representing a near $3 billion cut from the administration's introduced level of approximately $17.5 billion. That does not sound like a lot of money—of course it does—but let me explain.

Managing FAA at the 2008 levels would result in the immediate retrenchment of core functions to reduce operating costs; to wit, FAA would eliminate services and furlough all air traffic organization employees for at least 20 days. The primary services of the ATO is to move air traffic safely and efficiently, and that for a period of 40 days would cease. FAA would implement a hiring freeze for the ATO—air traffic organization—which would force the ATO to focus on major airports with scheduled service resulting in service reductions at particularly the smaller and rural airports, which affects some of us.

The Aviation Safety Office would eliminate 680 employees through attrition. It would also furlough all 1,015 operational support employees an average of 2 days each week. It is pretty hard to carry on 3 days and then 3 days the next week. That particular agency, Aviation Safety, is responsible for the certification, production approval, and continued airworthiness of aircraft and certification of pilots and certification of mechanics and others in safety-related positions. That is what this amendment would do.

The FAA would have to defer major Next Generation Air Traffic Control System initiatives. That is extraordinarily painful. After all, we go back to our old story that we are behind Mongolia in this modernization effort. Just a thought.

In all of this we would be including next generation network-enabled weather, data communications, systemwide information management, safety security and environmental security, information tool set. This means accurate weather forecasting would go down and pilots would have less relevant information, resulting in increased delays and congestion as aircraft would have a lot more difficulty navigating storms. Weather is the associated cause of 7 percent of delays, much less accidents. It cuts Data Comm. It would impact pilot situational awareness and lead to degraded air safety control, having an effect on safety.

It would cut FAA's research, engineering, and development, and require FAA to cancel or delay the NextGen and environmental research—I repeat, to cancel or delay NextGen.

Specifically, FAA will terminate all related programs that were started since 2008, including the Continuous Low-Energy Emission and Noise Program, which develops cleaner and quieter aircraft technologies and alternative aviation fuels. Safety research would also be impacted, including a 1-year delay for research on continued airworthiness for small aircraft, as well as research on emerging technologies for larger aircraft.

Specific office impacts: Office of Human Resources. FAA would furlough all employees for at least 46 days. Furloughing AHR employees would impose a significant hardship on AHR's ability to provide human resources to FAA. Aviation safety and security hazard materials would be reduced. This means fewer inspectors for airlines, fewer parts certified as safe, and delays in producing new U.S.-manufactured aircraft.

The Office of the Associate Administrator for Airports would also be cut. This would be an increased risk of runway incursions and delays to technology that would minimize such risks which have been widely reported in the press and often not reported in the press but nevertheless happen.

The FAA would implement a hiring freeze which amongst many things would lead to a loss of support staff in air traffic control towers and, consequently, controllers would pick up administrative duties and would have less time on the boards in front of them, the lights going off and on. This could lead to an increased number of severity of operational errors. You cannot make operational errors in the control tower. You cannot hand that off to other people. That is called essential air safety. This means fewer air traffic controllers and ones that are less focused on directing airplanes. On the safety side and on the maneuverability side, both would subside.

Elimination of all Federal contract tower funding will effectively shift the cost of operating these towers to the affected airports or to State and local government. I do not know what good comes of that since State and local governments do not do that stuff.

I could go through State by State what the effects would be, but what it does is a ham-handed approach to make a cut.

There is a very interesting thing about air traffic safety: It is highly sophisticated. It is compartmentalized. You can't just shift people from this to that as quickly as you can in other lines of work. Lives are at stake, homes on the ground are at stake, crashes are at stake, collisions are at stake. So it is all well and good to do something which appears to be cutting the budget, but when you are putting the lives of Americans on the ground and in the air directly at risk, that strikes me as something we should not do.

So I am extraordinarily unenthusiastic about this amendment,

and I hope there are many eloquent speeches that follow me in this manner.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will take such time as I may consume, and I am sure Senator PAUL will be here shortly.

Mr. President, the Paul amendment does reduce the aggregate authorized spending level to the amount appropriated in fiscal year 2008. So basically it is going back to the 2008 levels. I am going to support the amendment because I think we have to make a start at cutting back on spending in every area of government that is discretionary and where we can make responsible cuts. However, I do want to say that the better approach, in my opinion, would be to have an overall cap on spending at the 2008 levels and then pick the priorities we must fund and take away the lesser priorities for government funding. I believe we need a more measured approach on infrastructure spending.

In the case of the FAA, I would point out that the agency is funded through a mix of aviation trust fund dollars and general fund dollars. Specifically, three of the four main accounts in the FAA budget—airport improvement, facilities and equipment, and research—are paid for entirely by the aviation trust fund. The aviation trust fund is funded by revenue from various users of the U.S. aviation system through taxes and fees on the industry. So all capital investment in aviation infrastructure is paid for by the users of that infrastructure. The fourth account—operations—is then funded partially by the aviation trust fund and partially from the general fund.

So as we move toward conference, I think we need to make sure infrastructure projects that increase airport capacity, improve safety, increase the efficiency of our aviation system, and modernize our air traffic control system are adequately funded. This should be especially true when the revenues used to pay for these projects are paid for by the users of the aviation system.

I am certainly committed to restoring fiscal responsibility. I think we have to choose the strategic places where we must invest to ensure our infrastructure serves the needs of our people. I believe Congress would be much wiser to have an aggregate discretionary spending cap and then allow us to debate the priorities that would be funded under that cap. But that means doing business not as usual. It means we don't take each bill individually, each department and agency individually. It means we set an overall cap for Federal spending and then decide which places in which agencies should be well funded and which ones should take a pass for the present until we get our fiscal house in order.

So I am going to support the Paul amendment, but I do believe we need to have a more systematic approach going forward and fund what needs to be funded. And I do believe FAA, aviation security, aviation infrastructure and efficiency in our air traffic system should be funded. But I think we have to do it in a bigger picture than each individual bill that is going to go through here, and I ask my colleagues to think about a better approach going forward than this type of amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield 5 minutes to the Senator from Alaska.

Mr. BEGICH. Mr. President, I thank the chairman and the ranking member for the work they have done. As I said yesterday, it is fairly exceptional, considering the time it has taken to get to where we are.

I understand the amendment that is being proposed and the goal of it, and I have been one of those who have supported the deficit commission, which brought forward some recommendations on how to manage this budget. I have supported multiple efforts on this floor to reduce and manage the budget in the overall scheme of how we move down to sustainability regarding the finances of this country. But this is one bill where you have to take into account not only what is being proposed but what it does and what it will impact. I will use my State as an example. When you think about Alaska, there is no question that when it comes to air travel, no other State has the kind of rural and extended air travel as we have in Alaska. I talked about the Essential Air Service Program yesterday. Forty-four communities are affected by the funding for this program, which serves people who are not next door to any airport and who are not only not just a few miles from an airport, but in some cases, from their airport to a hub, it might be 1,200 miles. So the work and the resources of the Essential Air Service is critical for us to not only conduct business, to move people back and forth between communities, but for medical services. It is really the lifeblood for our communities. This amendment would literally wipe that out or reduce it to such a point that it would be impossible for us to make it economical for some of these airports to operate and some of these flight services that bring the only service to these communities, allowing them to survive.

When you think about NextGen, if we went to the 2008 levels, NextGen was just in the beginning stages. This is an important investment. And it is not the Federal Government that was anxious to get it done right away. We had to actually push Congress—the chairman may remember this—we had to push the Federal Government to move this forward. Why? Because it was the private sector that came to us. The people in the private sector came to us and said: It is important that the Federal Government move this forward, expedite this resource, help us move this new technology forward to help save fuel, save time, increase capacity at our airports, and make it a better business operation for the private sector airports.

So when I see this amendment, my view is that it is a job- killing amendment. This wasn't a decision where the Commerce Committee said: Well, let's just move this up a few years because we think the government should do this right away. The private sector came to us because they wanted to invest in this new technology. But they are not going to make the investment until there is certainty from the Federal Government on their part of the arrangement. So that is what we are doing. We are doing that in this bill. So this amendment, in my view, is truly a job-killing amendment.

Then I look at the airport improvements, and I was listening to the chairman, who was talking about the contracted services. So I quickly looked at the list affecting Alaska, and I saw Kodiak. Kodiak is where the largest Coast Guard base in this country is. Kodiak is also the contracted services tower. I don't know how that will affect the Coast Guard. I would be very nervous about what it might do.

This type of amendment may be well meaning in the sense of how we all are going to sit here—and I left the Budget Committee meeting to come here. The Budget Committee is where we are now talking about how to plan this budget in a holistic way, not nitpick it like this. The amendment may be well intended to get control of the budget, but it does not understand the impact.

Again, airport improvement is another piece. I would challenge the individual who sponsored the amendment. If he has been to Alaska, great. I would love to take him to a couple of those airports. There is now a great reality show about flying in Alaska. It is so dangerous to fly in Alaska that they had to make a reality show about it. So I would encourage everyone to turn that on and see why NextGen, which was pioneered in Alaska, is so important and why this investment the Federal Government is making is so important for the private sector to have a better tool to utilize in transportation in this country.

Again, airport improvements in my State are critical. It could be anything from refinishing a runway to just having a gravel runway—one that brings food and supplies, medical provisions, and just moving people in and out. It is a critical piece of the equation.

The phrase the Chairman used about the amendment was that he was less than enthusiastic about it. I don't like the amendment as it is written today, specifically around this bill. I am anxious to get to the bigger debate, and I hope, once this bill is cleared off, we will get to the big debate of how we manage the deficit of this country, how we look at it long term. I know I will

hear that this is a start, this is the way we have to start, and that would make sense if this bill was started with that intent in mind. But in 2007, when this authorization expired, NextGen was just an idea. Well, this is a new investment we have to make in order to make our air travel safer, more economical, save fuel, and respond to the private sector that has asked us to get off the dime and create certainty so they can make the investments that will make their business model more effective.

Again, I had no intention to speak today. I was in the Budget Committee, but I wanted to come down and say a few words.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. BEGICH. I again thank the chairman for the time, allowing me to say a few words from Alaska's perspective. And I would again emphasize that this amendment is a job-killing amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. PAUL. Mr. President, everyone agrees that the FAA plays an important role in air safety. I don't think there is any real discussion or debate on either side in that regard. My amendment calls, though, for having spending levels at 2008. This is actually what is going to be produced out of the House. The House has already published their spending proposals, and most of their spending proposals will be at the 2008 level.

This is a small downpayment on the debt. Some say this is the wrong place to start, but you have to start somewhere. Everybody says they are going to be for balancing the budget or tackling the debt or doing this or that, but you don't get there unless you cut spending.

Now, you can't create a situation where you make it an either/or situation—either we have air safety or we don't have air safety—depending on a spending level. Perhaps you can spend money more wisely. Perhaps the job of a legislator is to find out how you spend money, how you find savings, and how you make do with less. If we don't, we are never going to get out of this problem.

The deficit is an enormous burden on all of us—on our kids and grandkids. The last election was about the deficit, about the mounting debt, but the other side doesn't seem to have listened. They also need to understand what the deficit does to jobs. Our national debt now is approaching our gross domestic product. That means our debt is about equal to what we produce as an economy for a year as a whole country. When it does, there are estimates that it kills the rate of growth of our economy by 1 percent and costs 1 million jobs a year. This is from the debt.

They are talking about what $2 billion will do within one agency. We are talking about what $14 trillion worth of debt does to an entire economy. Remember, 1 percent loss of growth and 1 million jobs a year. The national debt is killing us.

So we had an intervening election, and a message was sent. The message was, listen to the American people. They are upset about passing this debt on to our kids and our grandkids. So we got a response. The President laid out his budget this week. Do you know what his budget will do? The President's budget will spend $46 trillion—I am not making that up, $46 trillion over 10 years. That tells me the other side didn't get the message.

Now, $46 trillion over 10 years, what does this mean? When President Obama came into office, the debt was about $7 trillion, maybe $8 trillion. We are now going to triple that debt if he wins a second term. The President will have tripled the national debt in 8 years.

His 10-year proposal will double the debt in just 10 years. The deficit this year alone will be $1.65 trillion.

The President said he is going to freeze spending. He is going to freeze spending in this little, tiny percentage of the budget, about 12 percent of the budget. It is not enough. It doesn't do it.

Republicans want to go back to the 2008 level, which is what I am proposing. It is not enough either because you are only looking at one tiny sliver of the budget. Today we are looking at one small program.

The problem is that people are starting to recognize the problem of the debt, but they are unwilling to do what it takes to look at the entire budget. We are going to have to look at military spending, we are going to have to look at nonmilitary discretionary spending, and ultimately we are going to have to look at entitlements. But you have to say every program has something good about it. Everybody can stand and say we need NextGen. I am for NextGen. But the thing is, if you are a legislator and you have less money, let's figure out where we find the money in the existing budget.

I proposed some other alternatives. I proposed $500 million in savings by saying: When we build airports, let's not make it be the union wage or the prevailing wage, let's have the market wage. That would have saved $500 million. That goes a long way toward funding NextGen. Another $500 million, $400 to 500 million is in the unprofitable airports that we are going to subsidize in this bill. There are savings that can be found, but we never find them.

In Washington, what do we tend to do? If we want something, we just add more money to the bill. There are always arguments for these programs, but we also have to understand what are the consequences of a $14 trillion debt.

President Obama's 10-year plan that he released this week will change $14 trillion into nearly $27 trillion. The numbers are mind-boggling. If we do not do something about it, it is a threat to our country. The President's own Secretary of Defense has said the No. 1 threat to our national security is our debt. It is out of control. I don't think the problem is fully grasped by either side, but I know if we are here today and cannot come to an agreement to save $2 billion—think about it. I am asking to save $2 billion out of a budget of $3.7 trillion. It is such a small number.

They might argue it is such a small number, why even do it? If you don't start somewhere, how will we ever balance the budget? How will we ever get out of this mess if we are not willing to save $2 billion? It is a start. It is a downpayment. It is how we can say to the American people we heard you in November. We realize we cannot pass this debt on to our kids and our grandkids. Something has to be done.

Instead, what we get from the other side is that we make this into: The other side is not for progress. They are not for developing airports. They are not for GPS systems at the airport. It is not that simple. I am for all those things, but I am for saying let's step up as legislators and say: How do we find the savings in the existing budget? Because the alternative is: How are we going to pay for $14 trillion in debt? How are we going to pay for $26 trillion in debt that is going to be added if the President gets his 10-year plan?

You can pay for debt in a variety of ways. You can tax people. But as you can tell by the movement out there, most of us think we are taxed enough already. The average taxpayer is often paying 40 percent and 50 percent of his income. The average taxpayer is paying more in taxes than they do for food and clothing and transportation and all their expenses; they pay more in taxes. I don't think the general public wants to raise taxes.

The other way is, you stick your head in the sand and keep borrowing. That is what we keep doing, borrowing and borrowing, but it threatens our very economy and threatens the country.

How does the country also pay for debt? Are we going to default on our debt? No. Ultimately, we will print money to pay for it, but there is a downside to that too. Countries have ruined their currency. Germany in the 1920s destroyed their currency.

If you look at the curve of what happened to the currency in the 1920s, it happened over a period of about 6 months. You had bread that sold for 100 marks and then 1 million marks and then 100 million marks and then 1 billion marks. The money became so devalued it was of more value to actually burn as a fuel. People went around with wheelbarrows full of money. The workers demanded to be paid two and three times a day.

That is what happens to a country that has a massive debt. You cannot tax people enough.

Greece just went through default recently. As Greece went through default, they tried to raises taxes, but everybody was paying too much already, so everything was forced into the underground economy. You can raise the taxes by 90 percent, you don't get more money. When you increase tax rates, you don't always get more money. The money went underground.

You can print the money, but if you just simply print the money, you destroy people's savings. You steal from those who have saved and take the value of their dollar.

This bill is the beginning of the debate. It is the first bill we have had to come forward with a new Congress that talks about money. It is a very small downpayment. I am asking for a little over $2 billion savings. It is 2008 levels. It is what the House is asking for. You have to realize also what happened between 2008 and 2011. Do you know how much spending went up? Spending went up by 24 percent. Spending is out of control in this city, and we have to realize the consequences. If we stood here and had an argument over whether NextGen is a good thing, there is no argument. It is a good thing. We should have GPS. We have it in our cars. For certain, we should have it in our airports. I am all for modernizing the airports. But what I am saying is, it is irresponsible as legislators to stand here and just say more, more, more. We are going to spend more money.

We cannot do it. The thing is, it is not just the program. We are not talking about whether the program is justified or whether we should spend money. We are talking about what are the consequences of a massive debt. I think that is where we are.

The American people know this. They instinctively know this. I think there is a great danger to not stepping up. I wish the other side would have come back and said: Why don't we split the difference and try to save $1.5 billion. That is what compromise would be in this city. If they don't want to save $2.5 billion, let's save $1.5 billion. But the thing is, we need to save money everywhere and it cannot be that every program you want to cut is somebody else's program and then when it gets to be your program that you are interested in, you can't cut it. Everybody has a self-interest in their program. Every special interest in this country has a special interest. They have an interest in their particular spending.

I would say this is a small downpayment. This is a way to say to the American people: We have heard you in the election. We know there is a problem. We are going to start cutting spending.

I urge my fellow Senators to vote for this amendment. It is something that has nothing to do with quality, has nothing to do with whether you believe in air safety. It has to do with whether you think the debt is a problem, whether you think the debt is a threat to us as a country, and whether we are going to step up and do the responsible thing.

I reserve my time.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, what is pending before the Senate at this moment?

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Kentucky.

Mr. DURBIN. It is my understanding this amendment by the Senator from Kentucky would establish a new authorization level for the Federal Aviation Administration, which would revert to the level of 2008. I think it is worth noting that this may cut spending in some regards, but I do not believe it is a wise decision by the Senate to move in that direction.

Our world has changed dramatically since 2008 and the world of aviation even more so. The aviation industry is not the same today by any means. We debated the FAA bill on the Senate floor in 2008. At that time, oil was $120 a barrel, and the airline industry was in the doldrums.

Eight airlines either completely ceased operations or filed for bankruptcy that year. That cost 11,000 airline-related jobs in America. Airlines that weathered the financial storm lost millions of dollars because fuel costs were going through the roof.

United Airlines, based in Chicago, which I am honored to represent, reported a $538 million loss that year, driven by a $618 million increase in fuel expenses. The airlines reacted to this market reality in 2008 by reducing capacity across the industry by 25 percent. Flights were reduced at airports all around the country.

The point I am trying to make is, if we take a snapshot of the aviation industry in 2008, we would find an industry devastated by high fuel prices, still recovering from some of the episodes that followed after 2001, and dramatically cutting back its services across the United States.

We have a suggestion by the Senator from Kentucky to return to that level of spending by the government, when it comes to our responsibilities related to the airline industry. I do not believe that is a thoughtful suggestion because it does not reflect the reality of where we are today and what we are likely to see in the future.

Today is a different day. The airline industry is seeing a major rebound at this point in America. Airlines have reported a $15 profit in 2010, and the industry is adding jobs. Airline activity is up considerably compared to 3 or 4 years ago. Today the FAA announced that their forecasts for aviation traffic for the next 20 years were too low. The FAA now predicts U.S. airlines will reach 1 billion passengers per year by 2021, 2 years earlier than last year's prediction.

So the obvious question is, if the airlines are now going to move forward into a period of expansion with more flights, can we afford to say to the American public and the flying public from around the world as they come to the United States that we are going to dramatically cut government investment in aviation?

What the Senator from Kentucky would have us cut, unfortunately, is not the fluff and the extras. It goes to the heart of the responsibility of the Federal Aviation Administration. Madam President, you and I and our colleagues get on these airlines every week. We put our fate and future in their hands, trusting that we have a qualified airline crew, a plane that is ready to fly, and air traffic controllers who will move us safely from one spot to another.

Much of that is being done by those who are employees of the airlines. But a lot is being done by the employees of the Federal Aviation Administration. What Senator PAUL is suggesting is that we, at a time of great expansion in this industry, need to cut back on the government role.

It means fewer dollars and, equally important, fewer professionals who would be inspecting these airplanes to make sure they are safe, fewer air traffic controllers, less of a role by our government in making certain the airlines are operating in a safe and efficient manner at a time when the aviation industry is expanding.

Senator PAUL's suggestion moves us in the wrong direction. If there was ever a need for more vigilance, more oversight, and more professionalism at the FAA it is now. Cutting back to 2008 spending levels will take away the professional men and women who make the FAA the fine agency that it is.

We signed the last FAA reauthorization bill into law in December of 2003. That bill expired in 2007, about the same time Congress was considering the fiscal year 2008 spending levels of the FAA. We have now extended this law 17 times, lurching forward each time, waiting for this moment when the bill came to the floor.

Congress used to reauthorize the FAA every 2 years just to keep up with a changing aviation industry and to make sure our government agency, working with the airlines, was on top of its responsibility. Now we have been stuck with the same authorization bill we crafted 9 years ago, and the Senator from Kentucky, with this amendment, would have us go back to spending levels of 2008.

Almost all Senators agree we need to do more to make sure we have the best

men and women working for the Federal Aviation Administration. We need to talk about a new generation of air traffic control. Almost all Senators understand we need to update an air traffic control system that is based on World War II technology, technology from the 1940s—70 years ago. It is good, but it could be dramatically better.

This bill before us makes that investment in a technology known as NextGen. These investments move us from radar-based systems to a GPS-based system. It is incredible to me that I can stand on the floor of the Senate and make this speech while I can carry in my pocket a cell phone which has a GPS device which some people could use to determine where I am at this very moment in time. Yet when I board an airplane to fly to Chicago, this technology is not being used. Instead, they are using radar—not an ancient technology but a very old technology.

If a GPS is good enough for my cell phone, if it is good enough for so many other applications, such as the bus that travels back and forth on the streets in the city of Chicago, why don't we have it in our airplanes? Well, because we have never moved from that old technology to this modern technology of GPS, using satellites to determine exactly, pinpointing, where the planes are at every moment.

The FAA bill before us moves us in this direction. The Paul amendment by the Senator from Kentucky would basically eliminate our development of this new technology. The amendment moves us back to the past and it does not save money. The Paul amendment, in fact, would basically deny us this new technology. The FAA Administrator under President Bush, Marion Blakey, was recently asked what she thought about the movement to roll back funding to the fiscal year 2008 levels—the Paul amendment—when she was Administrator. She said: ''It's false savings because in the long run it'll cost us much more.''

She knows and we know we have to move to GPS from radar to make it safer and more up to date. Senator PAUL of Kentucky says: Let's stop talking about the future. Let's focus on the past.

Can we afford that when it comes to the aviation industry, where every single day we entrust our lives and the lives of the people we love on these airplanes?

Ms. Blakey said that rolling out the NextGen system by 2018—which is the goal of this bill—would save $22 billion, mostly because fewer delays would mean less fuel burned.

But reducing FAA spending to the fiscal year 2008 levels, as Senator PAUL suggests in this amendment, would amount, as Marion Blakey said, to a cut of $1.3 billion—the amount being spent this next year on NextGen. It would roll back and stop NextGen, this new technology, before we can move forward.

This amendment is not about saving money. This amendment is about cutting corners in an area where we should never cut corners. When it comes to the safety of the American public boarding airplanes every day, you do not cut corners. You make sure you have the very best professionals working for the agency and the best technology being used by airports and airliners as well.

I am afraid Senator PAUL's approach may have some appeal to those who would cut blindly, but if you open your eyes and take a look at it, this is a bad move—a move that invites some terrible consequences, which none of us want to envision. We need to keep America investing in modern technology. We need to expand our national airspace safely and efficiently.

I urge my colleagues, this afternoon or early this evening, to vote against the Paul amendment. I know his goal is to save money. This is money that needs to be spent for the safety of the American flying public.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. Madam 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.

Ms. CANTWELL. Madam President, we are out here talking about the FAA bill, a bill to improve the transportation system in America dealing with our airways. There are a lot of great things about this legislation, everything from the passengers' bill of rights to improvement in airport infrastructure that many of my colleagues have been out here on the floor talking about. Even the Acting President pro tempore articulated why it is so important to make improvements in our ground-based system.

Practically every elected official in America knows that airports are a cornerstone of economic development. No business is going to locate in a community without knowing what the air transportation system is. If it is falling behind, if it is dilapidated, people are going to go somewhere else for their economic development. So improving the ground transportation system as part of the airport infrastructure is critically important for improving jobs in America.

So I know my colleagues are out here offering amendments, and the pending amendment is the Paul amendment, which is a very concerning amendment from the prospects of what it would do to cut the innovation we are about to implement in this FAA bill—the longstanding improvements to the Federal aviation system that have to do with taking our airways from a 1950s technology to a 21st century technology that improves both the situation for the pilots in the sky and the efficiency of our system and it improves and coordinates the communication system on the ground.

All that also increases jobs in America, high-wage jobs. It puts America back in the driver's seat in the development of key technology. Those are the kinds of jobs in manufacturing we want to be creating in America.

So when my colleague from Kentucky comes out and offers a proposal to basically slow down the implementation by the FAA on key employees in these areas that are part of the technology and infrastructure, what you are going to do is slow down high-wage manufacturing jobs in the United States as well.

With this legislation—with both the improvements to the airport infrastructure and what is, with the NextGen system, going to take place with new technology—we are talking about thousands of new jobs in America. We certainly want those manufacturing jobs to be here in the United States and to get the benefits of this NextGen system.

So I wish to take a moment to talk about that NextGen transportation system and why it is so important to us in creating jobs. Because my colleague from Kentucky may not realize, when you actually cut people and you cut the number of programs that are geared toward this, such as in the NextGen system, you are talking about that the R&D programs could be reduced by as much as $25 million and then funding for areas such as how to do self-separation, weather technology in the cockpit, weight turbulence.

I do not know about the Acting President pro tempore, but I fly a lot, back and forth across the country almost every week. Some of the pilots I have been flying with have said this has been the most turbulent weather this winter that they have seen. So I know personally. I want to know as much about this and the latest technology that can help us. But under this proposal, the estimated loss of jobs and cutbacks in grant programs and targeted areas again could mean the loss of expertise in R&D that is critical for us in our flying transportation system and safety.

So what are we talking about when we are talking about the NextGen system? We are talking about improvements in flight performance and improvements in the passenger experience and improvements in basically even how we use fuel.

What I like about the NextGen system most is that it reduces total flight delays by 21 percent. That is not the day we pass the bill or when the President signs it. But over time, the implementation of this system—which, again, we have a very old 1950s system, so it is basically radar. It is taking a picture in the sky and saying: Here is where planes are and having air traffic controllers talk to those planes and control, even in pass-off movements, where those flights are going.

In fact, I would say to the Acting President pro tempore, I do not know if she or anybody in her family has ever played Flight Simulator. There is probably more certainty and predictability in the movement in a flight simulator than in that radar system we have today. But we are going to change that.

What this does, by allowing for more accurate tracking and interface and information, is give us the ability to have flights fly on a more direct path, to be able to coordinate better with flights in transportation, and to have that system totally integrated on the ground.

So even those kinds of flight delays that happen on the ground at airports, where you are waiting and taxiing at the airport—oh, this flight is here and that flight is there—all that will be more improved. In fact, that improvement, estimates are, will reduce carbon dioxide emissions from the air transportation system by 12 percent. So that is a very positive aspect of moving forward on Next Generation.

Obviously, if you are improving flight delays by 21 percent, I guarantee you, you are going to be improving the passenger experience. When they know we are trying to get them where they need to go on time, in a better coordinated fashion, with savings, it helps us.

But it also is going to improve the ground transportation system. If you think about that, our ground transportation system is always in need of coordination. We have actually had some accidents on runways. People have heard those in the news over the last several years.

So what this does—when you, again, have a GPS system, the GPS system is coordinating that, so you have better coordination of the taxiing of planes and airport vehicles and the entire ground transportation system. That should not be minimized. The fact that we can imagine how a GPS system can give us better data in the sky is important, but there is a lot that is lost on the ground with flights and the coordination of flights.

If you can imagine—just one of my personal pet peeves—you fly all the way across the country and you end up at your destination after 5½ hours, and no one is there to meet the plane or it takes an extra 10 minutes because somehow somebody did not know the plane was actually at the gate.

All that changes with the system. You know exactly where the plane is, and you know when they are going to be at that gate after they have landed. You know exactly how long it is going to take for them to taxi and how long it is going to take to get there. So that is a great improvement in this system and something that should not be underestimated.

But the issue of safety is also of critical importance—the fact that safety, in any kind of improvement to our system, has to be the paramount issue. To me, that is what NextGen delivers. It delivers better air traffic controller information. It means there is no routing pass-offs, as we do now when you are flying in between cities. At some point in time, Seattle is tracking you. When you leave Seattle, at some point in time, it is handed over to another sector and then to another sector and then to another sector. This situation is going to have accurate information all the way across, including no pass-offs or challenges with pass-offs, and it is going to give the pilots themselves better situational awareness. It is giving them more information about how they fly and about the information on the runway. So that is critically important for this system. We want safety. We want advancement.

In a lot of ways my colleague may be well intentioned in trying to reduce our budget, but when we look at these numbers and we look at what the Next Generation system is going to deliver, we don't want to cut that out of the government system. These are things that are going to give us efficiencies, they are going to help our economy, they are going to create jobs, and they are going to improve the safety of air transportation travel. I can tell my colleagues I certainly want to improve the safety and the situational awareness of pilots.

I mentioned fuel efficiency. I wish to talk about fuel efficiency for a second because I know fuel efficiency is an important issue. The flying public may think, Well, why do we want planes to be more efficient? The more the transportation system uses fuel, obviously, the more we have seen gas prices go up. It means our transportation tickets and travel costs are more expensive. With this Next Generation system, if we can start driving more fuel efficiency in our air flights by 5 or 6 percent, then we are going to help keep the efficiency in the transportation system.

A program with something like Next Generation was done by Southwest Airlines in a pilot project in Texas, and it actually demonstrated a 6-percent fuel savings for flights between Dallas and Houston. By that I mean it showed that by giving pilots more information, being allowed because of a satellite system-like approach to transportation instead of radar, they are able to fly a more direct route from takeoff to destination. That efficiency translates into savings in fuel costs. It alone is a very important aspect of the system.

The net-net of this is high-wage jobs for us in this particular sector. When we think about this, it means high-wage jobs in engineering, in software development, and for other high-tech workers who are part of developing this system, as well as jobs for the flight crews and maintenance and basically everybody who benefits from the fact that we have a traveling public and tourism in our economy.

I hope my colleagues will vote down the amendment by the Senator from Kentucky. All of these things are very positive aspects of the Next Generation system and the improvements to our air transportation. This amendment would cut the viability of many of these programs within the NextGen system and the jobs that can be created from this particular legislation. It is definitely long overdue and something the public is expecting from us.

I mentioned there is a passenger bill of rights here which in and of itself is a very positive aspect of the legislation in terms of access. Any time there is a delay on the runway, we have to make sure there is access to food and water and necessary medical treatment. Basically, the Department of Transportation can issue fines for noncompliance of airlines. I know many of the traveling public will love this particular aspect of this important FAA legislation.

I hope we can dispose of this amendment by my colleague from Kentucky and move on to passing this important legislation. It is about jobs. It is about safety. It is about fuel efficiency. It is about ontime arrival. It is about not gutting this legislation when it is needed most to be passed by this body.

I thank the Presiding Officer. I see my colleague from Washington is also here to speak so I will yield the floor for her.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to take 10 minutes of the Republican time unless a Republican Senator comes to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, we are here on the floor debating an amendment by the Senator from Kentucky. It is very important for the American public to understand. Everyone agrees we have to take some smart steps to cut waste and reduce our debt and deficit, but cutting back doesn't mean cutting blindly. It doesn't mean indiscriminately cutting programs that not only create jobs but, importantly, keep our country and people safe. Make no mistake about it: The Paul amendment we are considering and that we will be voting on shortly directly impacts the safety of air travel in this country.

We all know the FAA has a very specific mission. It is responsible for keeping air travel safe. It oversees the safety of our airline operations. It certifies the equipment they use to meet safety standards. It is responsible for the air traffic controllers who guide our planes, and to make sure the pilots who are responsible for our safety are fit to fly. That is what the FAA does. But under the amendment we are considering this afternoon, the FAA's ability to do that job would be dramatically hampered because under that amendment, the FAA would lose hundreds of its safety inspectors and would have to use furloughs to reduce the work hours of its entire safety inspector workforce.

The FAA controls air traffic every hour of every day. Under the Paul amendment, the FAA would have to furlough its air traffic controllers for significant periods of time because we wouldn't be able to afford to pay for the controller workforce to make sure we have safety in the skies. That doesn't make any sense. It would mean stretching a thinner workforce that bears the burden of keeping millions of air travelers safe every day.

The Paul amendment would force the FAA to continue controlling air traffic with outdated equipment. That is not what we should be doing today. We all know the FAA is currently in the midst of a long-term initiative called NextGen to modernize our air traffic control system which the Senator from Washington just spoke about—a system that will increase the capacity of our aviation system. It will reduce delays and cancellations that everybody knows are hampering our air traffic right now. It saves fuel, and it lowers emissions. It is a modernization effort that is long overdue.

Right now, our air transportation system still relies on radar technology that was developed during World War II. That is right. If you are flying today, you are relying on radar technology that was developed during World War II. The cell phones in everybody's pockets make use of satellite positioning, but we still haven't moved the FAA to a satellite-based system that could guide our planes with increased efficiency. Every one of us uses computer networks every day in our lives, but we are still making the investments to move the FAA to network-enabled operations that will help the agency coordinate more effectively with Homeland Security and the Defense Department.

We all rely on our BlackBerries to communicate with each other through e-mail and text messages, but we are still making the investments necessary to help the FAA rely less heavily on voice communication between pilots and air traffic controllers. If you are on a flight and if you listen on your headphones when the pilot is talking to the air traffic controllers, and you know they step on each other, we know the system is not efficient. Under the Paul amendment being offered today, that entire modernization effort would face significant delays. With goals for reduced delays and fuel savings in sight, we would be stepping on the brakes. Ironically, that would increase the cost of these NextGen investments over the long term, forcing all of us as taxpayers to put in more money to reach those necessary goals.

This amendment would not only impact the safety of our travelers in this country, it would create a major impact on our efforts to create jobs and boost the economy. I told my colleagues this amendment would furlough or eliminate the jobs of workers across the country, and they are not nameless, faceless bureaucrats. These are people who are air traffic controllers who are right now controlling the planes in the sky as we speak. These are the safety workers who are responsible for keeping watch over our airlines and certifying our pilots to make sure that plane they are flying and any repair that is made is done correctly. They are the researchers who are working to find cleaner and quieter aircraft technology and alternative aviation fuels.

But this amendment wouldn't just impact those workers we all rely on, and that is because when we are forced to continue flying with fewer air traffic controllers in the tower under older technology, we are going to face huge delays and inefficiencies that will lead to billions of dollars in lost revenue. Ask anybody in the hotel business or restaurant business or tourist business what happened after 9/11 when our air traffic was shut down. The impact on our economy is huge.

We need to make sure when we make cuts to our budget, we do it wisely. The Paul amendment that is before us affects our economy, affects jobs, and critically affects the safety of the American public. That is not wise or responsible.

The most recent statistics show that civil aviation accounts for about $1.3 trillion in economic activity in this country. Even more importantly, aviation provides jobs for hard-working Americans. A few years ago, 11 million Americans were employed in an aviation-related field. They earned about $400 billion. This is not the time to put this vital job sector at risk by cutting back on our effort to modernize and innovate, and we should never be willing to put the safety of our skies and our airports and Americans at risk.

This amendment is a misguided attempt at providing savings that comes at too high a cost. We all know and we all agree we need to be prudent about our spending, but we can't undermine the FAA as our first attempt out here and put the American public at risk. That is not wise; that is not prudent; it is not what we should be doing.

I urge the Senate to consider the very real danger this amendment poses to our safety and our economy and oppose this amendment.

Thank you, Madam President. I yield the floor 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. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I ask unanimous consent to take 1 minute of the time remaining allocated to the other side of the aisle.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I can say it in 1 minute. Why do we not want to savage the FAA budget, cutting millions and millions, to go back to the 2008 level? Simply this: It is the safety of the flying public.

The airways are getting more crowded. The delays on the ground, in the airports, are getting longer. That is the whole idea of creating a new system of air traffic control—in order to handle more traffic safely by having instruments in the cockpit that operate off our constellation of satellites that can keep the separation between airliners, can fly more efficient direct routes, and it all be coordinated instead of through radar from the ground. That is the whole purpose of the updating of the FAA air traffic control, called the Next Generation of air traffic control.

If this amendment is adopted, all of that is savaged. That is not where America should be going.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, I commend Senator PAUL for his diligent work to try to bring spending in line with our Nation's fiscal realities.

His amendment reduces the overall authorization level for the Federal Aviation Administration to $14.719 billion. That is the authorized level for fiscal year 2008. That is down from $17.526 billion, which is proposed under the 2011 bill. To put this in perspective, it is a 19-percent increase in just 3 years. If we continue to have those kinds of increases, it is not going to be sustainable given our large and growing debt.

Holding spending to 2008 levels is not so outrageous or unworkable as has been portrayed. By reducing the top line amount, the amendment provides the Secretary of Transportation with the necessary discretion to make the appropriate reductions to the related FAA accounts. Not all of them, for example, are safety accounts. So priority could be given to those matters.

There is an argument that could be made that since this is an authorizing bill rather than an appropriations bill, the overall funding levels do not matter. But authorization bills do establish guideposts for the Appropriations Committee. In this case, the spending reductions reflect limits on how much will be appropriated out of the airport and airway trust fund.

Additionally, a portion of FAA's funding comes from the general fund of the U.S. Treasury. Imposing spending cuts to this authorization bill also provides a tiny but still necessary signal to other Members of the body, the administration, and the financial markets that the United States is prepared to begin dealing with our pending budgetary catastrophe.

The simple fact is that the United States is $14 trillion in debt and running an annual deficit of $1.6 trillion. Our record level of debt is equal to

$45,500 per American citizen and $127,500 if we just count the taxpayers in America. Each day the United States pays another $1.273 billion in interest alone on this debt.

To be clear, the amendment could result in a reduction of some FAA services. This is a reality that setting the tough spending priorities will cause some services potentially to be trimmed and certainly unnecessary functions to be eliminated.

But I do not think the debate over this amendment can occur outside the context of the difficult spending decisions that we are going to need to consider in the next several weeks. We literally have to start somewhere, and almost everywhere is going to require some sacrifice.

The House of Representatives will consider cuts to the FAA funding levels this week and, likewise, this body will be required to do the same.

I appreciate the work that Senator PAUL has done and hope that my colleagues will strongly consider supporting his amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the disposition of the Paul amendment occurs, the Senate proceed to the consideration of H.R. 514, which was received from the House and is at the desk; that the Reid-McConnell substitute amendment, which is at the desk, be agreed to; that there be up to 30 minutes of debate equally divided between the two leaders or their designees prior to the vote on passage of the bill, as amended; that there be no further amendments or motions in order to the bill prior to the vote, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I express my appreciation to everyone involved. It has been a difficult issue, but I will put on the record what I have told a number of Senators personally, and that is that we will, prior to this expiration occurring, bring up the PATRIOT Act and have an opportunity for an extended period of time—a week at least—to offer amendments and do whatever people feel is appropriate on this bill.

I have talked to a couple of Senators who have told me specifically that they want to offer amendments. Although I didn't agree I would support their amendments—one was a Democrat and one was a Republican—I said that is what we should be able to do, to set this up so they can offer their amendments. And I will do whatever I can to make sure we move forward on this legislation in ample time so that we can pass this PATRIOT Act for a more extended period of time, which is so important to the security of this country. I know people have problems with it, and that is why we are going to have the amendment process.

The PRESIDING OFFICER. All time is expired on the amendment.

Mr. REID. Mr. President, I move to table amendment No. 21 offered by the Senator from Kentucky, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—2

Kerry	Pryor

The motion was agreed to.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote in relation to Paul amendment No. 21 to the FAA reauthorization bill. If I had attended today's session, I would have voted in opposition to that amendment and would have supported any motion to table that amendment.•

FISA SUNSETS EXTENSION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following measure, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The PRESIDING OFFICER. Under the previous order, the substitute amendment is agreed to, and there will be 30 minutes equally divided for debate prior to a vote.

The amendment (No. 90) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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

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

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, in a few minutes we are going to vote on a 3-month extension of the expiring provisions of the PATRIOT Act. I will support this extension because it gives the Senate time to properly consider this critically important legislation. But before I support any additional extensions of the PATRIOT Act, I believe we should have an honest discussion about changes and reforms that are necessary to protect the constitutional rights of innocent Americans. It is worth taking a moment to reflect on the history of the PATRIOT Act.

The PATRIOT Act was passed almost 10 years ago after the 9/11 terrorist attack. Ground Zero was still burning when President Bush asked Congress to give him new authority to fight terrorism. Congress responded, passing the PATRIOT Act by an overwhelming bipartisan vote, including my own. It was a unique moment in our history.

But even then, many were concerned that the PATRIOT Act might go too far when it came to our constitutional rights and freedoms. As a result, we

put an insurance policy in the law, a sunset clause on the PATRIOT Act's most controversial provisions. I believe that was a thoughtful move on the part of the Senate and the House. We knew that we were in a very emotional state because of the dramatic loss of life and fear that followed after the attacks on 9/11. We wanted to reflect on some of the changes and authority given to the government at a later time.

I voted for the PATRIOT Act, but I soon realized it gave too much power to the government in some areas, without judicial and Congressional oversight. So 2 years after the PATRIOT Act became law, I led a bipartisan group of Senators to introduce the SAFE Act, legislation to reform the PATRIOT Act. The SAFE Act was supported not only by the American Civil Liberties Union but also by the American Conservative Union and Gun Owners of America. It was an extraordinary coalition. Progressive Democrats and conservative Republicans came together across the partisan divide, with the understanding that Americans believed we can be both safe and free. We wanted to retain the expanded powers of the PATRIOT Act but place some reasonable limits on those powers within the bounds of the Constitution.

In 2005, the first time Congress reauthorized the PATRIOT Act, some reforms of the SAFE Act were included in the bill. Many were not. So there are still significant provisions in the PATRIOT Act which cause concern to this Senator. The FBI is still permitted to obtain a John Doe roving wiretap that does not identify the person or the phone that will be wiretapped.

In other words, the FBI can obtain a wiretap without telling a court who they want to wiretap or where they want the place the wiretap itself. In garden-variety criminal cases, the FBI is still permitted to conduct what is known as sneak-and-peek searches of a home without notifying the homeowner about the search until some later time.

We now know the vast majority of sneak-and-peek searches take place in cases that do not involve terrorism in any way. A national security letter, or NSL, is a form of administrative subpoena issued by the FBI. We often hear NSLs compared to grand jury subpoenas. But unlike a grand jury subpoena, a national security letter is issued without the approval of a grand jury or even a prosecutor. And unlike the grand jury subpoena, the recipient of a national security letter is subject to a gag order at the FBI's discretion.

The PATRIOT Act greatly expanded the FBI's authority to NSLs. An NSL now allows the FBI to obtain sensitive personal information about innocent Americans, including library records, medical records, gun records, and phone records, even when there is no connection whatsoever to a suspected terrorist or spy.

The Justice Department's inspector general concluded that this standard ''can be easily satisfied.'' This could lead to government fishing expeditions that target, unfortunately, innocent Americans.

For years we have been told there is no reason to be concerned about this broad grant of power to the FBI. In 2003, Attorney General Ashcroft testified to the Judiciary Committee that librarians who raised concern about the PATRIOT Act were ''hysterics,'' in the Attorney General's words, and ''the Department of Justice has neither the staffing, the time, nor the inclination to monitor the reading habits of Americans.''

But we now know, many years later, the FBI has, in fact, issued national security letters for the library records of innocent Americans. For years we were told the FBI was not abusing this broad grant of power. But in 2007, the Justice Department's own inspector general concluded the FBI was guilty of ''widespread and serious misuse'' of the national security letter authority, and failed to report those abuses to Congress and a White House oversight board.

The inspector general reported that the number of NSL requests had increased exponentially from about 8,500 the year before the enactment of the PATRIOT Act to an average of more than 47,000 per year, and that even these numbers were significantly understated due to flaws in the FBI database.

I believe America can be both safe and free. We can retain the expanded powers of the PATRIOT Act but place some reasonable limit on them within our Constitution. I will support this extension so we have time to produce legislation of which we can all be proud. I know the chairman of the Judiciary Committee is on the floor to speak. I want to close by saluting him. I think he has taken a very professional approach. He has been completely open to this discussion of the provisions of this bill, and the offering of amendments. I plan to work with him and other members of the committee in good faith. I think this 3-month extension will give us time to expand the debate on this important constitutional issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Illinois for his comments.

In less than 2 weeks, the current short-term extension of three authorities authorized by the USA PATRIOT Act will expire. I thank the two leaders for working to ensure that everyone has the opportunity to consider the expiring provisions of the USA PATRIOT Act, and to do so in a way that ensures that these authorities do not lapse while the Republican majority in the House and new Senators consider these measures.

The bill I introduced on January 26, and that the Judiciary Committee is scheduled to consider this week, is based on the bill the Judiciary Committee considered and passed with a bipartisan majority last Congress.

It includes additional adjustments made at Senator KYL's suggestion after the committee reported the bill in 2009. I will urge the Judiciary Committee to report that legislation again, and I will urge the Senate to consider and pass the improvements to the USA PATRIOT Act that we have proposed, during this short, additional 90-day extension.

The original USA PATRIOT Act included important sunsets that were supported by both Republicans and Democrats. I believe that the sunsets suggested by Dick Armey back in 2001 have been a good thing. I have tried to conduct aggressive oversight of USA PATRIOT Act surveillance authorities since the bill was originally enacted in 2001. The sunsets have been helpful in that process. Accordingly, I do not support permanent extension of these surveillance authorities.

Nor do I support undercutting important oversight and government accountability with respect to these intelligence gathering tools. Instead, I support strengthening oversight while providing the intelligence community the certainty it needs to protect national security.

The bill I hope we will consider before May 27 would give the intelligence community the certainty it needs by extending these expiring authorities while also strengthening congressional and judicial oversight. This legislation is the result of bipartisan negotiations 2 years ago. It had the strong support of the administration.

The House bill we are amending was not the product of bipartisan agreement, or even an open debate in the House. It would extend the PATRIOT Act without improvement for the rest of the year. That is too little for too long.

I do not begrudge our friends in the House time to do their work, and for the new Republican majority to seek additional time to consider the expiring provisions of the PATRIOT Act. But it should not take a year to pass improvements to these provisions. Importantly, we should not extend this debate into an election year and risk that some will play politics with our national security.

With the 90-day extension that the leaders have proposed, we will be able to consider the USA PATRIOT Act Sunset Extension Act of 2011 and improve authorities that are otherwise set to expire.

Our bill can promote transparency and expand privacy and civil liberties safeguards in the law. It will increase judicial oversight of government surveillance powers that capture information on Americans.

I hope that ours is a package of reforms that all Americans can support. A bipartisan group of Senators on the Judiciary Committee voted in favor of

it in the last Congress, including Senator KYL and Senator CORNYN. Subsequent negotiations produced a package that was endorsed by the Attorney General and the Director of National Intelligence.

When Congress did not act on that negotiated package of reforms, but instead passed an extension of the expiring authorities until February 28, 2011, I took steps to see that key portions of the package were implemented administratively by the Department of Justice.

It is my hope that during this short extension Congress will pass the USA PATRIOT Act Sunset Extension Act of 2011 to codify the steps forward that the Attorney General has taken to implement parts of our legislative proposal administratively.

We can ensure that the progress in accountability and transparency that we achieved last year is not lost simply because it was never written into the statute.

In addition, we will have the opportunity to enact the parts of the bill that the Attorney General did not or could not adopt because they require a change in the statute. Chief among these is adding a new sunset on National Security Letters.

Second is repealing the presumption in favor of the government that a judge must honor when he or she reviews an application for a section 215 order for business records. The government does not need this presumption. In fact, the Attorney General endorsed the repeal of the presumption when he expressed his support for the bill in the prior Congress.

We can preserve the authorities that give law enforcement the tools it needs to protect national security. And we can ensure that inspectors general, Congress, and the public maintain vigilant oversight of the government, making sure these authorities are used properly and within constitutional bounds.

I urge all Senators to support the Senate amendment to H.R. 514 and then to support the USA PATRIOT Act Sunset Extension Act of 2011.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I want to thank the majority leader for agreeing to allow a debate on this important legislation. We will have time to amend it in the next 3 months, discuss it fully.

When the PATRIOT Act was passed in the first place, it was passed in a hurry, without committee hearings, and in a climate of fear and anger after 9/11. Congress was sensitive to the fact that the fourth amendment was being abridged. That is why these legislative proposals were sunset. It was not just so we could pass them by unanimous consent without voting. It was done so we could review how well we are doing with these, and whether we are abridging the freedoms guaranteed under the fourth amendment.

There are a couple of things that bother me about the PATRIOT Act. No. 1, the national security letters. These have been mentioned previously, and I think the points are well taken. Some try to argue, oh, these are simply subpoenas so you can do anything you want. I think they are searches of private records and should be reviewed by a judge. But even if you argue that they were subpoenas, if you have a subpoena, your lawyer is allowed to make a motion to quash your subpoena, your lawyer is allowed to represent you.

In the craziness after 9/11, when the PATRIOT Act was passed, it was actually illegal to consult an attorney. If you were given a national security letter saying you were being investigated, you could go to jail for 5 years by telling your attorney. It is still in the law that you can go to jail for 5 years if you tell others. This is being done against U.S. citizens.

Many people argue for this saying: Oh, it is just foreign terrorists. National security letters have been written on 200,000 individuals and over 50 percent of them from the United States in the last 10 years.

In addition to the national security letters, this act expanded the use of what are called suspicious activity reports, where they snoop in your bank records. Not only does the government snoop in your bank records, they force the banks to do snooping for you. Two million records have been gone through, and we say: Well, are we getting terrorists? Yes; we are probably getting terrorists. But were we capturing terrorists under FISA when we had a judge's review? Yes. It was very rare that FISA ever turned down a warrant. But we just gave up. We blankly gave up the idea of judicial review.

This was a big deal. John Adams said this was the spark that got the Revolution going. When James Otis was talking about writs of assistance in the 1760s, the King was granting writs of assistance through his soldiers. Now we have essentially government agents, akin to soldiers, writing warrants.

It is ripe for abuse. Even the FBI, when they did their own internal investigation of the national security letters—they reviewed 1,000 of these national security letters, and they found that 10 percent of them were in error.

The other thing, for those who say: Oh, this is just a subpoena. It is just your bank records. No big deal, they should be weary of this: People have gone through the FISA Court and been turned down under section 215 and not gotten a warrant and they have done an end-around and gotten national security letters.

I think it is something so basic to our constitutional Republic. I tell people on and on, I am a big defender of the second amendment. But you cannot have the second amendment unless you defend the first amendment. You cannot have the second amendment unless you defend the fourth amendment.

We need to defend the right to be free of search and seizure. People need to look back and say: Did the FISA Court work? The FISA Court rarely turned anything down as far as getting warrants. But at the very least, there was independent judicial review, which is a very important part of our historical jurisprudence and I think should be guarded and protected.

I think, in the fear after 9/11, we did not debate these things fully. We should have a debate. There is a wide range of people on both the left and the right who do believe in civil liberties. I think it is time we do review these. I will stand in the next several months and try to promote this discussion. I think it is a good time to review and revisit the PATRIOT Act.

I will vote against the extension of the PATRIOT Act because I do not think it is doing full justice to the fourth amendment, and I think it is very important we have judicial review before we allow government to investigate and search our private lives.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I come to the floor as the chair of the Intelligence Committee of the Senate and also as a member of the Judiciary Committee, so I have been part of the PATRIOT Act and the FISA Act discussions.

Let me clear up one thing for the distinguished Senator from Kentucky: Nothing in what is before us today affects national security letter sections of the act. Let me repeat that because I have heard this presented on the floor, I have seen it in editorials in the newspapers, and nothing in what is on the floor today affects the NSL sections—of which there are several in various statutes—of the PATRIOT Act.

There are three specific sections that are affected, and I will get to them in a moment.

Let me begin by saying I support the Reid-McConnell amendment to H.R. 514. Let me point out that last Wednesday the Secretary of Homeland Security, Janet Napolitano, testified before the House Homeland Security Committee, and here is what she said:

> In some ways, the threat today may be at its most heightened state since the attacks nearly 10 years ago.

In testimony to the House Intelligence Committee last week, the Director of National Intelligence, James Clapper, wrote that:

> . . . it is impossible to rank—in terms of long-term importance—the numerous, potential threats to the U.S. national security. The United States no longer faces—as in the Cold War—one dominant threat. Rather, it is the multiplicity and interconnectedness of potential threats—and the actors behind them—that constitute our biggest challenge.

So it is clear the threat against the United States from terrorism, cyber attack, the proliferation of weapons of

mass destruction, and others is at a very high level. Intelligence is our best tool in keeping America secure.

I see this intelligence day after day after day. The Intelligence Committee hears testimony week after week after week. I believe all members of the Intelligence Committee are behind the Reid-McConnell bill.

So that is the framework in which these three expiring provisions come before us. Without them, our law enforcement and intelligence agencies would lack important tools to protect this Nation. These are tools that have been used to great advantage over the past several years.

I cannot speak here of the specific uses of the expiring authorities for reasons of classification. The Director of National Intelligence, the Director of the FBI, and the Director of the NSA described to Members last night how they have been used. Here is what they have told us:

> We have seen recent successful disruptions of terrorist plots directed against the United States. Our intelligence and law enforcement personnel were able to disrupt al Qaeda's Najibullah Zazi terrorist plot to attack the New York City subway system. These PATRIOT Act authorities, along with other critical intelligence tools, are essential to our ability to detect and disrupt such plots.

Let me talk about the three provisions, starting with the business records section that is expiring. This authority allows the government to go to the Foreign Intelligence Surveillance Act Court—a special court with judges appointed by the Chief Justice that deals only with these matters and meets 24/7. The provision allows the government to obtain business records if it gets a warrant from this court.

The second expiring provision, so-called roving wiretap authority, provides the government with needed flexibility in conducting electronic surveillance. We all know there are now throwaway cell phones. We have found that terrorists have attempted to evade surveillance by using these throwaway cell phones and rapidly switching cell phones. This tool allows for surveillance on a particular target, not the telephone. Again, you need to have that authority given to you, much as you would in a criminal wiretap by a court, but in this case by the Foreign Intelligence Surveillance Act Court. Again, the surveillance is for foreign intelligence.

According to FBI Director Bob Mueller, this provision has been used more than 190 times since it was authorized in 2001.

The third section—the final one—is the ''lone wolf'' authority that allows for court-ordered collection against non-U.S. persons who engage in international terrorism but for whom an association with a specific international terrorist group has not yet been determined.

This provision was enacted in light of the Zacarias Moussaoui case, in which the FBI suspected Moussaoui of engaging in terrorist activity and believed at the time it could not obtain a FISA order—in other words, a FISA warrant—for lack of definitive connection to a known foreign terrorist organization.

I see Senator KYL on the floor. He well knows this issue. So this is a specific addition that was put in because of the Moussaoui case to get at someone who is a ''lone wolf'' who has no known association with a terrorist operation.

These tools have been authorized for several years and have been subject to strict scrutiny by the Foreign Intelligence Surveillance Act Court, the Department of Justice, and the Congressional Intelligence and Judiciary Committees.

Members have raised concerns that provisions authorized by the PATRIOT Act have been misused. The Judiciary and the Intelligence Committees have held numerous hearings on this topic. I believe past problems have been addressed, and we will continue to monitor the use of these provisions carefully.

Members have also noted past problems with the use of national security letters, and that is what all the discussion so far that I have heard on the floor has been. As I have said, the national security sections are not at issue at this time. So it is, in a sense, a shibboleth to raise them here.

It is business records, it is lone wolf, and it is roving wiretaps. Those are the three sections that expire on the 28th of February.

So let me be clear: This legislation does not address national security letter authorities, as those provisions are not set to expire at the end of the month.

By extending these three provisions until May 27, the Congress can appropriately study and I hope enact long-term reauthorizations that the intelligence community and law enforcement need to continue to keep us safe.

Let me just say, I see—and cannot go into here—but day after day uses of these expiring authorities and have come to believe that being able to have good intelligence is what prevents an attack against a New York subway or air cargo plane. It is what keeps this homeland safe, and it is what allows us to get ahead of a terrorist attack. Without them—without them—we put our Nation in jeopardy. I, for one, took an oath of office to protect and defend, and I do not intend to be party to that. Everything I know indicates that there is jeopardy facing this Nation, and these intelligence provisions are necessary to protect our homeland.

I urge acceptance of the Reid-McConnell legislation.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to agree with the comments made by our colleague from California, the chairman of the Intelligence Committee, and urge all our colleagues, in the time that will exist between now and the time we are able to take up this matter again, to accept her invitation to be briefed and to appreciate some of the things that our intelligence community goes through in order to try to protect the American citizens.

The points she made are all valid from my service on the Intelligence Committee. I am aware of what she has been talking about. I would just like to repeat three things. I will not bother to go into all the detail because she made the points very well.

Roving wiretaps—the name does not sound very good—are simply the recognition that today you have a lot of throwaway cell phones. It used to be you had one telephone hanging up in the kitchen or someplace, so when the police got a warrant to tap your telephone, that was the only phone you had.

Now these guys take phones, use them once, throw them away, and then get another one or they have access to lots of different phones. It is simply a recognition that today people use lots of different phones rather than one, and, therefore, the warrant applies to any of the phones of a particular individual.

The ''lone wolf'' terrorist exception Senator FEINSTEIN explained very well. I wrote that provision. It applies to people who do not have a card in their wallet that says: I belong to al-Qaida or I belong to some other terrorist group.

We understood that in some cases there will be people such as Moussaoui who you are not sure are actually affiliated with any particular group, but they are still planning a terrorist activity and, therefore, you want the ability to check them out.

Third is the business records. This is the only one there has been any controversy about. It allows the government to get a court order to obtain business records that are either held or generated by third parties. You want to find out, for example, if Mohamed Atta stayed at the such and such motel the night before he went to the airport to conduct the terrorist attacks of 9/11. That will help to prove the chain of evidence to prosecute other people or for us to be able to know exactly how that attack occurred. So you go to the motel and say: Could we see who checked in last night. That is not a big deal.

For most agencies of the Federal Government, you do not even have to go to court to ask the question. But out of an abundance of caution, before the government can actually go to the motel and say: Can we see your record, they have to go to court to get approval to do that. So the PATRIOT Act actually sets a higher hurdle in trying to get these business records in terrorism investigations. In addition to that, there are only three top officials at the FBI who are authorized to request court orders for the information.

So the point is this: These are the only three provisions that are sunsetted and that we have to reauthorize. If people have objections to other parts of the act, such as has been expressed here, then their argument is not with the reauthorization of these three provisions but with the underlying law. In any event, I suppose they will have plenty of time to raise those questions when we debate this further in the next couple of months.

I urge my colleagues to support this short-term extension. In the meantime, prior to the rest of the debate we will have to check with the folks at the Intelligence Committee who can answer any questions colleagues may have about how this act is intended to operate and then check with the FBI and other law enforcement officials to see how it works in its operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, Montanans sent me to the U.S. Senate to bring accountability to this body, to make responsible decisions, and to protect America and the freedoms we all enjoy. I took the oath of office to defend the Constitution.

That is why I am going to vote against the PATRIOT Act. I encourage others to follow suit. I have never liked the PATRIOT Act. I still don't.

Like REAL ID, the PATRIOT Act invades the privacy of law-abiding citizens. And it tramples on our Constitutional rights.

We need to find a balance—making our country more secure and giving our troops, law enforcement and intelligence agents the tools necessary to get the job done. But we have to do it without invading the privacy of law-abiding Americans.

This extension doesn't address any of those concerns. It simply puts off the debate we need to have for another day.

There are some really troubling aspects that are not addressed by the extension of this law: Roving wiretaps which allow surveillance of a ''type of person,'' instead of a particular person, over multiple phone lines. That is a slippery slope to eroding our constitutional protection against government searches; Using the reasonable grounds of suspicion standard to require libraries and businesses to report to the government about what American citizens buy or borrow.

We don't have to sacrifice our privacy and lose control of our personal information in order to be secure. And we should never give up our constitutional rights.

Voting for the PATRIOT Act is the wrong way to go. We have got a lot of smart people in this body. We can develop the policies we need to fight terrorists without compromising our constitutional civil liberties. I ask my colleagues to join me in voting against extending this law today and in the future.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. 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. LEVIN. Mr. President, I think all time has either been yielded back or all time is up, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS — 86

Akaka	Enzi	Menendez
Alexander	Feinstein	Mikulski
Ayotte	Franken	Moran
Barrasso	Gillibrand	Murkowski
Bennet	Graham	Nelson (NE)
Bingaman	Grassley	Nelson (FL)
Blumenthal	Hagan	Portman
Blunt	Hatch	Reed
Boozman	Hoeven	Reid
Boxer	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Inouye	Rockefeller
Cantwell	Isakson	Rubio
Cardin	Johanns	Schumer
Carper	Johnson (SD)	Sessions
Casey	Johnson (WI)	Shaheen
Chambliss	Kirk	Shelby
Coats	Klobuchar	Snowe
Coburn	Kohl	Stabenow
Cochran	Kyl	Thune
Collins	Landrieu	Toomey
Conrad	Leahy	Udall (CO)
Coons	Levin	Vitter
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Manchin	Whitehouse
DeMint	McCain	Wicker
Durbin	McCaskill	Wyden
Ensign	McConnell	

NAYS—12

Baucus	Brown (OH)	Lautenberg
Begich	Harkin	Lee
Merkley	Paul	Tester
Murray	Sanders	Udall (NM)

NOT VOTING—2

Kerry	Pryor

The bill (H.R. 514), as amended, was passed.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I am necessarily absent for the vote today on legislation to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004, H.R. 514. If I were able to attend these vote sessions, I would have supported the bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004, H.R. 514.●

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

AMENDMENTS NOS. 49 AND 51, AS MODIFIED

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that my pending amendments, Nos. 49 and 51, be modified with the changes that I have at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments are so modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 49, AS MODIFIED

On page 48, between lines 22 and 23, insert the following:

(c) ADDITIONAL RELEASE FROM RESTRICTIONS.—

(1) IN GENERAL.—In addition to any release granted under subsection (a), the Secretary of Transportation may, subject to paragraph (2), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30–82–0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(2) CONDITIONS.—Any release granted by the Secretary under paragraph (1) shall be subject to the following conditions:

(A) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in paragraph (1), the County shall receive an amount for the interest that is equal to the fair market value.

(B) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

AMENDMENT NO. 51, AS MODIFIED

On page 311, between lines 11 and 12, insert the following:

SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT 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:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device that creates a visual image of an individual's body and reveals other objects on the body as applicable, including narcotics, explosives, and other weapons components; and

''(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term 'appropriate congressional committees' means—

''(i) the Committee on Commerce, Science, and Transportation and 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 machine 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.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

''(3) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Except as provided in paragraph (4), beginning January 1, 2012, all advanced imaging technology used as a screening method for passengers shall be equipped with automatic target recognition software.

''(4) EXTENSION.—The Assistant Secretary may extend the date described in paragraph (3) by 1 or more periods as the Assistant Secretary considers appropriate but each period may not be for a duration of more than by 1 year, if the Assistant Secretary determines that—

''(A) advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as advanced imaging technology without such software; or

''(B) additional testing of such software is necessary.

''(5) REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the date described in paragraph (3) and, if the Assistant Secretary extends the date pursuant to paragraph (4) by 1 or more periods, not later than 60 days after each period, the Assistant Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection.

''(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

''(i) A description of all matters the Assistant Secretary considers relevant to the implementation of this subsection.

''(ii) The status of the compliance of the Transportation Security Administration with the provisions of this subsection.

''(iii) If the Administration is not in full compliance with such provisions—

''(I) the reasons for such non-compliance; and

''(II) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

''(C) SECURITY CLASSIFICATION.—The report required by subparagraph (A) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.''.

Mr. UDALL of New Mexico. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 7, AS MODIFIED

Mr. INHOFE. Mr. President, I have the same request. I call for regular order with respect to my amendment No. 7, and I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill insert the following:

SEC. ___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(C) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under

subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 93 TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I have a second-degree amendment to the Inhofe amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 93 to Inhofe amendment No. 7, as modified.

Mrs. HUTCHISON. 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 provide for an increase in the number of slots available at Ronald Reagan Washington National Airport, and for other purposes)

Strike all after the word ''sec'' and add the following:

____. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 5 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(C) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under

subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

This section shall become effective 1 day after enactment.

CLOTURE MOTION

Mrs. HUTCHISON. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 7, as modified, to S. 223, the FAA authorization bill.

Kay Bailey Hutchison, Jon Kyl, John Ensign, John Cornyn, Kelly Ayotte, John Thune, Saxby Chambliss, Richard Burr, Johnny Isakson, Jerry Moran, James E. Risch, Richard C. Shelby, Rand Paul, John Hoeven, John McCain, Lindsey Graham, Mike Lee.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 93, AS MODIFIED, TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send a modification to my second-degree amendment to the desk and ask that the amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the word ''**SEC**'' and add the following:

____. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition

to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(C) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues and debt service costs at either of the Metropolitan Washington Airports, regardless of source, may be shared at the other airport.''

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the amendment that is now pending, for which we have a cloture motion, is what we are going to try to continue to work on and hope that we can come to a consensus on the issue of the perimeter rule that has caused so much of this bill to be held up. This is a good bill. This is a bill that is going to give America the opportunity to start the next generation of air traffic control systems. It is a bill that we must begin now if we are going to go to a satellite-based system which will free airspace and make our air system work more efficiently for aircraft in the air.

It has safety provisions. It has consumer protection provisions. It is so important that we also accommodate the needs of all of our country, the constituents we have, to have an airport system that works—especially in the Washington area.

We will be able to debate this amendment as we go through the next few days. We are waiting for other amendments to also be debated on the floor. But I have stood very firm in saying we need a bipartisan solution to access to the Nation's airport in Washington, DC. It is located in Virginia, but it is the Washington, DC-near airport, and all of the airports in this area now have a robust business. It is time for us to deal with this in a rational, bipartisan, and responsible way. That is what Senator ROCKEFELLER and I have attempted to do, and we will continue to do so.

I yield the floor.

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. FRANKEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH REFORM

Mr. FRANKEN. Mr. President, I rise today to talk about health reform. I would like to start by telling you the story of a little boy named Isaac. From the day his parents brought him home as a newborn to Isanti, MN, he was sick all the time. He had everything from the flu to bronchitis to ear infections. But unlike most little boys, Isaac never seemed to get better. His parents, as any parents would, did everything they could to help him. They brought him to every medical specialist they could think of but no one could figure out what was wrong.

Finally, Isaac was diagnosed with a rare disease called common variable immunodeficiency. This means every 2 weeks a nurse has to visit his home to give him the medicine that lets his body fight off germs. Without this medicine, Isaac's body cannot fight off even a common cold. The home visits and IV medications Isaac needs are expensive. But Isaac's parents had health insurance, so Isaac was able to have a normal childhood.

Today, Isaac is a 19-year-old college student in Minnesota with dreams of becoming an English teacher. Here is a picture of him. He is the one on the right. That is Isaac.

Because of the toll his illness takes, his family decided that Isaac should go to school part-time. Unfortunately, before the health reform law was passed, young adults over 18 years of age generally had to be in school full time to stay on their parents' health insurance. If Isaac had not been able to stay on his parents' health plan, he would have been in a tremendous bind. His disease is the definition of a preexisting condition, and it would have been nearly impossible for him to find affordable individual coverage. But because of the health reform law that we passed last year, Isaac can now stay on his parents' health insurance, regardless of his school status, through his 26th birthday. He and his family were able to make the choices that made sense for their family without having to worry about Isaac's health insurance. In fact, in a few years, when he turns 26, a key provision of health reform will have kicked in and insurers will no longer be able to discriminate against him or any American because of a preexisting condition.

Isaac's parents may not be doctors, but they are experts when it comes to the needs of their family. They know the truth about what the health reform law has already done for their family. Just like Isaac's family, Minnesotans may not know every word of the health reform law, but they are experts on what they need for their own families.

Let me tell you about another Minnesota family who learned about the benefits of the new law. Maya, whom you can see right here, is one of 3 million Americans with epilepsy. She had her first seizure when she was just 3 years old. Modern medicine has not yet been able to find a way to stop her seizures, but by taking five medications per day she can control them.

Recently, Maya's father was laid off and the family lost his health insurance. Maya's family suddenly had to confront the possibility that they would no longer be able to give Maya the medication she needs to fight her daily seizures. Without insurance, Maya's medications cost more than $1,500 a month, which would quickly bankrupt her family. Losing a job is stressful enough, but before the health reform law Maya's parents would have

had to worry about buying health insurance on the individual market. Because of Maya's preexisting condition that would have been almost impossible.

Fortunately, the health reform law has banned insurance companies from discriminating against children with preexisting conditions. So her family was able to get on to another insurance plan without being denied.

The diagnosis of a chronic illness can happen to anyone at any time. Often, like Maya, it doesn't happen because of a lifestyle choice or genetic predisposition. It just happens. Maya was 3 years old when she was diagnosed. Paying for essential medications and health care services that can help control chronic conditions like Maya's can easily put a hard-working family into bankruptcy.

Medical costs are the cause, wholly or in part, of 62 percent of all bankruptcies in this country. That will change dramatically because of this law. Americans will no longer be discriminated against because of preexisting conditions, and insurance companies can no longer impose lifetime limits on the dollar amount of care they will provide. This is an enormous, almost incalculable, benefit to Americans and their peace of mind.

The truth is, Congress listened to people across this country, people such as Isaac and Maya and their families. By allowing kids to stay on their parents' insurance longer, we listened by ending insurance companies' discrimination against women and people with preexisting conditions, and we listened when the American people said lifetime caps on insurance benefits were forcing millions of chronically ill Americans into bankruptcy.

The people of Minnesota believe, as I do, that a family who works hard should not be financially ruined if their kid gets sick. When I was campaigning I heard this again and again from families across Minnesota—and I was listening. The people asked this Congress to find a way to make health care affordable for everyone, and we did.

Now the insurance companies and their political allies want you to believe the only way to keep your premiums low is to cap the amount of benefits you can receive in your lifetime. But this is just not true. In the health reform law, we worked hard to slow the growth of health care costs without abandoning the over one-third of American adults who struggle with chronic disease.

The truth is, last year we passed a bill that will save the lives of countless Americans and will save billions of taxpayer dollars. That is right. According to the Congressional Budget Office, the referee that everyone here in Congress agrees to abide by whether we like their decisions or not—according to CBO the law saves us money, lots of money; in fact, hundreds of billions of dollars.

Now, let me say a word about CBO to my colleagues. You cannot use CBO's numbers when you like them and then totally dismiss them when you do not. CBO is directed to provide unbiased and independent analysis and estimates. Their analysts use the best research available for their scores and projections. In fact, they established an independent review panel of expert health care economists to advise them in their analysis of the health reform bill. Not only are the experts' names published on CBO's Web site, but their analysis of the law is public as well. CBO is nothing if not transparent and independent.

Of late, we have heard Members of this body frankly mischaracterize the process by which CBO does its job. They have said that CBO must rely solely on information and data fed to them by the majority—''garbage in, garbage out.'' ''Garbage in, garbage out'' is how they describe it here on the floor. This could not be further from the truth. Frankly, I find some of my colleagues' new refrain about CBO disturbing and not a little disingenuous.

One of the things we tried to do in health reform was to take steps that would lower the costs of health care in this country. Take for example our efforts to reduce administrative costs by streamlining the way health care providers bill for their services. This is something I pushed for because we recently did it in Minnesota, and it saved $56 million in the first year alone. Nationwide, that should translate to around $25 to $30 billion over 10 years. Actually, the health reform law went well beyond what Minnesota did. So it is not surprising that outside experts such as those at the Commonwealth Fund, Rand, and others estimate much greater savings from administrative simplification, in the range of $162 to $187 billion over 10 years. So when CBO made their analysis and estimated savings of less than $20 billion in the same period, I admit I was a little miffed. But I did not attack CBO. I accepted their results. And we are all duty bound to do the same, even when CBO projects that the law as a whole will save over $100 billion in the first 10 years and over $1 trillion in the following decade.

We accomplished the savings with a number of commonsense solutions, such as stopping insurance companies from padding their bank accounts with profits from sky-high premiums. As part of health reform, we require insurance companies to spend at least 80 to 85 percent of the money they receive in premiums on actual health care, actual health care services—85 percent for large group plans, 80 percent for small group or individual plans. This is a provision I championed. The other 15 or 20 percent can be spent on administrative costs or marketing, on CEO bonuses, and on profits. This provision kicked in this year, and it will hold insurance companies accountable for costs and help contain health care costs in this country.

We also changed the way health care is paid for in this country by starting to reward quality of care, not quantity—value not volume in Medicare. I was proud to fight alongside Senator CANTWELL and Senator KLOBUCHAR for the inclusion of the value-based payment modifier in the Medicare reimbursement formulas.

Perhaps the most commonsense thing we did to control costs was making sure everyone has access to preventive care. In Minnesota alone, the law will give millions of people access to free preventive care. Women will be able to get mammograms without any out-of-pocket costs. Starting this year, seniors now have access to free preventive checkups each year without cost. This is completely contrary to claims I have heard on this floor.

A large part of the cuts in Medicare spending—not cuts in benefits, a large part of the cuts in Medicare spending—is cuts to wasteful subsidies for insurance companies.

One of my colleagues has taken to the floor and said this law will ''cut the funding, so people on Medicare Advantage who like it, who like the preventive medicine activities of it, are going to lose those opportunities.'' He goes on to say about the seniors in his State that ''once they lose this, they are going to lose preventive services.'' This is simply not the case. Thanks to this law, everyone on Medicare will enjoy preventive services, so their doctors will catch problems early. Seniors know that an ounce of prevention is worth a pound of cure. That is why preventive services under this law will be covered for everyone without copays, contrary to what my friend on the other side says.

This is what has bothered me about this debate—the constant stream of misinformation.

This same colleague said this on the floor about the law: ''It doesn't solve America's doctor shortage. It does not even address it.'' It does not even address it. Now, no one is claiming this bill solves the doctor shortages we have in this country, but does not even address it? There is a whole title in the law that lays out a number of programs—over 96 pages—that make significant investments in the health care workforce, especially in primary care physicians. Most notably, it created a public health workforce loan repayment program that helps recruit and place more doctors, nurses, and other health care providers in medically underserved areas. That is important for States such as Minnesota. And this was an integral and vital part of health reform. Anyone who states that this law did nothing to address the shortfall of health care providers just has not read the law.

We have seen misrepresentations from opponents right from the beginning with the so-called death panels, and it continues to this day: Medicare recipients are going to be denied preventive care; the law doesn't even address the doctor shortage; CBO is just

fed garbage by the majority and is not allowed to look at anything else.

In November, one of my colleagues cited an oft-discredited assertion originally made by some Republicans on the House Ways and Means Committee. According to one analysis, my colleague said here on the floor, the Internal Revenue Service will need to hire 16,000 new IRS employees to enforce the individual mandate. Well, that is just not true. Some new IRS employees will be needed but nowhere near that number, and overwhelmingly they will be there to administer the tax breaks to small businesses for insuring their employees.

What my colleagues said on the floor is simply not true. No matter how many times it is repeated, it will not become true.

There was a colloquy from June of last year between two of my colleagues. The first Senator said that doctors are leaving Medicare. And that is true. Some are.

He said: The president of the State of New York Medical Society is not taking new Medicare patients.

Then the second Senator said: As well as the Mayo Clinic.

The first Senator answered by responding: Mayo Clinic said, we cannot afford to keep our doors open if we are taking Medicare patients.

Then he moved on.

So is it true that the Mayo Clinic really is not taking new Medicare patients? Well, I called up Mayo, which happens to be in my State, to find out, and they gave me the facts. Do you know what. Of course it is not true. The Mayo Clinic has 3,700 staff physicians and scientists and treats 526,000 patients a year. There is one Mayo Clinic, Arizona Family Practice—one—that isn't accepting Medicare payment for primary care services. Yet this is just part of a time-limited trial for this one clinic with just five physicians on staff. That is it. But this becomes, to quote my colleague: Mayo Clinic said, we cannot afford to keep our doors open if we are taking Medicare patients. Well, the Mayo Clinic is the largest private employer in Minnesota and, believe me, their doors are still open to new Medicare patients.

Medicare reimbursements are low, and Mayo has actually lost hundreds of millions of dollars in the last year alone because of this. Mayo, like the rest of Minnesota, delivers higher value care at a lower cost than clinics and hospitals in other States. That is because Mayo provides coordinated integrated care. Mayo's outstanding doctors are on salaries, so they are not incentivized to order and perform unnecessary and expensive tests and procedures. And Mayo's outcomes are second to none. Yet Mayo is punished for all of this by receiving lower reimbursements for Medicare. That is why I pushed, with other colleagues, for the value index. That is why we need to pass the so-called doc fix that cancels scheduled cuts to reimbursement rates every year.

By the way, the doc fix is something we would have to do whether or not we pass health reform.

Yet, despite all of this, the Mayo Clinic is keeping its doors open to new Medicare patients and should be commended for that. It should not be accused of closing its doors to Medicare patients when it is not. Mayo should not be used as a political football.

Look, I could go on and on with these, but the fact is, if we want to have a debate about the health care law, we really should make an effort to present a case based on what is really in the law and what is really happening on the ground. This is what the American people want from us. Health care is far too important to the lives of our constituents for us to indulge in gross distortion, obvious omission, and absurd extrapolations. The American people do not want that, not for something this important, not for something that affects their lives and the lives of people they love. The American people have given us all tremendous responsibilities.

Minnesotans worry that the floor could drop from under them at any time and that no one will be there to catch them when it does. They worry about their families. They worry about their friends and their community. We owe it to them to be honest with them and with each other, to be responsible, to be real. So let's get real.

As I mentioned in my story about Maya, the little girl with epilepsy, thanks to the new law, she can get health care because insurance companies now cannot discriminate against children with preexisting conditions. In 2014, insurance companies will not be able to discriminate against any American child or adult with a preexisting condition. And in 2014, that is when the mandate kicks in.

Here is what one of my colleagues says about the provision in the law that now allows little 3-year-old Maya to be treated for her epilepsy:

> The health care law allows parents to wait until their child is sick before buying a policy. When only sick people buy health insurance, premiums have to go up. As the rate increases, more people drop their coverage.

That is why we have the mandate. The mandate is crucial if you want to do things such as getting rid of denials for preexisting conditions. And, by the way, the mandate has been a Republican idea. The mandate was a Republican idea in their 1993 health reform bill. Let me tell you why. The health care law is like a three-legged stool. The first leg is accessibility. Everyone needs to be able to buy insurance so that when they get sick or hurt, they can access the care they need.

So we banned insurance companies from discriminating against people with preexisting conditions. Banning discrimination against people with preexisting conditions is something that both parties say they like. In fact, in its Pledge to America, the document that Republicans ran on in 2010, in the health care section there is the heading ''Ensure Access for Patients with Preexisting Conditions.''

It goes on to say that they will ban insurance companies from discriminating against patients with preexisting conditions. That is their pledge.

That makes sense. Over one-third of all Americans have a preexisting condition. Actually, at the Minnesota State fair, a woman in her early 70s came up to me and said: You know, at my age, everything is preexisting. She was enrolled in Medicare, but Maya was not. And Maya's family should not have to choose between going without the care they need and going into bankruptcy.

But as my colleague indicated, there is a risk that this provision would incentivize people to buy health insurance only after they get sick or hurt which would drive everyone's costs up. So because of this, this second leg of the stool is personal responsibility. We have an individual mandate to make sure that people don't wait until they get sick to go get insurance and to create a pool of insured people that is large enough to support all the folks who had previously been unable to get insurance. If everyone has health insurance, everyone will be able to access care when they need it.

By the way, the rest of us who have insurance will benefit because today we are paying almost $1,000 a year per family in premiums to cover the emergency room visits of people who don't have insurance.

But for some people, buying health insurance is too expensive. So the third leg of the stool is affordability. We provide assistance to those families who need to buy health coverage on a sliding scale, all the way up to 400 percent of the Federal poverty level.

So that is our three-legged stool: accessibility, accountability, and affordability. We don't discriminate against people with preexisting conditions, and so we have a mandate so people don't wait until they get sick or hurt to get insurance. Because you are mandated to get health insurance, we make sure everyone can afford it. A three-legged stool. If you take any leg out, the stool collapses.

When I have explained it this way to Minnesotans, I find they are no longer confused about the law. They know how important it is to have access to health insurance regardless of preexisting conditions, to take responsibility for themselves and their families, and to have health care they can afford. But some of my colleagues have been advocating that we cut off a leg or even two legs of the stool. But a two-legged stool collapses. And a one-legged stool? Maybe at best it is a spinning plate.

The arguments for repealing this law remind me of an old Shalom Aleichem story I heard from my dad when I was growing up. You don't hear much about Shalom Aleichem on the Senate floor. I will tell you a little bit about it.

Shalom Aleichem was a beloved 20th century writer who wrote stories, novels, and plays in Yiddish. The Broadway hit ''Fiddler on the Roof'' was based on his writings. In the story my dad told me, a man borrows a plate from his neighbor. The man takes the plate home and drops it accidentally and breaks it. He sneaks back into his neighbor's house and replaces the broken plate. The neighbor comes home, finds the broken plate, and goes over to the guy's house. He basically says: What is the deal with the broken plate?

The guy says: Well, in the first place, I didn't borrow it. In the second place, when I borrowed it, it was already broken. And in the third place, when I returned it, it was in one piece.

That is what I am hearing from the opponents of this bill who want to repeal it. In the first place, we are for banning discrimination against people with preexisting conditions. In the second place, we are against banning discrimination against people with preexisting conditions because then no one would buy health insurance until they get sick or hurt. That would drive up the cost of health insurance. And in the third place, we want to repeal the law because it makes healthy people buy health insurance or pay a fine in order to keep the cost of health insurance down. This is what I hear every day from the opponents of the health care bill.

Opponents of the bill, my colleagues on the other side, pledge that they won't discriminate against people with preexisting conditions but then they say they don't want to ban discrimination because they don't want to encourage people to wait until they are sick to buy insurance. But they don't want to mandate that people take personal responsibility by buying health insurance. Then they stand up and say the American people are, to quote a colleague, ''sick of spin.''

I would like my colleagues to stand and admit that they broke the plate. We owe it to the people who elected us to this body to tell the truth about the health reform law. We owe it to the millions of Americans whose lives will be changed by the provisions in this law, such as Isaac, such as Maya.

Already we have seen the positive changes that such reform can bring. Look no further than the State of Massachusetts which, in 2006, passed its own set of health reforms. Its reforms were similar to what the Affordable Care Act is doing at the national level, including an individual mandate, subsidies, and even an exchange. The result has been a huge increase in the number of people with health insurance, including an increase in the number of people who get insurance through their jobs. Let me put that another way: Because of the State's health care reform, more people have health insurance from their employer.

At the same time Massachusetts has seen a decrease in the rate at which premiums are going up when compared to the rest of the country. As the rest of the country saw insurance premiums go up by 6.1 percent from 2007 to 2008, premiums in Massachusetts only went up by 5.0 percent. That is more than 20 percent less than the rest of the country just a year after its health care reform was passed. That is not a silver bullet, but it is certainly a step in the right direction for small business owners and for families. More than 98 percent of Massachusetts residents have health insurance, as compared to less than 84 percent nationally.

The effects of health reform in that State are pretty clear. More people are insured. Premiums are not going up as quickly as around the country. More people are getting their insurance through their employer.

The health reform law is not a silver bullet but hopefully a series of steps in the right direction. You have to question the claims of my colleagues who say that health reform will cause the sky to fall, because there is good evidence to believe they are crying wolf. Yes, you heard me right, Chicken Little is crying wolf.

Ask the people of Massachusetts. In a recent poll, nearly 80 percent of Massachusetts residents said they wanted to keep the health reform law they passed in 2006; nearly 80 percent.

Here is another one. I have heard a colleague urging repeal of this law say:

> We need to allow small businesses to join together, to pool together, in order to offer affordable health insurance to their workers, get better deals with insurance costs.

He said this as if it weren't in the law. In fact, he has said these exact words repeatedly here on the floor, each time creating the clear implication that the health reform law does not allow small businesses to pool together to get better deals on health insurance. But in fact this is exactly why we passed a health reform law that includes health insurance exchanges.

We owe it to the American people to tell the truth about this. The truth is that health reform created State insurance exchanges so that health care will be available to the 43 million workers employed by the 5.9 million small businesses around the country. The exchanges will also make affordable health insurance available to 22 million self-employed Americans. Within these exchanges, insurance companies will compete and offer multiple plans so that everyone can choose a plan that works best for their family. And in all cases, they will be negotiated on behalf of the combined pools of all participating businesses with fewer than 100 employees in the State. This will give unprecedented negotiating power and competition that will directly benefit workers at small businesses. And not just the workers but especially the owners of those businesses who, by the way, are already receiving tax credits to help them pay for their employees' insurance.

The fact is, the majority of Americans are supportive of what this law is trying to do, and they don't want to go back to the broken system we had before it passed. They know it is crucial that American families have health care when they need it. They know this law will give millions more American families access to this care while creating jobs and saving money.

The truth is, the people have spoken on health care. Unfortunately, some of my colleagues have not been listening.

When you are talking about legislation, it is easy to fall into the trap of either promising the world or warning that it will cause the sky to fall. Neither is right, and the reality is far more complex. The truth is, the Affordable Care Act will change millions of lives but will not fix a very broken health care system overnight. It was the result of a lot of negotiation and compromise.

The truth is, the American people want us to move forward and implement this law. They know some parts of it will work better than other parts. They want us to change what does not work and build on what does. They know provisions like the ban on discrimination against children with preexisting conditions are already helping families across this country, including Isaac, including Maya.

I challenge my colleagues to talk to families with children like Isaac and Maya. Americans are experts on the health care needs of their own families. I have talked to families all over Minnesota, and they tell me they need accessible health care, they need affordable health care, and they want to take personal responsibility to insure their families. But the truth is, they need our help. They need us to make sure the stool keeps standing.

Thank you, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk, and I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 5, S. 223, FAA Air Transportation Modernization and Safety Improvement Act:

Harry Reid, Jay D. Rockefeller IV, Kent Conrad, Bernard Sanders, Benjamin L. Cardin, Sheldon Whitehouse, Patrick J. Leahy, John F. Kerry, Amy Klobuchar, Jeff Bingaman, Jack Reed, Tom Harkin, Carl Levin, Kirsten E. Gillibrand,

Christopher A. Coons, Claire McCaskill, Richard J. Durbin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums with respect to the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am told the managers of this bill have some business they still need to transact on this matter tonight.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5, AS MODIFIED, AND 55, EN BLOC

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Blunt amendment No. 5 be modified with the changes that are at the desk; further, that the Blunt amendment No. 5, as modified, and the Reid amendment No. 55 be considered and agreed to en bloc and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5), as modified, was agreed to, as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 44920(b) of title 49, United States Code, is amended to read as follows:

''(b) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—Not later than 30 days after receiving an application submitted under subsection (a), the Under Secretary may approve the application.

''(2) RECONSIDERATION OF REJECTED APPLICATIONS.—Not later than 30 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Under Secretary shall reconsider and approve any application to have the screening of passengers and property at an airport carried out by the screening personnel of a qualified private screening company that was submitted under subsection (a) and was pending on any day between January 1, 2011, and February 3, 2011, if Under Secretary determines that the application demonstrates that having the screening of passengers and property carried out by such screening personnel will provide security that is equal to or greater than the level that would be provided by Federal Government personnel.

''(3) REPORT.—If the Under Secretary denies an application submitted under subsection (a), the Under Secretary 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 describes the reason for the denial of the application.''.

The amendment (No. 55) was agreed to.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with each Senator permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING RONALD REAGAN

Mr. KYL. Mr. President, last week we were all celebrating what would have been the 100th anniversary of Ronald Reagan. There was a piece in the Wall Street Journal by one of the economists who advised Ronald Reagan, Arthur Laffer, which I think recounts and discusses probably as good as any other summary I have ever seen the contribution Reagan and his administration made to the economy of the United States.

Therefore, I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal dated February 10, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 10, 2011]

REAGANOMICS: WHAT WE LEARNED

(By Arthur B. Laffer)

For 16 years prior to Ronald Reagan's presidency, the U.S. economy was in a tailspin—a result of bipartisan ignorance that resulted in tax increases, dollar devaluations, wage and price controls, minimum-wage hikes, misguided spending, pandering to unions, protectionist measures and other policy mistakes.

In the late 1970s and early '80s, 10-year bond yields and inflation both were in the low double digits. The ''misery index''—the sum of consumer price inflation plus the unemployment rate—peaked at well over 20%. The real value of the S&P 500 stock price index had declined at an average annual rate of 6% from early 1966 to August 1982.

For anyone old enough today, memories of the Arab oil embargo and price shocks—followed by price controls and rationing and long lines at gas stations—are traumatic. The U.S. share of world output was on a steady course downward.

Then Reagan entered center stage. His first tax bill was enacted in August 1981. It included a sweeping cut in marginal income tax rates, reducing the top rate to 50% from 70% and the lowest rate to 11% from 14%. The House vote was 238 to 195, with 48 Democrats on the winning side and only one Republican with the losers. The Senate vote was 89 to 11, with 37 Democrats voting aye and only one Republican voting nay. Reaganomics had officially begun.

President Reagan was not alone in changing America's domestic economic agenda. Federal Reserve Chairman Paul Volcker, first appointed by Jimmy Carter, deserves enormous credit for bringing inflation down to 3.2% in 1983 from 13.5% in 1981 with a tight-money policy. There were other heroes of the tax-cutting movement, such as Wisconsin Republican Rep. Bill Steiger and Wyoming Republican Sen. Clifford Hansen, the two main sponsors of an important capital gains tax cut in 1978.

What the Reagan Revolution did was to move America toward lower, flatter tax rates, sound money, freer trade and less regulation. The key to Reaganomics was to change people's behavior with respect to working, investing and producing. To do this, personal income tax rates not only decreased significantly, but they were also indexed for inflation in 1985. The highest tax rate on ''unearned'' (i.e., non-wage) income dropped to 28% from 70%. The corporate tax rate also fell to 34% from 46%. And tax brackets were pushed out, so that taxpayers wouldn't cross the threshold until their incomes were far higher.

Changing tax rates changed behavior, and changed behavior affected tax revenues. Reagan understood that lowering tax rates led to static revenue losses. But he also understood that lowering tax rates also increased taxable income, whether by increasing output or by causing less use of tax shelters and less tax cheating.

Moreover, Reagan knew from personal experience in making movies that once he was in the highest tax bracket, he'd stop making movies for the rest of the year. In other words, a lower tax rate could increase revenues. And so it was with his tax cuts. The highest 1% of income earners paid more in taxes as a share of GDP in 1988 at lower tax rates than they had in 1980 at higher tax rates. To Reagan, what's been called the ''Laffer Curve'' (a concept that originated centuries ago and which I had been using without the name in my classes at the University of Chicago) was pure common sense.

There was also, in Reagan's first year, his response to an illegal strike by federal air traffic controllers. The president fired and replaced them with military personnel until permanent replacements could be found. Given union power in the economy, this was a dramatic act—especially considering the well-known fact that the air traffic controllers union, Patco, had' backed Reagan in the 1980 presidential election.

On the regulatory front, the number of pages in the Federal Register dropped to less than 48,000 in 1986 from over 80,000 in 1980. With no increase in the minimum wage over his full eight years in office, the negative impact of this price floor on employment was lessened.

And, of course, there was the decontrol of oil markets. Price controls at gas stations were lifted in January 1981, as were wellhead price controls for domestic oil producers. Domestic output increased and prices fell. President Carter's excess profits tax on oil companies was repealed in 1988.

The results of the Reagan era? From December 1982 to June 1990, Reaganomics created over 21 million jobs—more jobs than have been added since. Union membership and man-hours lost due to strikes tumbled. The stock market went through the roof. From July 1982 through August 2000, the S&P 500 stock price index grew at an average annual real rate of over 12%. The unfunded liabilities of the Social Security system declined as a share of GDP, and the ''misery index'' fell to under 10%.

Even Reagan's first Democratic successor, Bill Clinton, followed in his footsteps. The negotiations for what would become the North American Free Trade Agreement began in Reagan's second term, but it was President Clinton who pushed the agreement through Congress in 1993 over the objections of the unions and many in his own party.

President Clinton also signed into law the biggest capital gains tax cut in our nation's history in 1997. It effectively eliminated any capital gains tax on owner-occupied homes. Mr. Clinton reduced government spending as a share of GDP by 3.5 percentage points, more than the next four best presidents combined. Where Presidents George H.W. Bush and Bill Clinton slipped up was on personal income tax rates—allowing the highest personal income tax rate to eventually rise to 39.6% from 28%.

The true lesson to be learned from the Reagan presidency is that good economics isn't Republican or Democrat, right-wing or left-wing, liberal or conservative. It's simply good economics. President Barack Obama should take heed and not limit his vision while seeking a workable solution to America's tragically high unemployment rate.

SPECIAL COMMITTEE ON AGING RULES OF PROCEDURE

Mr. KOHL. Mr. President, I ask unanimous consent that the Special Committee on Aging rules for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING

JURISDICTION AND AUTHORITY

S. Res. 4, §104, 95th Congress, 1st Session (1977)[1]

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the ''special committee'') which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS

1. MEETINGS. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

2. NOTICE AND AGENDA:

(a) WRITTEN NOTICE. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) SHORTENED NOTICE. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. PRESIDING OFFICER. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. CONVENING OF HEARINGS

1. NOTICE. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. PRESIDING OFFICER. The Chairman shall preside over the conduct of a hearing when present, or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. WITNESSES. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. OATH. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. TESTIMONY. At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 100 copies of such statement with the clerk of the Committee 72 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. COUNSEL. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. TRANSCRIPT. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. IMPUGNED PERSONS. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. MINORITY WITNESSES. Whenever any hearing is conducted by the Committee, the Ranking Member shall be entitled to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. CONDUCT OF WITNESSES, COUNSEL AND MEMBERS OF THE AUDIENCE. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. PROCEDURE. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. WITNESS REQUEST. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four

hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. CONFIDENTIAL MATTER. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. BROADCASTING

1. CONTROL. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. REQUEST. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. QUORUMS AND VOTING

1. REPORTING. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. COMMITTEE BUSINESS. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. HEARINGS. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. POLLING:

(a) SUBJECTS. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) PROCEDURE. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. INVESTIGATIONS

1. AUTHORIZATION FOR INVESTIGATIONS. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. SUBPOENAS. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. INVESTIGATIVE REPORTS. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. DEPOSITIONS AND COMMISSIONS

1. NOTICE. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. COUNSEL. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. PROCEDURE. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. FILING. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule II(7). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

5. COMMISSIONS. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. SUBCOMMITTEES

1. ESTABLISHMENT. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. JURISDICTION. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. RULES. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

X. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

ENDNOTE

[1] As amended by S. Res. 78. 95th Cong., 1st Sess. (1977), S. Res. 376, 95th Cong., 2d Sess. (1978), S. Res. 274, 96th Cong., 1st Sess. (1979), S. Res. 389, 96th Cong., 2d Sess. (1980).

IDAHO SMALL BUSINESS DEVELOPMENT CENTER

Mr. RISCH. Mr. President, I rise today to recognize the Idaho Small Business Development Center for its 25 years of supporting small business in Idaho. The Idaho Small Business Development Center has a rich tradition of service to small business all over Idaho.

The mission of the Idaho Small Business Development Center is to enhance the success of small businesses in Idaho by providing high-quality consulting and training. The staff has delivered up-to-date consulting, training, technical assistance and environmental regulatory assistance in all aspects of small business management since 1986. Their primary goal is to help small business owners and entrepreneurs make sound decisions for the successful operation of their business.

Each year, Idaho Small Business Development Center consultants meet with clients to provide guidance in developing and growing a successful business. Statistics show that on average, Idaho Small Business Development Center clients achieve greater than 10 times the sales and employment growth of the typical Idaho small business.

At the Idaho Small Business Development Center, client satisfaction and success are the ultimate measures of the work they do. They strive to deliver high quality, innovative programs and services in a consistent and timely manner and take great pride in the success of those served.

Under the long-time leadership of Jim Hogge, the Idaho Small Business

Development Center has become the go-to shop for the Idaho entrepreneur. Their hands-on approach has meant the difference between closing their doors or turning a profit for hundreds of Idaho businesses.

Through the ups and downs of the economy, the Idaho Small Business Development Center has always been there with an open door and a helping hand. Today, they partner with Idaho's colleges and universities to teach the principles of business and cultivate the next generation of Idaho entrepreneurs.

It is my privilege to recognize the 25th anniversary of what is truly one of Idaho's bedrock institutions, the Idaho Small Business Development Center.

ADDITIONAL STATEMENTS

REMEMBERING ALICE A. PETERS

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Alice A. Peters, a philanthropist who, along with her late husband Leon S. Peters, generously supported many educational, cultural, and community causes in Fresno, CA. Mrs. Peters passed away on January 24. She was 97 years old.

Born Alice Apregan, Mrs. Peters was the daughter of Armenian immigrants who immigrated to Lynn, MA, in 1907 to escape the persecution of Ottoman Turks. In search of a better place to call home, the family moved in 1911 to the San Joaquin Valley of California where many people from their native Bitlis province of Armenia had settled. The Apregan family made their home in the farming community of Del Rey, and Alice attended high school in nearby Selma.

She met her future husband during a visit to Del Rey Packing. Their friendship blossomed into marriage in 1943. Leon Peters learned mechanical engineering on the job while working for Valley Foundry, became sales manager before purchasing the company in 1937. He and his brothers turned Valley Foundry into one of the region's most successful businesses. This success allowed the Peters to become stalwart supporters of community causes that have greatly benefited the people of Fresno and the Central Valley. Over the years, Leon and Alice Peters would become synonymous with philanthropy and charity in the Greater Fresno Area.

Since its establishment in 1959, the Leon S. Peters Foundation has given to many worthy causes and projects that continue to positively impact the lives of Fresno residents. Mrs. Peters and her late husband donated millions of dollars to local institutions such as the Community Regional Center, the Fresno Chafee Zoo, and the Fresno Art Museum and California State University, Fresno.

Mrs. Peters made sure that the vision of the Leon S. Peters Foundation endured after her husband's passing in 1983. In 2002, she donated $300,000 to the Community Medical Foundation, which made possible an Extern Work Study Program for nursing students at community medical centers. She summed up her commitment to philanthropy by saying ''charity work is part of life, we all have to do some of it . . . this is our legacy.''

A woman of great conviction and vision, Mrs. Peters leaves behind a legacy of philanthropy and community service and the admiration of those whose lives she touched over the years. She has made indelible contributions to make Fresno a better place. She will be missed.•

CITY OF HOPE MILESTONE

• Mrs. BOXER. Mr. President, I want to recognize the important work and accomplishments of City of Hope as it reaches its 10,000th bone marrow transplant, becoming one of the first institutions in the world to reach this milestone.

Founded in 1913, City of Hope has helped to improve the quality of life for thousands of men, women, and children by leading research to develop new treatments and cures for cancer, diabetes, and other life-threatening diseases.

Nearly 35 years ago, City of Hope helped pioneer the development of bone marrow transplantation as a treatment for diseases such as leukemia, lymphoma, and myeloma; this January, City of Hope performed its 10,000th transplant.

City of Hope performed its first successful bone marrow transplant in 1976 on a college student from Indiana who was diagnosed with acute myeloid leukemia. Thanks to City of Hope's pioneering bone marrow transfer program, the college student's cancer has remained in remission for more than 35 years, allowing him to live a full life. More than three decades later, City of Hope performed its 10,000th bone marrow transplant on January 13, 2011 on a patient battling leukemia.

About 500 bone marrow transplants procedures are now performed each year, and each year thousands of cancer survivors and their families attend a bone marrow transplant reunion coordinated by City of Hope. This reunion serves as a celebration of life and the positive changes that City of Hope's Bone Marrow Transplant program have created in the lives of so many cancer patients and their families, who truly found their hope again when they turned to City of Hope.

I invite all of my colleagues to join me in commending City of Hope for reaching its 10,000th bone marrow transplant and for its dedication to the advancement of health care services.•

REMEMBERING SAADALLA MOHAMED ALY

• Mr. KERRY. Mr. President, I want to take a moment today to mark the quiet passage of a Washington institution a gentle and elegant man named Saadalla Mohamed Aly, but who was known to most of us simply as ''Mr. Aly.''

Few Americans outside of Washington have heard of ''Mr. Aly,'' and Mr. Aly was just fine with that—but for 35 years he was a very welcomed sight to everyone and anyone who appeared on ''Meet the Press'' and spent time in what was very much ''his'' Green Room.

From 1976 until his death last month at age 79, Mr. Aly was a proud fixture off-camera at America's longest-running news program. He was the tuxedoed figure who greeted the guests, and implored them and their staffs to dig into coffee or orange juice before the show—and to stay for the post-show meal afterwards. He was the quiet, supportive presence who always put you at ease before the grilling interviews and roundtable discussions began. And he was a kind man who—in gestures large and small—harkened back to a time when Washington was more civil, back to an era when people here in Washington really took the time to know each other.

In the 22 years that I knew him, from my very first appearance on the show as a very junior Senator in 1988, to the cold winter morning in December of 2002 when I went on with Tim Russert to announce for President, I never once asked Mr. Aly his political affiliation. He was just a gentle soul in a tuxedo who was unfailingly kind to all the guests, Democrat or Republican.

But I will never forget how he greeted me when I came back to the show in January of 2005 after I lost. When I arrived at the studio, with the snow falling, Mr. Aly was waiting at the front door, and the first thing he did was give me a great big hug. He asked my staff how I was doing. I still don't know whether he cast a vote in that election, but I do know that I was lucky to have a friend like Mr. Aly, who in his quiet, considerate way voted with his actions, not his words.

Like many of us, I learned in the Washington Post that Mr. Aly passed away in December after contracting pneumonia on a trip to his native Egypt. It is fitting that his daughter Dalia arranged for his burial in Washington, because Washington is the place he loved. And Washington is the city that came to love him.

These are years which have seen us lose some special friends at ''Meet the Press,'' starting of course with Tim Russert. But if Tim was the soul of ''Meet the Press,'' Mr. Aly was its heart. Through all these years, as Tim said, if it was Sunday, it was ''Meet the Press.'' And if it was ''Meet the Press,'' it was a warm and friendly greeting from a true gentlemen, ''Mr. Aly.'' Mr. President, I will miss him.•

TRIBUTE TO RAY FLYNN

• Mr. KERRY. Mr. President, Ray Flynn has been a towering figure in the

city of Boston and in our politics, honored for more than four decades of public service and activism.

But on Saturday, he will be honored in a different city where he left another legacy deserving of celebration. At last, this weekend Ray's beloved Providence College will retire the No. 14 Ray wore as one of the greatest backcourt players in the history of Friars basketball. And, as any Friars fan can attest, this is a well-deserved honor for one of the school's greatest athletes.

Before he turned to politics, Ray Flynn was an All American at Providence College, leading the Friars to the National Invitation Tournament championship in 1963, his senior year. And what a tournament it was for Ray. He scored 38 points in the opener against tournament favorite Miami. He followed that with 25 points against Marquette. And in the final against Canisius, he scored 20 points. He was named the tournament's Most Valuable Player. And when the announcer introduced him as Ray Flynn from Boston, he corrected him by saying, ''I'm from South Boston, sir.''

Indeed, he was—and has always been— a proud son of South Boston. As a three-sport star athlete at South Boston High School, he achieved a level of success rarely seen at any school. In 1956, as a sophomore, he led South Boston's basketball team to its first ever Tech Tournament Championship. In 1958, he pitched South Boston to a State championship in baseball and quarterbacked the football team to an undefeated season. Oh, and by the way, he was named All Scholastic in all three sports that year.

Similarly, at Providence College, Ray Flynn earned All American honors and was voted an Academic All American. He was drafted in 1963 by the Syracuse Nationals of the old American Basketball Association, now the Philadelphia 76ers. But upon graduation, Ray joined the Army National Guard, serving at the Aberdeen Proving Ground in Maryland and Fort Dix in New Jersey.

By the time Ray returned home to Boston, the Celtics had bought his contract. And during the 1965 exhibition season, he showed that he had not lost his touch as a shooter. In the final exhibition game, he scored 28 points, more evidence of why his coach at Providence College, Joe Mullaney, considered the best outside pure shooter he had ever coached. But the Celtics needed more defense than offense, so Coach Red Auerbach made Ray the final cut in order to keep K.C. Jones on the roster.

Red Auerbach didn't know it then, but in that difficult decision he was launching one of the most distinguished political careers. From 1971 to 1979, Ray Flynn represented his South Boston neighborhood in the Massachusetts House of Representatives. From 1978 to 1984, he served on the Boston City Council. He then was elected mayor of Boston three times, in 1983, 1987 and 1991. And in 1993, he was appointed by President Clinton to serve as U.S. Ambassador to the Holy See.

But Red Auerbach eventually realized the role he had played in Ray Flynn's life. In 1984, as mayor, Ray hosted a rally at city hall for the Celtics, who had just won another championship, this time under K.C. Jones. In his remarks to the crowd, Red Auerbach said, ''If I had cut K.C. Jones instead of Ray Flynn in 1965, K.C. might be mayor of Boston and Ray Flynn might be coach of the Celtics.''

Even if Ray Flynn had been on the Celtics, he couldn't have won the No. 14 he wore at Providence College. The Celtics No. 14 had belonged to Bob Cousy and would soon be retired. But it is a fitting honor that Providence College is also retiring No. 14 because in Friars basketball, No. 14 was Ray Flynn, All American, Academic All American, NIT MVP and recipient of the NCAA's prestigious Silver Anniversary Award honoring former student-athletes for their career accomplishments.

I join Providence College in saluting Ray Flynn's outstanding accomplishments as a member of the Friars basketball team. And we all congratulate him for his dedication as a public servant. His life—in all its facets—reflects the ideals of basketball founder James Naismith—to ''be strong in body, clean in mind, lofty in ideals.''●

TRIBUTE TO DR. JOE McDONALD

● Mr. TESTER. Mr. President, today I wish to praise a great Montanan, Dr. Joe McDonald. Dr. McDonald's life achievements, work history and professional honors are large and impressive. He is a father, husband and friend who will always be remembered as a community leader, tribal council member and college president. What I appreciate most about Joe, though, is his remarkable ability to bring people together to work toward a common goal. Whether it is to create an institution of higher education, lead his tribal council or raise a healthy family, Joe has been patient, respectful and productive. I look up to Joe and consider him a friend.

Dr. McDonald recently retired as president of the Salish and Kootenai College after a remarkable career and a lifetime of public service. Joe's career, indeed his entire life, is an inspiration not just to people living on the Flathead Indian Reservation in western Montana, but also to thousands of students and others he touched over the years. As the local newspaper reported in a downbeat tone, ''Dr. McDonald retires. They say all good things must come to an end.''

Dr. McDonald, a member of the Confederated Salish and Kootenai Tribes, was born in St. Ignatius, MT. His good family gave him self-confidence and other tools to become a role model in an increasingly divided world. Western Montana College recognized Joe's potential early. They gave the gifted student athlete a scholarship to play football and baseball, and the platform to fly. Joe turned the opportunity into an associate degree in education in 1953, a bachelor's degree in education from the University of Montana in 1958, an M.S. degree from UM in 1965, and an Ed.D. in 1981. Higher education gave him the foundation to make history.

After college, Dr. McDonald mentored many reservation youths as coach, principal and superintendent at Ronan High School from 1968 through 1976. While there, Joe began to bridge a divide he saw between Indian and non-Indian students. Wanting to do more than just complain, he created the first Native American Studies program in Montana Public Schools. Today, all Montana public schools include a curriculum entitled ''Indian Education for All.'' Although many good people had a hand in it, we can thank Joe McDonald for leading the way.

Success as a teacher, coach and administrator gave him dreams of higher education on the Flathead Indian Reservation. In the 1970s, he began to lay the foundation for SKC. And in 1977, Congress passed the Tribal College Act. The new law opened the door for Dr. McDonald to create SKC, but didn't include any money to make it happen.

With no money, no classrooms, no teachers and no students, Joe became president of SKC and served for over three decades. Beginning with literally nothing, he built the institution from the ground up. Educators around the Nation now credit him for building SKC into one of the, if not the flagship tribal college in the United States. When he retired last year, the college had a 130-acre campus with modern infrastructure. Administrators can now thank him for growing the school's endowment from just $5 in 1978 to more than $8 million today. They can also thank him for the $26 million operational budget, 58 faculty members and more than 180 operational employees who educate 1,100 students. Remember, none of it existed before Dr. Joe McDonald took the initiative to create it.

And believe it or not, he did even more for his community. In addition to growing perhaps the most dynamic tribal college in the Nation, Dr. McDonald also served as an elected representative on the CSKT Tribal Council from 1974 to 1982. In terms of coaching, Joe is among the best. He has coached track, football and basketball—mentoring high school and college students, at-risk kids and groomed college athletes. Not only did his athletes succeed in sports, but because of his lessons, they succeed in life, too.

Joe married Sherri, the love of his life, when he was 19 years old. During their remarkable time together, Joe and Sherri raised four children, nine grandkids and six great-grandkids. As an example of his keen perception about people, he recognized how valuable she was. Throughout the years, he

selflessly gave her credit for everything he accomplished.

Some of his career and personal highlights include: 1951, Montana Class C, All State Basketball Team; 1959, Montana Class C Basketball Coach of the Year; 1989, National Indian Educator of the Year, National Indian Education Association; 1996, Montana Governor's Humanity Award Recipient; 2000, Michael P. Malone, Educator of the Year Award of 2000; 2005, U of Montana's Highest Recognition, Honorary Doctorate of Humane Letters; 2005, University of Montana Foundation, Selected as one of the 50 greatest Grizzlies; 2008, American Indian College Fund President of the Year; and 2008, Inducted into the Montana Indian Athletic Hall of Fame.

He holds honorary doctorate degrees from Gonzaga University in Washington State and Montana State University and was named distinguished alum of the University of Montana and Western Montana College.

Joe served on the Board of the American Indian College Fund, the American Indian Higher Education Consortium Board of Directors, and the Board of the American Indian Business Leaders.

In 2009, CSKT created the ''Dr. Joseph F. McDonald Educational Excellence Award'' so others may aspire to the greatness embodied by its namesake.

In 2010, in conjunction with his retirement event, CSKT designated the day officially as Joe McDonald Day.

I hope my colleagues will join me in acknowledging this fine man and wishing him the best of luck in a well-deserved retirement. Knowing his love of family, I am sure those great-grandkids will keep him happy for years to come. But knowing Joe, I bet we haven't seen the last of him. My bet is that his dedication to public service is just too strong for him to fade into the sunset.

We look forward to whatever challenges Dr. Joe McDonald decides to take on next. The world will be a better place because of it. It is already a better place because of him.●

REMEMBERING MR. URSULO ORTIZ

● Mr. UDALL of New Mexico. Mr. President, my home State of New Mexico lost a great man this month with the passing of Mr. Ursulo Ortiz. Mr. Ortiz was 92 when he died on February 5, surrounded as he was throughout his life by his loving family. I would like to take a few moments to honor him today.

The word ''dedicated'' comes to mind when recalling Mr. Ortiz dedicated to his family, his country, and his faith. Mr. Ortiz was part of a generation that witnessed some of our country's most historic and all too often difficult moments firsthand. And he took away from that experience an appreciation for all the small joys life has to offer.

Mr. Ortiz was an entrepreneur with a strong work ethic, but he will be remembered most as a loving husband and proud father, grandfather, and great-grandfather.

Mr. Ortiz's dedication to our country is self-evident. He enlisted in the Army within weeks of the attack on Pearl Harbor. Coming from a land-locked State, he did not even know how to swim when he put aside regard for his own life to rush up the beaches and soaring cliffs of Normandy on D-Day.

Mr. Ortiz and his unit went on to liberate Paris and, later, concentration camps in the former Czechoslovakia. He was a hero and bringer of freedom, and served with honor.

For those closest to Mr. Ortiz, it is his dedication to his family and his love of life that will be missed most. He left a legacy for future generations through the family's weaving business, which he supported from the time he graduated high school until the day he passed it onto his daughter.

But more than that, his legacy is in the lasting memories held by those dearest to him memories of lighter moments spent listening to music and dancing. It is in those simple, everyday moments that Ortiz's spirit will live on.●

MESSAGE FROM THE HOUSE

At 10:05 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 514. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 359. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

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–511. 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 ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Rev. Proc. 2011–13) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–512. 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 ''Time and Manner Rules for Electing Capital Asset Treatment for Certain Self-Created Musical Works'' (RIN1545–BG34) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–513. 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 ''Notice: Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2011'' (Notice 2011–8) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–514. 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 ''Withholding on Wages of Nonresident Alien Employees Performing Services Within the United States'' (Notice 2011–12) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–515. 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 ''Republication of Rev. Proc. 2010–4'' (Rev. Proc. 2011–4) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–516. 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 ''Republication of Rev. Proc. 2010–5'' (Rev. Proc. 2011–5) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–517. 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 ''Republication of Rev. Proc. 2010–6'' (Rev. Proc. 2011–6) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–518. 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 ''Republication of Rev. Proc. 2010–8'' (Rev. Proc. 2011–8) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–519. 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 ''Correction to Revenue Procedure 2011–8—User Fee Schedule'' (Announcement 2011–8) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–520. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to the TTB Regulations'' (RIN1513–AB69) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC–521. 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 ''Robinson Knife Manufacturing Company and Subsidiaries v. Commissioner 600 F.3d 121(2d Cir. 2010), rev'g

T.C. Memo 2009–9'' (AOD. 2011–9) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Finance.

EC–522. 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 ''Disclosure of Return Information to the Department of Agriculture'' (RIN1545–BE15) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Finance.

EC–523. 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 ''Industry Directive to Withdraw Prior IDD on FSC IRC Section 921–927 Bundle of Rights in Software Issue'' (LBandI–4–1110–032) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Finance.

EC–524. 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 ''Applicable Federal Rates—February 2011'' (Rev. Rul. 2011–4) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Finance.

EC–525. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 3rd Quarter of Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–526. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–703 ''Food, Environmental, and Economic Development in the District of Columbia Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–704 ''H Street, N.E., Retail Priority Area Incentive Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–705 ''2M Street, N.E., Real Property Tax Abatement Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–706 ''Washington Convention and Sports Authority Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–707 ''Alternative Equity Payment Allocation Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–708 ''District Property Security Assessment and Implementation Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–709 ''Southwest Waterfront Redevelopment Clarification Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–533. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–710 ''Reasonable Health Insurance Ratemaking and Health Care Reform Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–534. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–711 ''Comprehensive Plan Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–535. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–712 ''Attorney General Subpoena Authority Authorization Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–536. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–713 ''Interstate Compact for Juveniles Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–537. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–714 ''Real Property Tax Appeals Commission Establishment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–538. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–715 ''Payment of Full Hotel Taxes by Online Vendors Clarification Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–539. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–716 ''Bicycle Commuter and Parking Expansion Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–540. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–717 ''TANF Educational Opportunities and Accountability Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–541. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–718 ''Homeless Services Reform Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–719 ''West End Parcels Development Omnibus Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–720 ''Brownfield Revitalization Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–721 ''Fiscal Year 2011 Supplemental Budget Support Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–545. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–722 ''Criminal Code Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–546. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–723 ''Procurement Practices Reform Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–547. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Permits; Removal of Rusty Blackbird and Tamaulipas (Mexican) Crow From the Depredation Order for Blackbirds, Cowbirds, Grackles, Crows, and Magpies, and Other Changes to the Order'' (RIN1018–AV66) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC–548. A communication from the Chief of the Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Revised Critical Habitat for Brodiaea filifolia (Thread-Leaved Brodiaea)'' (RIN1018–AW54) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC–549. A communication from the Chief of the Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Endangered Whooping Cranes in Southwestern Louisiana'' (RIN1018–AX23) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC–550. A communication from the Chief of the Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Preble's Meadow Jumping Mouse in Colorado'' (RIN1018–AW45) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC–551. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit State Implementation Plan Revisions for the Particulate Matter, PM–10, Maricopa County (Phoenix) PM–10 Nonattainment Area, Arizona'' (FRL No. 9264–1) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Environment and Public Works.

EC–552. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Definition of Volatile Organic Compound'' (FRL No. 9265–6) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Environment and Public Works.

EC–553. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''FY2011—2015 EPA Strategic Plan''; to the Committee on Environment and Public Works.

EC–554. 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 2011–0007—2011–0017); to the Committee on Foreign Relations.

EC–555. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: Electronic Payment of Registration Fees; 60-Day Notice of the Proposed Statement of Registration Information Collection'' ((22 CFR Parts 120, 122, 123 and 129)(RIN1400–AC74)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Foreign Relations.

EC–556. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, (6) six reports relative to vacancies in the Department of Agriculture received in the Office of the President of the Senate on February 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–557. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polymerized Fatty Acid Esters with Aminoalcohol Alkoxylates; Exemption for the Requirement of a Tolerance'' (FRL No. 8860–8) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–558. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clothianidin; Time-Limited Pesticide Tolerances'' (FRL No. 8858–3) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–559. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1,4-Benzenedicarboxylic Acid, Dimethyl Ester, Polymer with, 1,4-Butanediol, Adipic Acid, and Hexamethylene Diisocyanate; Exemption from the Requirement of a Tolerance'' (FRL No. 8863–9) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–560. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (47) forty-seven reports relative to vacancy announcements within the Department, received on February 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–561. 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–7933)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–562. 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–7921)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–563. 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–7913)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–564. 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–7915)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–565. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–D–7581)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–566. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–P–7650)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–567. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 17B'' (RIN0648–AY11) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC–568. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information'' (RIN2105–AD67) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–569. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs'' (RIN2105–AD76) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–570. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Display of Joint Operations in Carrier-Owned Computer Reservations Systems Regulations'' (RIN2105–AD44) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–571. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''List of Nonconforming Vehicles Decided to be Eligible for Importation'' (Docket No. NHTSA–2007–29271) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–572. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration (MARAD) for Fiscal Year 2009; to the Committee on Commerce, Science, and Transportation.

EC–573. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act (PDUFA) for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–574. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revision of American Viticultural Area Regulations'' (RIN1513–AB39) received in the Office of the President of the Senate on February 7, 2011; to the Committee on the Judiciary.

EC–575. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Time for Payment of Certain Excise Taxes, and Quarterly Excise Tax Payments for Small Alcohol Excise Taxpayers'' (RIN1513–AB43) received in the Office of the President of the Senate on February 7, 2011; to the Committee on the Judiciary.

EC–576. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report relative to filling judicial vacancies in federal courts; to the Committee on the Judiciary.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself, Mr. THUNE, Mr. COBURN, Mr. ISAKSON, Mr. ENSIGN, Mr. GRASSLEY, and Mr. KYL):

S. 347. A bill to amend the Internal Revenue Code of 1986 to provide for reporting and disclosure by State and local public employee retirement pension plans; to the Committee on Finance.

By Mr. GRASSLEY:

S. 348. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. 349. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. SANDERS, Mr. REED, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 350. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 351. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 352. A bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 353. A bill to provide for improvements to the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 354. A bill to amend the Classified Information Procedures Act to improve the protection of classified information and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN:

S. 355. A bill to improve, modernize, and clarify the espionage statutes contained in chapter 37 of title 18, United States Code, to promote Federal whistleblower protection statutes and regulations, to deter unauthorized disclosures of classified information, and for other purposes; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 356. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, and Mr. BINGAMAN):

S. 357. A bill to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROBERTS (for himself, Mr. BARRASSO, and Mr. COATS):

S. 358. A bill to codify and modify regulatory requirements of Federal agencies; 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 Mrs. BOXER:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 51. A resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Relations.

By Mr. KOHL:

S. Res. 52. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. LIEBERMAN:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN:

S. Res. 54. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 23

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 91

At the request of Mr. WICKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 104

At the request of Mr. JOHANNS, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 104, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 194

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 194, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

S. 197

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 197, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 198

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 198, a bill to require the return and redistribution among State transportation departments of certain unexpended highway funding.

S. 207

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 207, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 210

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 219

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 249

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 249, a bill to amend the Endangered Species Act of 1973 to provide that Act

shall not apply to any gray wolf (Canis lupus).

S. 253

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 253, a bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I.

S. 258

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences.

S. 262

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 262, a bill to repeal the excise tax on medical device manufacturers.

S. 306

At the request of Mr. WEBB, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 316

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 316, a bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 328

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. RES. 20

At the request of Mr. JOHANNS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

AMENDMENT NO. 33

At the request of Mr. COCHRAN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 33 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 58

At the request of Mr. NELSON of Nebraska, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 58 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. SANDERS, Mr. REED, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 350. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I reintroduce the Environmental Crimes Enforcement Act, ECEA, to help ensure that those who destroy the lives and livelihoods of Americans through environmental crime are held accountable for their actions. This common sense legislation was reported by the Judiciary Committee with overwhelming support last year. I hope the Senate will act on it in this Congress.

The tragic explosion of British Petroleum's Deepwater Horizon Oil Rig last year is just one example of why this legislation is needed. Eleven men died in that explosion, and oil flowed into the Gulf of Mexico for months, with deadly contaminants washing up on the shores and wetlands of the Gulf Coast. The catastrophe threatened the livelihood of many thousands of people throughout the Gulf region, as well as precious natural resources and habitats. The people responsible for this and other catastrophes should be held accountable, and wrongdoers—not taxpayers—should pay for the damage they have done. This bill will help to deter environmental crime, protect and compensate victims of environmental crime, and encourage accountability among corporate actors.

First, the ECEA is drafted to deter schemes by big oil and others that damage our environment and hurt hardworking Americans by increasing sentences for environmental crimes. All too often corporations treat fines and monetary penalties as a mere cost of doing business to be factored against profits. To deter criminal behavior by corporations, it is important to have laws that result in prison time. In that light, this bill directs the United States Sentencing Commission to amend the sentencing guidelines for environmental crimes to reflect the seriousness of these crimes.

Criminal penalties for Clean Water Act violations are not as severe as for other white-collar crimes, despite the widespread harm the crimes can cause. As last year's crisis in the Gulf of Mexico makes clear, Clean Water Act offenses can have serious consequences in people's lives and on their livelihoods. These consequences should be reflected in the sentences given to the criminals who commit them. This bill takes a reasonable approach, asking the Sentencing Commission to study the issue and raise sentencing guidelines appropriately, and it will have a real deterrent effect.

This bill also aims to help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources. To do that, ECEA makes restitution mandatory for criminal Clean Water Act violations.

Currently, restitution in environmental crimes—even crimes that result in death—is discretionary, and only available under limited circumstances. Under this bill, those who commit Clean Water Act offenses would have to compensate the victims of those offenses for their losses. That restitution could help the people of the Gulf Coast rebuild their coastline and wetlands, their fisheries, and their livelihoods should criminal liability be found.

Importantly, this bill will allow the families of those killed to be compensated for criminal wrongdoing. The explosion on the Deepwater Horizon oil rig brought to light the arbitrary laws that prevent those killed in such tragedies from bringing civil lawsuits for compensation. This bill would ensure that, when a crime is committed, the criminal justice system can provide for restitution to victims, allowing the families of those killed to be given the means to carry on.

This bill takes two common sense steps—well-reasoned increases in sentences and mandatory restitution for environmental crime. These measures are tough but fair. They are important steps toward deterring criminal conduct that can cause environmental and economic disaster and toward helping those who have suffered so much from the wrongdoing of big oil and other large corporations. I hope all Senators will join me in supporting this bill and these important reforms.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 350

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 ''Environmental Crimes Enforcement Act of 2011''.

SEC. 2. ENVIRONMENTAL CRIMES.

(a) SENTENCING GUIDELINES.—

(1) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States

Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the actual harm to the public and the environment from the offenses.

(2) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (1), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2Q1.2 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in paragraph (1);

(ii) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider the extent to which the guidelines appropriately account for the actual harm to public and the environment resulting from the offenses;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to guidelines; and

(E) ensure that the guidelines relating to offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) RESTITUTION.—Section 3663A(c)(1) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(iv) an offense under section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)); and''.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 351. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two separate bills, S. 351 and S. 352, to open a small portion of the Arctic coastal plain, in my home State of Alaska, to oil and gas development. I am introducing these bills because new production in northern Alaska is vital not only to my State's future, but also to our Nation's energy and economic security.

It has been known for more than 3 decades that the 1.5 million acres of the Arctic coastal plain that lie inside the Arctic National Wildlife Refuge present the best prospect in North America for a major oil and gas discovery. The U.S. Geological Survey continues to estimate that this part of the coastal plain—which represents just 3 percent of the coastal plain in all of northern Alaska—has a mean likelihood of containing 10.4 billion barrels of oil and 8.6 trillion cubic feet of natural gas, as well as a reasonable chance of economically producing 16 billion barrels of oil. Even the relatively recent major finds in North Dakota's Bakken field pale in comparison, as ANWR is likely to hold over four times more oil than any other on-shore energy deposit in North America.

In the 1990s, opponents dismissed ANWR's potential and argued that the nearby National Petroleum Reserve-Alaska was forecast to contain almost as much oil. Just last fall, however, the U.S. Geological Survey significantly reduced its oil estimates in the 23-million-acre reserve. Instead of containing somewhere between the 6.7 to 15 billion barrels forecast in 2002, the USGS now forecasts a mean of 896 million barrels—a dramatic downward revision.

I still believe oil production must be allowed to proceed in NPRA and that development of satellite fields west of Nusqiut must be allowed to occur, since I suspect its forecast is now too conservative. My office is working to hold this Administration to its word on NPRA by allowing leaseholders to access the CD5 development which the EPA and Corps of Engineers has now stalled. But the reduced forecast for northwest Alaska also means that opening a small area due east, along the coastal plain, is now more vital than ever for America's economic and national security interests.

America today receives over 10 percent of its daily domestic oil production from fields in Arctic Alaska. You heard correctly, production already occurs in Arctic Alaska, and for more than 30 years, we have successfully balanced resource development with environmental protection. Alaskans have proven, over and over again, that those endeavors are not mutually exclusive.

Today, however, we face a tipping point. Alaska's North Slope production has declined for years and, with new development blocked at every turn, it is now forecast to decline to levels that are threatening the continued operation of the Trans-Alaska Pipeline System. A closure of TAPS would shut down all northern Alaska oil production. This would devastate Alaska's economy, drag global oil prices even higher, and deepen our energy dependence on unstable petrostates throughout the world.

Anyone who takes the long view on energy policy recognizes that no matter what energy policy our Nation pursues, we will use substantial amounts of oil well into the future. The more of that oil we produce here, at home, the better off our economy, our trade deficit, our employment levels, and the world's environment will be. Even the President's handpicked oil spill commission advocates that the U.S. take the lead on environmental and safety standards for oil development in areas like the Arctic and Gulf of Mexico, but we cannot honestly expect to take a leadership role if we are viewed as foolishly leaving our resources in the ground. We are still more than 50 percent dependent on foreign nations for our supply of oil, and no combination of alternative technologies and conservation can appreciably diminish that number in the near future.

The Energy Information Administration, in its recent preliminary 2011 Energy Forecast, predicts that U.S. crude production may increase by roughly 10 percent by 2019 because of enhanced oil recovery, increased shale oil production, and higher oil prices, which make marginal production more attractive. That will hardly be enough to break our import dependence, but even more alarming is the forecast that U.S. domestic production will decline less than a decade from now unless these new areas are opened for development. To help meet future demand both here in America and throughout the rest of the world—and to help avoid a tremendous price spike in the event of a supply disruption—we need to take steps today to ensure new production is brought online as soon as possible.

In fact, we already face a supply disruption—a shortage of our own making. Not one permit for deepwater exploration has been granted since the Deepwater Horizon disaster last April, even though the moratorium was officially ended in October. Depending on how long this de facto moratorium lasts, our Nation could ultimately be deprived of millions of barrels of oil each day. Make no mistake: we are facing a serious downturn in offshore oil production from the Outer Continental Shelf, and that has made production in ANWR even more important for consumers.

ANWR development will also provide huge benefits for the U.S. Treasury. Let us examine this with some simple math. ANWR's mean estimate of over 10 billion barrels, at approximately $100 per barrel, means that there is a trillion dollars worth of oil locked up beneath this small area in northern Alaska. That is a trillion taxable dollars and it is difficult to calculate or even fathom the corporate and payroll taxes that this would generate for our treasury. But we do know that there is hundreds of billions of dollars in pure federal royalties since my bill devotes 50 percent of the value to a Federal share, rather than the 10 percent which current law allows. This is because deficit reduction has to be a priority.

As our Nation grapples with a $1 trillion budget deficit, $14 trillion in national debt, and a lack of capital to incentivize renewable and alternative energy, it is folly for America to further delay new onshore oil development from Alaska. Production in ANWR will lower our unsustainable debt; improve our national security; reduce our trade deficit; create well-paying American jobs; and provide a long-lasting source of funds that can help us

develop the next generation of energy technologies. The question is no longer, ''should we drill in ANWR?'' Today, it has become, ''can we afford not to?''

I understand that no matter what happens, some will remain opposed to development in this region. There are Senators who wish to not only prohibit oil and gas development onshore in the coastal plain—who wish to forever lock the area up into formal wilderness—but who also wish to impede oil and even natural gas development from vast portions of NPRA and from the offshore waters of the Beaufort and Chukchi Seas. This mindset ignores Alaska's economic realities, it ignores the nation's looming energy challenges, and it ignores the fact that Arctic oil production can proceed without significant environmental harm. Our development has coexisted productively with polar bears, and will not harm the Porcupine caribou herd or any other form of wildlife on the Arctic coast. The groups who oppose my legislation seem totally oblivious to strides made in directional, extended reach drilling, three- and four-D seismic testing, and new pipeline leak detection technology, all of which permit Alaskan energy development to proceed safely without harm to wildlife or the environment.

Yes, this Nation needs to improve its inspection and regulation of the oil and gas industry to make sure that America's high environmental standards are followed on every well, every day. I offer a means to advance that. Because without domestic oil and gas production, America will import more oil and gas from troubled global regions. In exchange we will export our jobs and economic future, as well as simply exporting environmental risk and ultimately damage, since foreign oil and gas development regularly fails to meet the standards that American operators are held to and held accountable for.

For all these reasons, I am reintroducing legislation to open the coastal plain of ANWR to full development. At the same time, I am focusing and narrowing and limiting that development so that just 2,000 acres of the 1.5 million acre coastal plain can be physically disturbed by roads, pipelines, wells, buildings or other support facilities. At most, just one-tenth of one percent of the refuge's coastal plain would be physically disturbed. For comparison's sake, 2,000 acres is much smaller than our local Dulles Airport—compared to an area roughly three times the size of the State of Maryland. It is hardly a blip on the map.

Limiting development to such a small area is important, however. It will help guarantee—beyond any shadow of doubt—the preservation in a natural state of more than sufficient habitat for caribou, muskoxen, polar bear, and Arctic bird life. My legislation also includes stringent environmental standards that will allow the designation of specific areas for full protection.

The full opening bill, named the American Energy Independence and Security Act, AEIS, also includes guaranteed funding to mitigate any impacts in the region, and guarantees that the federal government will receive half of all revenues generated, with nearly half going for the first time in the history of ANWR legislation to directly reduce the Federal deficit. The bill allots other money to fund renewable and alternative energy development, wildlife programs and fishery habitat programs, energy conservation efforts, and money to subsidize the rising cost of energy for lower-income residents through funding of the Low Income Home Energy Assistance Program, also called LIHEAP. Think about this—by producing more of our own oil, we can conserve more of our most spectacular lands, improve the standard of living for thousands of Americans, and, in one fell swoop, reduce our overall dependence on oil by creating new, cleaner alternatives.

Despite these remarkable benefits, I understand that many of my colleagues will forever oppose all development in ANWR., That is why, in 2009, I worked with my fellow Senator from Alaska to introduce a new approach that would allow the coastal plain's resources to be accessed in an even more sensitive manner. Our legislation precludes any possibility of any disturbance to any creature on the coastal plain by requiring that all oil and gas in the refuge's coastal plain be siphoned from underneath the land, with no surface roads, wells, or pipelines to assist. Not a single structure would be erected on the surface of the refuge under our bill. There would be literally no chance of marring the beauty of the coastal plain—it would look and feel and be just as it is today both during and after full production.

Today, and again in the spirit of bipartisan compromise, I am reintroducing, with Senator BEGICH, that legislation. The title is self-explanatory—we call it the No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act—because it would allow oil and gas production only through extended reach directional drilling from outside of the refuge. The bill would also permit oil and gas to be tapped using subsurface technology that may someday allow for full development of the refuge with no sign of such activities visible to anyone or anything in the refuge.

While I was deeply disappointed that many in the environmental community did not embrace or even for a moment consider this proposal as a genuine attempt to end the quarter century fight over Alaskan energy development, I continue to believe that it is an acceptable, deeply sensitive way to pursue development in the Arctic. Given the new extended reach drilling technology being developed for use all over the world, including Alaska, it could be possible to start producing oil and gas from ANWR even faster under the subsurface bill than might be the case under the full leasing bill.

Admittedly, while current technology will only permit wells to reach 8 miles into refuge's boundary, that should still allow us to reach up to 1.2 billion barrels of oil and 7 trillion cubic feet of natural gas. As technology improves in the years ahead, so too will the volume of resources that we can safely recover.

My no-surface occupancy bill will require that 3- or 4–dimensional seismic and other tests be conducted by mobile units on ice pads when no wildlife will be in the area. But the bill prevents any disturbance that can even be seen by migrating caribou. There is precedent for this proposal. Congress in 2007 approved a Wyoming wilderness lands bill S. 2229, the Wyoming Range Legacy Act, which permits subsurface resource extraction, provided no surface occupancy occurs. There is also clear language in the original statute, the Alaska National Interest Lands Conservation Act, which calls for seismic studies of the coastal plain.

My ANWR subsurface legislation will guarantee that royalties from any oil and gas produced are split equally between the Federal and State treasuries, and provides for full environmental protections and project labor agreements for any development that results. The bill includes the same provisions for local adaptation aid as does my bill to fully open ANWR. Both guarantee that any Alaskan community impacted by development, especially residents of the North Slope Borough and the nearby Village of Kaktovik, will be fully protected.

My subsurface proposal offers a way for America to gain the oil and natural gas that will be crucial until a new era of renewable energy can power our lights and propel our vehicles. It also ensures that none of the Arctic Porcupine caribou herd that migrates across the coastal plain between June and August will ever see, hear, or feel oil development. Combined with the environmental safeguards the Secretary of the Interior is allowed to establish, there is no danger that any of the few species that overwinter on the coastal plain will ever be impacted by seismic or other activities. Out of an abundance of caution, my legislation further protects subsistence resources and activities for Alaska Natives.

I truly do not believe that limited surface coastal plain development will harm Alaska's environment or hurt its wildlife. But my subsurface bill offers us another way to develop ANWR—and even those who oppose surface development cannot honestly disagree with its approach. My subsurface bill would lower the odds of environmental harm from incredibly miniscule to zero. It would set a precedent for development that should be welcomed by the environmental community. And if it is not actively supported, it will be clear that some oppose ANWR solely on political and philosophical, rather than substantive, environmental grounds. Such

opposition would undermine the case against the full opening of the coastal plain for energy development, because it will show that the opposition to ANWR is based on the sands of old fears, ignoring new technology and ignoring reality.

For decades, Alaskans, whom polls show overwhelmingly support ANWR development, have been asking permission to explore and develop oil in the coastal plain. Finally, technology has advanced so that it is possible to develop oil and gas from the refuge with little or no impact on the area and its wildlife. We must seriously consider this option. Without this level of seriousness about our energy policy, there will be no chance for us to stabilize global energy markets and avoid paying extremely high prices for fuel in the future. Our lack of domestic production endangers our energy security and our strategic security, especially given that ANWR development could supply more than enough oil to fully meet our military oil needs on a daily basis.

Last year, shortly after the Deepwater Horizon oil spill, the President stated that ''part of the reason oil companies are drilling a mile beneath the surface of the ocean'' is ''because we're running out of places to drill on land and in shallow water.'' A better explanation, however, was offered by the columnist Charles Krauthammer, who said that ''We haven't run out of safer and more easily accessible sources of oil. We've been run off them . . .'' The truth is that we haven't run out of oil—onshore or offshore. We've simply tied our own hands by locking up our own lands.

At this time of high unemployment and unsustainable debt, we need to pursue development opportunities more than ever. My ANWR bills offer us a chance to produce more of our own energy, for the good of the American people, in an environmentally-friendly way. With oil hovering near $100 a barrel, with so many of our fellow citizens out of work, and with our Nation still more than 50 percent dependent on foreign oil—we would be foolish to once again ignore our most promising prospect for new development.

I hope this Congress will have the common sense to allow America to help itself by developing ANWR's substantial resources. This is critical to my state and the nation as a whole. And with this in mind, I will work to educate the members of this chamber about ANWR. I will show why such development should occur—why it must occur—and how it can benefit our Nation at a time when we so desperately need good economic news.

By Ms. COLLINS:

S. 353. A bill to provide for improvements to the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce The U.S. Postal Service Improvements Act of 2011. This legislation would help the U.S. Postal Service regain its financial footing as it adapts to the era of increasingly digital communications.

The storied history of the Postal Service pre-dates our Constitution. In 1775, the Second Continental Congress appointed Benjamin Franklin as the first Postmaster General and directed the creation of ''a line of posts . . . from Falmouth in New England to Savannah in Georgia.'' The Constitution also gives Congress the power to establish post offices and post roads.

Today, the Postal Service is the linchpin of a $1 trillion mailing industry that employs approximately 7.5 million Americans in fields as diverse as direct mail, printing, catalog companies, paper manufacturing, and financial services.

Postal Service employees deliver mail six days a week to hundreds of millions of households and businesses. From our largest cities to our smallest towns, from the Hawaiian Islands to Alaskan reservations, the Postal Service is a vital part of our national communications network and an icon of American culture.

But the financial state of the Postal Service is abysmal. The numbers are grim: the Postal Service lost $8.5 billion in fiscal year 2010 and recently announced that it posted a net loss of $329 million in the first quarter of fiscal year 2011 alone. The ''Great Recession,'' high operating costs, and the continuing diversion of mail to electronic alternatives have undermined the Postal Service's ability to remain solvent.

Faced with this much red ink, the Postal Service must reinvent itself. It must increase revenues by increasing its value to its customers and by becoming more cost effective.

Unfortunately, many of the solutions the Postal Service has proposed would only aggravate its problems. Filing for enormous rate increases, pursuing significant service reductions—including elimination of Saturday mail delivery—and seeking relief from funding its huge liabilities are not viable long-term solutions to the challenges confronting the Postal Service. These changes will drive more customers to less expensive, digital alternatives. That downturn in customers will further erode mail volume and lead to a death spiral for the Postal Service.

The Postal Service must chart a new course in this digital age. It must adopt a more customer-focused culture. It must see the changing communications landscape as an opportunity.

The Postal Accountability and Enhancement Act of 2006, which I authored with Senator CARPER, provided the foundation for these long-term changes, but the Postal Service has been slow to take advantage of some of the flexibilities afforded by that law. And, to be fair, the Postal Service has encountered problems not of its making, such as a severe recession.

The legislation that I introduce today would help the Postal Service achieve financial stability and light the way to future cost savings without undermining customer service.

The legislation would help remedy an enormous overpayment by the Postal Service into retirement funds used by both Federal and postal employees alike. Based on an independent actuarial analysis, the Postal Regulatory Commission estimates the Postal Service has overpaid in excess of $50 billion into the Civil Service Retirement System, CSRS, and nearly $3 billion into the Federal Employees Retirement System pension fund. Another independent actuarial firm, commissioned by the Postal Service Inspector General, estimates that the overpayment into the CSRS pension fund is even greater, perhaps topping $75 billion. It is simply unfair—both to the Postal Service and its customers—not to refund these overpayments.

To address these inequities, the bill would allow the Postal Service access to the amounts that it has overpaid into these pension funds. It is essential that the Postal Service be permitted to use these funds to address other financial obligations, such as its payments for future retiree health benefits and unfunded workers' compensation liabilities and for repaying its existing debt.

I have pressed the Office of Personnel Management, OPM, to change its calculation method for Postal Service payments into the CSRS fund consistent with the 2006 Postal Reform law. OPM officials, however, have stubbornly refused to change this methodology or even to admit that the 2006 postal law permits them to do so. This has created a bureaucratic standoff that is unfair to the Postal Service. The OPM holds the life preserver—it could help rescue the Postal Service, but it simply refuses to throw it.

This legislation directs the OPM to exercise its existing authority under the 2006 postal reform law and to revise its methodology for calculating the Postal Service's obligations to the CSRS pension fund. Once OPM exercises this authority, my legislation would allow the Postal Service to use any resulting overpayments to cover its annual payments into the Retiree Health Benefits Fund, rather than having to wait until after September 30, 2015, to access the CSRS overpayment.

Additionally, the legislation would allow the Postal Service to access the nearly $3 billion it has overpaid into the Federal Employees Retirement System, FERS, pension fund. The legislation would grant OPM this authority by adopting language, similar to Section 802(c) of the 2006 postal reform law, that allows OPM to recalculate the methodology governing Postal Service payments into the FERS pension fund to determine a more accurate contribution.

As with the CSRS overpayment, the Postal Service would be permitted to use the FERS overpayment to meet its

statutory obligations to the Retiree Health Benefits Fund. These fund transfers would greatly improve the Postal Service's financial condition.

While I was pleased to see that the proposed budget the President released yesterday addresses the FERS overpayment, I was disappointed that it did not direct OPM to update its methodology to allow the Postal Service to access the significant CSRS overpayment. Moreover, I am concerned that the 30-year repayment period proposed by the President to refund any FERS overpayments is too long given the immediate financial needs of the Postal Service.

If the CSRS and FERS overpayment amounts are sufficient to fully fund the Postal Service's obligations to the Retiree Health Benefits Fund, this legislation would allow the Postal Service to pay its workers' compensation liabilities, which top $1 billion annually. The Postal Service may also choose to use these funds to pay down its existing debt, which currently is $12 billion.

Second, the legislation would improve the Postal Service's contracting practices and help prevent the kind of ethical violations recently uncovered by the Postal Service Inspector General.

Several months ago, I asked the Postal Service Inspector General to review the Postal Service's contracting policies. The IG found stunning evidence of costly contract mismanagement, ethical lapses, and financial waste.

In its review of the Postal Service's contracting policies, the IG discovered no-bid contracts and examples of apparent cronyism. The Postal Service's contract management did not protect against waste, fraud, and abuse. Indeed, it left the door wide open.

In fact, the Postal Service could not even identify how many contracts were awarded without competition. Of the no-bid contracts the IG reviewed, 35 percent lacked justification.

In one of the more egregious examples of waste and abuse, the IG discovered that more than 2,700 contracts had been awarded to former employees since 1991. At least 17 of those contracts were no-bid contracts given to career executives within one year of their separation from the Postal Service.

Some of these former executives were brought back at nearly twice their former pay to advise newly hired executives—an outrageous practice that the IG said raised serious ethical questions, hurt employee morale, and tarnished the Postal Service's public image. In one example, an executive received a $260,000 no-bid contract in July 2009, just two months after retiring. The purpose? To train his successor.

My legislation would help remedy many of the contracting issues the IG identified. Specifically, the bill would direct the Postmaster General to establish a Competition Advocate, responsible for reviewing and approving justifications for noncompetitive purchases and for tracking the level of competition.

Earlier this month, the Postmaster General recognized this as an essential position by naming a Competition Advocate. My bill would help clarify and codify the Competition Advocate's role to ensure that the position continues. Under my legislation, the Competition Advocate would also be required to submit an annual report on Postal Service contracting to the Postmaster General, the Board of Governors, the Postal Regulatory Commission, and the Congress.

To improve transparency and accountability, the bill also would require the Postal Service to publish justifications of noncompetitive contracts greater than $250,000 on its website. This transparency would improve the Postal Service's contracting practices and promote competition.

To resolve the ethical issues documented by the IG, the bill would limit procurement officials from contracting with personal or business associates for private gain. In a June 2010 report, the IG identified several contracts that a former top executive awarded non-competitively to former business associates, totaling nearly $6 million. These contracts included at least two business associates he hired to manage his personal finances and outside business interests. These sorts of inappropriate, unethical contracts are unacceptable, and this legislation would help prevent similar conflicts of interest in the future. In addition, the bill would require the Postal Service's ethics official to review any ethics concerns that the contracting office identifies prior to awarding a contract.

Third, the legislation includes several provisions that would enhance efficiency and reduce costs. While the Postal Service has made efforts to reduce costs over the past several years, more must be done.

One such area is in the consolidation of area and district offices. The IG found that the Postal Service's regional structure—which at the time of the report consisted of eight area offices and 74 district offices and cost approximately $1.5 billion to maintain in fiscal year 2009—has significant room for consolidation. The Postal Service recently announced the closure of one area office, but it needs to conduct a more comprehensive review. My bill would require the Postal Service to create a strategic plan to guide consolidation efforts—a road map for future savings.

The bill also would require the Postal Service to develop a plan to increase its presence in retail facilities, or co-locate, to better serve customers. Before co-location decisions could be made, however, the bill would direct the Postal Service to weigh the impact of any decision on small communities and rural areas. Moreover, the Postal Service would be required to solicit community input before making decisions about co-location and to ensure that co-location does not diminish the quality of service.

Fourth, the bill would require the arbitrator to consider the Postal Service's financial condition when rendering decisions about collective bargaining agreements. This logical provision would allow critical financial information to be weighed as a factor in contract negotiations.

Fifth, the bill would require the Postal Service to provide notice of any significant proposed changes to mailing rules, solicit and respond to comments about the proposed changes, and analyze their potential financial impacts. Mandating that the Postal Service adhere to these notice-and-comment requirements would help ensure that the Postal Service has fully considered the effect that significant changes might have on customers and on the Postal Service's bottom-line.

Sixth, the bill would reduce workforce-related costs government-wide by converting retirement eligible postal and Federal employees on workers' compensation to retirement when they reach age 65, 5 years beyond the average retirement age for postal and Federal employees. This is a commonsense change that would significantly reduce expenses that both the Postal Service and the Federal Government cannot afford.

From July 1, 2009, to June 30, 2010, the Department of Labor paid approximately $2.78 billion to employees on workers' compensation. These workers' compensation benefits serve as a crucial safety net for Federal and postal employees who are injured on the job so they can recuperate and return to work.

But, the Department of Labor indicates that postal and Federal employees across the government are receiving workers' compensation benefits into their 80s, 90s, and even 100s. Because of its benefits structure, the workers' compensation program has morphed into a higher-paying alternative to Federal and postal retirement.

The Postal Service stands out as an unfortunate example of how Federal workers' comp is misused as a retirement system. From July 1, 2009, to June 30, 2010, postal employees accounted for nearly half of all workers' comp benefit payments—about $1.1 billion for 15,470 recipients. Of that number 2,051 were aged 70 or older; 927 were 80 or older; and 132 were 90 or older. Amazingly, three of these postal employees were 98 years old.

I must ask the obvious question: Is there any likelihood that these recipients will ever return to work? No.

Then why aren't they transitioning to the retirement system when they reach retirement age?

This bill reforms the law by converting postal and Federal employees on workers' compensation to the retirement system when they reach age

65. This is a commonsense change that would save millions of dollars that the Postal Service, the Federal Government, and American taxpayers cannot afford to spend.

The Postal Service is at a crossroads; it must choose the correct path. It must take steps toward a bright future. It must reject the path of severe service reductions and huge rate hikes, which will only alienate customers.

I have already received letters of support for my bill from various organizations, including the Alliance of Nonprofit Mailers, Greeting Card Association, Magazine Publishers Association, American Catalog Mailers Association, National Newspaper Association, PostCom, National Postal Policy Council, Coalition for a 21st Century Postal Service, and the National League of Postmasters. I expect to receive more as postal stakeholders learn more about how my bill would help the Postal Service transform its operations.

The Postal Service must re-invent itself. It must embrace changes to revitalize its business model, enabling it to attract and keep customers. The U.S. Postal Service Improvements Act of 2011 will help spark new life into this institution, helping it evolve and maintain its vital role in American society.

By Mr. CARDIN:

S. 354. A bill to amend the Classified Information Procedures Act to improve the protection of classified information and for other puroses; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, the Classified Information Procedures Act, CIPA, was enacted in 1980 with bipartisan support to address the ''disclose or dismiss'' dilemma that arose in espionage prosecutions when a defendant would threaten the government with the disclosure of classified information if the government did not drop the prosecution. Previously, there were no Congressionally-mandated procedures that required district courts to make discovery and admissibility rulings regarding classified information in advance.

CIPA has worked reasonably well during the last 30 years, but some issues have arisen in a number of notable terrorism, espionage, and narcotics cases that demonstrate that reforms and improvements could be made to ensure that classified sources, methods and information can be protected, and to ensure that a defendant's due process and fair trial rights are not violated. In 2009, when the Congress enacted the Military Commissions Act, MCA, the Congress drew heavily from the manner in which the federal courts interpreted CIPA when it updated the procedures governing the use of classified information in military commission prosecutions. At that time, however, the Congress did not update CIPA. Indeed, since its enactment in 1980, there have been no changes to the key provisions of CIPA.

As the former Chairman of the Senate Judiciary's Terrorism and Homeland Security Subcommittee, I chaired a number of hearings during which witnesses testified about the capacity of our civilian courts to try alleged terrorists and spies. The first Subcommittee hearing that I chaired was on July 28, 2009, and was entitled ''Prosecuting Terrorists: Civilian and Military Trials for GTMO and Beyond.'' The second Terrorism and Homeland Security Subcommittee hearing that I chaired was on May 12, 2010, and was entitled ''The Espionage Statutes: A Look Back and A Look Forward.'' The testimony I have heard in regard to terrorism, espionage and our civilian courts, has convinced me that while our courts have the capacity and the procedures in place to try alleged terrorists and spies, reforms and improvements could be made to CIPA to codify and clarify the decisions of the federal courts.

As a result, today I am reintroducing the Classified Information Procedures Reform and Improvement Act, CIPRIA. CIPRIA contains reforms and improvements to ensure that the statute maintains the proper balance between the protection of classified sources, methods and information, and a defendant's constitutional rights. Among other things, this legislation, which includes the applicable changes that the Congress made when it enacted the Military Commissions Act of 2009, will: codify, clarify and unify federal case law interpreting CIPA; ensure that all classified information, not just documents, will be governed by CIPA; ensure that prosecutors and defense attorneys will be able to fully inform trial courts about classified information issues; and will clarify that the civil state secrets privilege does not apply in criminal cases. CIPRIA will also ensure high-level DOJ approval before the government invokes its classified information privilege in criminal cases and will ensure that the federal courts will order the disclosure and use of classified information when the disclosure and use meets the applicable legal standards. This legislation will also ensure timely appellate review of lower court CIPA decisions before the commencement of a trial, explicitly permit trial courts to adopt alternative procedures for the admission of classified information in accordance with a defendant's fair trial and due process rights, and make technical fixes to ensure consistent use of terms throughout the statute.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 354

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Classified Information Procedures Reform and Improvement Act of 2011''.

(b) IN GENERAL.—Section 1 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) 'Disclosure', as used in this Act, includes the release, transmittal, or making available of, or providing access to, classified information to any person (including a defendant or counsel for a defendant) during discovery, or to a participant or member of the public at any proceeding.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(3) of the Immigration and Nationality Act (8 U.S.C. 1531(3)) is amended by striking ''section 1(b)'' and inserting ''section 1''.

SEC. 2. PRETRIAL CONFERENCE.

Section 2 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''At any time'';

(2) by adding at the end the following:

''(b) EX PARTE.—If the United States or the defendant certifies that the presence of both parties at a pretrial conference reasonably could be expected to cause damage to the national security of the United States or the defendant's ability to make a defense, then upon request by either party, the court shall hold such pretrial conference ex parte, and shall seal and preserve the record of that ex parte conference in the records of the court for use in the event of an appeal.''.

SEC. 3. PROTECTIVE ORDERS.

Section 3 of the Classified Information Procedures Act (18 U.S.C. App) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Upon motion'';

(2) by inserting ''use or'' before ''disclosure'';

(3) by inserting '', or access to,'' after ''disclosure of'';

(4) by inserting '', or any classified information derived therefrom, that will be'' after ''classified information'';

(5) by inserting ''or made available'' after ''disclosed''; and

(6) by adding at the end the following:

''(b) NOTICE.—In the event the defendant is convicted and files a notice of appeal, the United States shall provide the defendant and the appellate court with a written notice setting forth each date that the United States obtained a protective order under this Act.''.

SEC. 4. DISCOVERY OF AND ACCESS TO CLASSIFIED INFORMATION BY DEFENDANTS.

Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting ''AND ACCESS TO'' after ''DISCOVERY OF'';

(2) by inserting ''(a) IN GENERAL.—'' before ''The court, upon'';

(3) in the first sentence—

(A) by inserting ''to restrict the defendant's access to or'' before ''to delete'';

(B) by striking ''from documents'';

(C) by striking ''classified documents, or'' and inserting ''classified information,''; and

(D) by striking the period at the end and inserting '', or to provide other relief to the United States.'';

(4) in the second sentence, by striking ''alone.'' inserting ''alone, and may permit ex parte proceedings with the United States to discuss that request.'';

(5) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) by inserting '', and the transcript of any argument and any summary of the classified information the defendant seeks to obtain discovery of or access to,'' after ''text of the statement of the United States''; and

(6) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—If the defendant seeks access to nondocumentary information from a potential witness or other person through deposition under the Federal Rules of Criminal Procedure, or otherwise, which the defendant knows or reasonably believes is classified, the defendant shall notify the attorney for the United States and the court in writing. Such notice shall specify with particularity the nondocumentary information sought by the defendant and the legal basis for such access.

''(c) SHOWING BY THE UNITED STATES.—In any prosecution in which the United States seeks to restrict, delete, withhold, or otherwise obtain relief with respect to the defendant's discovery of or access to any specific classified information, the attorney for the United States shall file with the court a declaration made by the Attorney General invoking the United States classified information privilege, which shall be supported by a declaration made by a knowledgeable United States official possessing the authority to classify information that sets forth the identifiable damage to the national security that the discovery of, or access to, such information reasonably could be expected to cause.

''(d) STANDARD FOR DISCOVERY OF OR ACCESS TO CLASSIFIED INFORMATION.—Upon the submission of a declaration of the Attorney General under subsection (c), the court may not authorize the defendant's discovery of, or access to, classified information, or to the substitution submitted by the United States, which the United States seeks to restrict, delete, or withhold, or otherwise obtain relief with respect to, unless the court first determines that such classified information or such substitution would be—

''(1) noncumulative, relevant, and helpful to—

''(A) a legally cognizable defense;

''(B) rebuttal of the prosecution's case; or

''(C) sentencing; or

''(2) noncumulative and essential to a fair determination of a pretrial proceeding.

''(e) SECURITY CLEARANCE.—Whenever a court determines that the standard for discovery of or access to classified information by the defendant has been met under subsection (d), such discovery or access may only take place after the person to whom discovery or access will be granted has received the necessary security clearances to receive the classified information, and if the classified information has been designated as sensitive compartmented information or special access program information, any additional required authorizations to receive the classified information.''.

SEC. 5. NOTICE OF DEFENDANT'S INTENTION TO DISCLOSE CLASSIFIED INFORMATION.

Section 5 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting ''USE OR'' before ''DISCLOSE'';

(2) in subsection (a)—

(A) in the first sentence—

(i) by inserting ''use or'' before ''disclose''; and

(ii) by striking ''thirty days prior to trial'' and inserting ''45 days prior to such proceeding'';

(B) in the second sentence by striking ''brief'' and inserting ''specific'';

(C) in the third sentence—

(i) by inserting ''use or'' before ''disclose''; and

(ii) by striking ''brief'' and inserting ''specific''; and

(D) in the fourth sentence—

(i) by inserting ''use or'' before ''disclose''; and

(ii) by inserting ''reasonably'' before ''believed''; and

(3) in subsection (b), by inserting ''the use or'' before ''disclosure''.

SEC. 6. PROCEDURE FOR CASES INVOLVING CLASSIFIED INFORMATION.

Section 6 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''such a hearing.'' and inserting ''a hearing and shall make all such determinations prior to proceeding under any alternative procedure set out in subsection (d).''; and

(B) in the third sentence, by striking ''petition'' and inserting ''request'';

(2) in subsection (b)(2) by striking ''trial'' and inserting ''the trial or pretrial proceeding'';

(3) by redesignating subsections (c), (d), (e), and (f), as subsections (d), (e), (f), and (g), respectively;

(4) by inserting after subsection (b) the following:

''(c) STANDARD FOR ADMISSIBILITY, USE, AND DISCLOSURE AT TRIAL.—(1) Classified information which is the subject of a notice by the United States pursuant to subsection (b) is not admissible at trial and subject to the alternative procedures set out in subsection (d), unless a court first determines that such information is noncumulative and relevant to an element of the offense or a legally cognizable defense, and is otherwise admissible in evidence.

''(2) Nothing in this subsection may be construed to prohibit the exclusion from evidence of relevant, classified information in accordance with the Federal Rules of Evidence.'';

(5) in subsection (d), as so redesignated—

(A) in the subsection heading, by inserting ''USE OR'' before ''DISCLOSURE'';

(B) in paragraph (1), by inserting ''use or'' before ''disclosure'' both places that term appears;

(C) in the flush paragraph following paragraph (1)(B), by inserting ''use or'' before ''disclosure''; and

(D) in paragraph (2)—

(i) by striking ''an affidavit of'' and inserting ''a declaration by'';

(ii) by the striking ''such affidavit'' and inserting ''such declaration''; and

(iii) by inserting ''the use or'' before ''disclosure'';

(6) in subsection (e), as so redesignated, in the first sentence, by striking ''disclosed or elicited'' and inserting ''used or disclosed''; and

(7) in subsection (f), as so redesignated—

(A) in the subsection heading, by inserting ''USE OR'' before ''DISCLOSURE'' both places that term appears;

(B) in paragraph (1)—

(i) by striking ''(c)'' and inserting ''(d)'';

(ii) by striking ''an affidavit of'' and inserting ''a declaration by'';

(iii) by inserting ''the use or'' before ''disclosure''; and

(iv) by striking ''disclose'' and inserting ''use, disclose,''; and

(C) in paragraph (2), by striking ''disclosing'' and inserting ''using, disclosing,''; and

(8) in the first sentence of subsection (g), as so redesignated—

(A) by inserting ''used or'' before ''disclosed''; and

(B) by inserting ''or disclose'' before ''to rebut the''.

SEC. 7. INTERLOCUTORY APPEAL.

Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by striking ''disclosure of'' both times that places that term appears and inserting ''use, disclosure, discovery of, or access to''; and

(2) by adding at the end the following: ''The right of the United States to appeal pursuant to this Act applies without regard to whether the order or ruling appealed from was entered under this Act, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such use, disclosure, or access. Whenever practicable, appeals pursuant to this section shall be consolidated to expedite the proceedings.''.

SEC. 8. INTRODUCTION OF CLASSIFIED INFORMATION.

Section 8 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in subsection (b), by adding at the end ''The court may fashion alternative procedures in order to prevent such unnecessary disclosure, provided that such alternative procedures do not deprive the defendant of a fair trial or violate the defendant's due process rights.''; and

(2) by adding at the end the following:

''(d) ADMISSION OF EVIDENCE.—(1) No classified information offered by the United States and admitted into evidence shall be presented to the jury unless such evidence is provided to the defendant.

''(2) Any classified information admitted into evidence shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.''.

SEC. 9. APPLICATION TO PROCEEDINGS.

The amendments made by this Act shall take effect on the date of the enactment of this Act but shall not apply to any prosecution in which an indictment or information was filed prior to such date.

By Mr. CARDIN:

S. 355. A bill to improve, modernize, and clarify the espionage statutes contained in chapter 37 of title 18, United States Code, to promote Federal whistleblower protection statutes and regulations, to deter unauthorized disclosures of classified information, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, the current framework concerning the espionage statutes was designed to address classic spy cases involving persons who intended to aid foreign governments and harm the United States. The current framework traces its roots to the Espionage Act of 1917, which made it a crime to disclose defense information during wartime. The basic idea behind the legislation, which was upheld by the U.S. Supreme Court as constitutional in 1919, was to stop citizens from spying or interfering with military actions during World War I. The current framework was formed at a time when intelligence and national security information existed primarily in some tangible form, such as blueprints, photographs, maps, and other documents.

Our nation, however, has witnessed dramatic changes to nearly every facet of our lives over the last 100 years, including technological advances which have revolutionized our information gathering abilities as well as the mediums utilized to communicate such information. Yet, the basic terms and structure of the espionage statutes have remained relatively unchanged

since their inception. Moreover, issues have arisen in the prosecution and defense of criminal cases when the statutes have been applied to persons who may be disclosing classified information for purposes other than to aid a foreign government or to harm the United States. In addition, the statutes contain some terms which are outdated and do not reflect how information is classified by the Executive Branch today.

Legal scholars and commentators have criticized the current framework, and over the years, some federal courts have as well. In 2006, after reviewing the many developments in the law and changes in society that had taken place since the enactment of the espionage statutes, one district court judge stated that ''the time is ripe for Congress'' to reexamine them. *United States* v. *Rosen*, 445 F. Supp. 2d 602, 646, E.D. Va. 2006, Ellis, J. Nearly 20 years earlier in the Morison case, one federal appellate judge stated that ''[i]f one thing is clear, it is that the Espionage Act statutes as now broadly drawn are unwieldy and imprecise instruments for prosecuting government 'leakers' to the press as opposed to government 'moles' in the service of other countries.'' That judge also stated that ''carefully drawn legislation'' was a ''better long-term resolution'' than judicial intervention. See *United States* v. *Morison*, 844 F.2d 1057, 1086, 4th Cir. 1988.

As the former Chairman of the Senate Judiciary's Terrorism and Homeland Security Subcommittee, I chaired a Subcommittee hearing on May 12, 2010, entitled ''The Espionage Statutes: A Look Back and A Look Forward.'' At that Subcommittee hearing, I questioned a number of witnesses, which included witnesses from academia as well as former officials from the intelligence and law enforcement communities, about how well the espionage statutes have been working. And since that hearing, I have been closely and carefully reviewing these statutes, particularly in the context of recent events. I am convinced that changes in technology and society, combined with statutory and judicial changes to the law, have rendered some aspects of our espionage laws less effective than they need to be to protect the national security. I also believe that we need to enhance our ability to prosecute spies as well as those who make unauthorized disclosures of classified information. We don't need an Official State Secrets Act, and we must be careful not to chill protected First Amendment activities. We do, however, need to do a better job of preventing unauthorized disclosures of classified information that can harm the United States, and at the same time we need to ensure that public debates continue to take place on important national security and foreign policy issues.

As a result, today I am reintroducing the Espionage Statutes Modernization Act, ESMA. This legislation makes important improvements to the espionage statutes to make them more effective and relevant in the 21st century. This legislation is narrowly-tailored and balanced, and will enable the government to use a separate criminal statute to prosecute government employees who make unauthorized disclosures of classified information in violation of the nondisclosure agreements they have entered, irrespective of whether they intend to aid a foreign government or harm the United States.

This legislation is not designed to make it easier for the government to prosecute the press, to chill First Amendment freedoms, or to make it more difficult to expose government wrongdoing. In fact, the proposed legislation promotes the use of Federal whistleblower statutes and regulations to report unlawful and other improper conduct. Unauthorized leaks of classified information, however, are harmful to the national security and could endanger lives. Thus, in addition to proposing important refinements to the espionage statutes, this legislation will deter unauthorized leaks of classified information by government employees who knowingly and intentionally violate classified information nondisclosure agreements.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 355

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 ''The Espionage Statutes Modernization Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) As of 2011, the statutory framework with respect to the espionage statutes is a compilation of statutes that began with Act of June 15, 1917 (40 Stat. 217, chapter 30)(commonly known as the ''Espionage Act of 1917''), which targeted classic espionage cases involving persons working on behalf of foreign nations.

(2) The statutory framework was formed at a time when intelligence and national security information existed primarily in a tangible form, such as blueprints, photographs, maps, and other documents.

(3) Since 1917, the United States has witnessed dramatic changes in intelligence and national security information, including technological advances that have revolutionized information gathering abilities as well as the mediums used to communicate such information.

(4) Some of the terms used in the espionage statutes are obsolete and the statutes do not fully take into account the classification levels that apply to national security information in the 21st century.

(5) In addition, the statutory framework was originally designed to address classic espionage cases involving persons working on behalf of foreign nations. However, the national security of the United States could be harmed, and lives may be put at risk, when a Government officer, employee, contractor, or consultant with access to classified information makes an unauthorized disclosure of the classified information, irrespective of whether the Government officer, employee, contractor, or consultant intended to aid a foreign nation or harm the United States.

(6) Federal whistleblower protection statutes and regulations that enable Government officers, employees, contractors, and consultants to report unlawful and improper conduct are appropriate mechanisms for reporting such conduct.

(7) Congress can deter unauthorized disclosures of classified information and thereby protect the national security by—

(A) enacting laws that improve, modernize, and clarify the espionage statutes and make the espionage statutes more relevant and effective in the 21st century in the prosecution of persons working on behalf of foreign powers;

(B) promoting Federal whistleblower protection statutes and regulations to enable Government officers, employees, contractors, or consultants to report unlawful and improper conduct; and

(C) enacting laws that separately punish the unauthorized disclosure of classified information by Government officers, employees, contractors, or consultants who knowingly and intentionally violate a classified information nondisclosure agreement, irrespective of whether the officers, employees, contractors, or consultants intend to aid a foreign power or harm the United States.

SEC. 3. CRIMES.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) in section 793—

(A) in the section heading, by striking ''**or losing defense information**'' and inserting ''**or, losing national security information**'';

(B) by striking ''the national defense'' each place it appears and inserting ''national security'';

(C) by striking ''foreign nation'' each place it appears and inserting ''foreign power'';

(D) in subsection (b), by inserting ''classified information, or other'' before ''sketch'';

(E) in subsection (c), by inserting ''classified information, or other'' before ''document'';

(F) in subsection (d), by inserting ''classified information, or other'' before ''document'';

(G) in subsection (e), by inserting ''classified information, or other'' before ''document'';

(H) in subsection (f), by inserting ''classified information,'' before ''document''; and

(I) in subsection (h)(1), by striking ''foreign government'' and inserting ''foreign power'';

(2) in section 794—

(A) in the section heading, by striking ''**Gathering**'' and all that follows and inserting ''**Gathering or delivering national security information to aid foreign powers**''; and

(B) in subsection (a)—

(i) by striking ''foreign nation'' and inserting ''foreign power'';

(ii) by striking ''foreign government'' and inserting ''foreign power'';

(iii) by inserting ''classified information,'' before ''document'';

(iv) by striking ''the national defense'' and inserting ''national security''; and

(v) by striking ''(as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978)'';

(3) in section 795(a), by striking ''national defense'' and inserting ''national security'';

(4) in section 798—

(A) in subsection (a), by striking ''foreign government'' each place it appears and inserting ''foreign power''; and

(B) in subsection (b)—

(i) by striking the first undesignated paragraph (relating to the term ''classified information''); and

(ii) by striking the third undesignated paragraph (relating to the term ''foreign government''); and

(5) by adding at the end the following:

''§ 800. Definitions

''In this chapter—

''(1) the term 'classified information' has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. App.);

''(2) the term 'foreign power' has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

''(3) the term 'national security' has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. App.).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of section for chapter 37 of title 18, United States Code, is amended—

(1) by striking the item relating to section 793 and inserting the following:

''793. Gathering, transmitting, or losing national security information.'';

(2) by striking the item relating to section 794 and inserting the following:

''794. Gathering or delivering national security information to aid foreign powers.''; and

(3) by adding at the end the following:

''800. Definitions.''.

SEC. 4. VIOLATION OF CLASSIFIED INFORMATION NONDISCLOSURE AGREEMENT.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''§ 1925. Violation of classified information nondisclosure agreement

''(a) DEFINITIONS.—In this section—

''(1) the term 'classified information' has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. App.); and

''(2) the term 'covered individual' means an officer, employee, contractor, or consultant of an agency of the Federal Government who, by virtue of the office, employment, position, or contract held by the individual, knowingly and intentionally agrees to be legally bound by the terms of a classified information nondisclosure agreement.

''(b) OFFENSE.—

''(1) IN GENERAL.—Except as otherwise provided in this section, it shall be unlawful for a covered individual to intentionally disclose, deliver, communicate, or transmit classified information, without the authorization of the head of the Federal agency, or an authorized designee, knowing or having reason to know that the disclosure, delivery, communication, or transmission of the classified information is a violation of the terms of the classified information nondisclosure agreement entered by the covered individual.

''(2) PENALTY.—A covered individual who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''(c) WHISTLEBLOWER PROTECTION.—The disclosure, delivery, communication, or transmission of classified information by a covered individual in accordance with a Federal whistleblower protection statute or regulation applicable to the Federal agency of which the covered individual is an officer, employee, contractor, or consultant shall not be a violation of subsection (b)(1).

''(d) REBUTTABLE PRESUMPTION.—For purposes of this section, there shall be a rebuttable presumption that information has been properly classified if the information has been marked as classified information in accordance with Executive Order 12958 (60 Fed. Reg. 19825) or a successor or predecessor to the order.

''(e) DEFENSE OF IMPROPER CLASSIFICATION.—The disclosure, delivery, communication, or transmission of classified information by a covered individual shall not violate subsection (b)(1) if the covered individual proves by clear and convincing evidence that at the time the information was originally classified, no reasonable person with original classification authority under Executive Order 13292 (68 Fed. Reg. 15315), or any successor order, could have identified or described any damage to national security that reasonably could be expected to be caused by the unauthorized disclosure of the information.

''(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''1925. Violation of classified information nondisclosure agreement.''.

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission, shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of an offense under section 1925 of title 18, United States Code, as added by this Act.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission shall ensure that the sentencing guidelines account for all relevant conduct, including—

(1) multiple instances of unauthorized disclosure, delivery, communication, or transmission of the classified information;

(2) the volume of the classified information that was disclosed, delivered, communicated, or transmitted;

(3) the classification level of the classified information;

(4) the harm to the national security of the United States that reasonably could be expected to be caused by the disclosure, delivery, communication, or transmission of the classified information; and

(5) the nature and manner in which the classified information was disclosed, delivered, communicated, or transmitted.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $3,612,391, of which amount (1) not to exceed $4,666.67 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $1,166.67 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $6,192,669, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $2,580,278, of which amount (1) not to exceed $3,333.33 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $833.33 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 51—RECOGNIZING THE 190TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 51

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas the Greek national anthem, the ''Hymn to Liberty'', includes the words, ''Most heartily was gladdened George Washington's brave land'';

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested more than $20,000,000,000 in the countries of the region, thereby helping to create more than 200,000 new jobs, and having contributed more than $750,000,000 in development aid for the region;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years to further cross-cultural understanding and rapprochement with Turkey, as seen by Prime Minister of Greece George Papandreou's trip to Turkey, just days after being elected and the Prime Minister of Turkey Recep Tayyip Erdogan's visit to Greece in May 2010, during which Greece and Turkey established a Joint Ministerial Council, made up of 10 ministers from each country, to discuss tangible ways to enhance cooperation in various fields of interest;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2011, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 190th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 190 years ago.

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. KOHL submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,937,114, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $3,320,767, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,383,653, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 53—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved,

SECTION 1. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (referred to in this resolution as the ''committee'') is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through

September 30, 2011, under this section shall not exceed $6,902,759, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $11,833,302, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $4,930,543, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2011, through September 30, 2011, for the period October 1, 2011, through September 30, 2012, and for the period October 1, 2012, through February 28, 2013, to be paid from the appropriations account for `Expenses of Inquiries and Investigations' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2011, through February 28, 2013, is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 73, agreed to March 10, 2009 (111th Congress), are authorized to continue.

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN submitted the following resolution; from the Select

Committee on Intelligence was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out its powers, duties, and functions under Senate Resolution 400, agreed to May 19, 1976 (94th Congress), as amended by Senate Resolution 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under section 3 and section 17 of such Senate Resolution 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such Senate Resolution 400, the Select Committee on Intelligence is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $4,249,113 of which amount (1) not to exceed $37,917 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses for the committee under this resolution shall not exceed $7,284,194, of which amount (1) not to exceed $65,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,035,081, of which amount (1) not to exceed $27,083 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011 through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

AMENDMENTS SUBMITTED AND PROPOSED

SA 86. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 87. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 88. Mr. McCAIN (for himself, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 89. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 90. Mr. REID of Nevada (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

SA 91. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 92. Mr. REED of Rhode Island submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 93. Mrs. HUTCHISON proposed an amendment to amendment SA 7 proposed by Mr. INHOFE to the bill S. 223, supra.

SA 94. Mrs. BOXER (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 86. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 7 and 8, insert the following:

(g) SPECIAL RULE FOR MODEL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies,, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) MODEL AIRCRAFT DEFINED.—For purposes of this subsection, the term ''model aircraft'' means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

SA 87. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 307, strike line 1 and all that follows through page 310, line 10, and insert the following:

SEC. 730. TRANSPORTATION OF COMPRESSED OXYGEN AND OXIDIZING GASES WITHIN ALASKA.

(a) AUTHORIZATION.—Subject to subsection (b), in circumstances in which it is impracticable to transport compressed oxygen and other oxidizing gases within the State of Alaska through transportation modes other than by aircraft, the transport of such gases within Alaska shall not be subject to the requirements under—

(1) paragraphs (3), (4), and (5) of section 173.302(f) of title 49, Code of Federal Regulations;

(2) paragraphs (3), (4), and (5) of section 173.304(f) of such title; and

(3) appendices D and E of part 178 of such title.

(b) LIMITATION ON CYLINDER SIZE.—The regulatory exemptions set forth in subsection (a) shall not apply to the transport of individual cylinders of compressed oxygen or other oxidizing gases with a capacity greater than 281 cubic feet unless such transport takes place on cargo only aircraft.

SA 88. Mr. McCAIN (for himself, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United

States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. DETERMINATIONS WITH RESPECT TO SUBSTANTIAL RESTORATION OF NATURAL QUIET AND EXPERIENCE IN GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of section 3(b)(1) of Public Law 100–91 (16 U.S.C. 1a–1 note), the substantial restoration of the natural quiet and experience of the Grand Canyon National Park (in this subsection referred to as the ''Park'') shall be considered to be achieved in the Park if, for at least 75 percent of each day, 50 percent of the Park is free of sound produced by commercial air tour operations that have an allocation to conduct commercial air tours in the Park as of the date of the enactment of this Act.

(b) CONSIDERATIONS.—

(1) IN GENERAL.—For purposes of determining whether substantial restoration of the natural quiet and experience of the Park has been achieved in accordance with subsection (a), the Secretary of the Interior (in this section referred to as the ''Secretary'') shall use—

(A) the 2–zone system for the Park in effect on the date of the enactment of this Act to assess impacts relating to subsectional restoration of natural quiet at the Park, including—

(i) the thresholds for noticeability and audibility; and

(ii) the distribution of land between the 2 zones; and

(B) noise modeling science that is—

(i) developed for use at the Park, specifically Integrated Noise Model Version 6.2;

(ii) validated by reasonable standards for conducting field observations of model results; and

(iii) accepted and validated by the Federal Interagency Committee on Aviation Noise.

(2) SOUND FROM OTHER SOURCES.—The Secretary shall not consider sound produced by sources other than commercial air tour operations, including sound emitted by other types of aircraft operations or other noise sources, for purposes of—

(A) making recommendations, developing a final plan, or issuing regulations relating to commercial air tour operations in the Park; or

(B) determining under subsection (a) whether substantial restoration of the natural quiet and experience of the Park has been achieved.

(c) CONTINUED MONITORING.—The Secretary shall continue monitoring noise from aircraft operating over the Park below 17,999 feet MSL to ensure continued compliance with the substantial restoration of natural quiet and experience in the Park.

(d) DAY DEFINED.—For purposes of this section, the term ''day'' means the hours between 7:00 a.m. and 7:00 p.m.

SA 89. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety; reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. ADS-B OVERSIGHT.

(a) COST BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall contract with an independent third party to conduct an updated cost benefit analysis of acquisition approaches for the Automatic Dependent Surveillance-Broadcast program (referred to in this section as the ADS-B program).

(2) PARAMETERS.—The analysis must include a comparison of the service-based contract approach with more traditional acquisition approaches, both for the entire contract and for each individual phase of the program.

(3) INDEPENDENCE.—The independent third party selected to conduct the analysis may not have a financial interest in the ADS-B program, and may not have any significant financial ties with either the contractor or subcontractors involved with the program.

(4) REVIEW BY DOTIG.—The Department of Transportation Inspector General shall conduct a review of the final Cost Benefit Analysis.

(5) REPORT.—The final analysis and accompanying Inspector General review shall be provided to the appropriate Congressional Committees.

(6) RESTRICTIONS.—Until the requirements of this subsection have been fulfilled, the Administrator may not exercise any additional contract options for the ADS-B Program. This restriction shall not apply to execution of a specific contract option if the Administrator certifies to Congress in writing and with explanation that a delay in exercising the option would be harmful and not in the best interest of the Federal government.

(b) PERFORMANCE AND FINANCIAL AUDIT.—Within 270 days after the date of enactment of this Act, the Department of Transportation Inspector General shall conduct a performance and financial audit of the ADS-B program and issue a report on the audit's findings. At a minimum, the audit and report shall—

(1) identify all cost overruns that have occurred or are highly likely to occur;

(2) review the factors used by the Administration to measure contractor performance;

(3) identify all incentive fees, award fees, and other financial performance rewards that have been awarded to the contractor, including the specific performance merits upon which those financial rewards were granted;

(4) identify all requirements changes, contract modifications, and change orders, including the costs of such changes and the extent to which each change was subject to review to identify, analyze, and document the associated needs, risks, costs, and benefits; and

(5) make specific recommendations that would allow the Administration to more accurately track both capital and operating costs and ensure timely and accurate disclosure of cost overruns.

(c) ACQUISITION MANAGEMENT AND OVERSIGHT.—

(1) PLAN.—The Administrator shall develop and submit to Congress an acquisition management and oversight plan for the ADS-B program. The plan shall—

(A) contain an assessment of current Administration acquisition, management, oversight, and contracting resources and capabilities devoted to the ADS-B program;

(B) identify actions that the Administration will take to improve its acquisition management and oversight of the ADS-B program;

(C) include staffing predictions, human capital needs, and training needs;

(D) identify specific processes and procedures for developing clear contract performance requirements and analyzing, approving, and managing requirements changes, contract modifications, and change orders; and

(E) address specifically the question of whether the Administration can better leverage acquisitions oversight and management expertise from other agencies within the Federal government.

(2) DOTIG REVIEW.—The Department of Transportation's Inspector General shall conduct a review of the plan submitted under paragraph (1).

(3) RESTRICTIONS.—Until the requirements of paragraph (1) have been fulfilled, the Administrator shall not execute any additional contracts, contract changes, requirements changes, task orders, or work orders for the ADS-B Program whose value exceeds $1,000,000. This restriction shall not apply to a specific contract, contract change, requirements change, task order, or work order if the Administrator certifies to Congress in writing and with explanation that a delay in execution of that specific action would be harmful and not in the best interest of the Federal government.

(4) TECHNICAL REQUIREMENTS.—The Administration shall maintain the technical authority to establish, approve, and maintain technical requirements for the ADS-B program.

(5) SELF-CERTIFICATION PROHIBITED.—All certifications for capability and performance of ADS-B systems shall be conducted by the Administration. Self-certification by a contractor or subcontractor is not allowed.

(d) CONTRACT REVIEW.—Within 270 days after the date of enactment of this Act, the Comptroller General shall conduct an audit and review of the ADS-B contracts, and issue a report to Congress which, at a minimum, identifies and analyzes—

(1) any terms and structural features of the contract that may put the Federal government at a financial, legal, technical, or negotiating disadvantage, both during contract execution and throughout the life-cycle of the ADS-B system;

(2) specific risks and management challenges that can be expected to arise from specific contract terms or from the overall contract and acquisition structure;

(3) unclear performance and contract requirements that may increase costs, risks, and the probability of inadequate system performance;

(4) the procedures that Administration and the contractor used to write the contract, including who was tasked with both writing and reviewing contract language;

(5) contract terms or structures that may prevent or discourage financial transparency;

(6) benefits, risks, management challenges, and potential conflicts of interest associated with allowing the contractor to sell value added services, including recommendations for how to protect the public interest under such an arrangement;

(7) risks associated with utilizing a performance-based contract for the ADS-B program; and

(8) the short and long term advantages, disadvantages, and risks of—

(A) utilizing a cost plus incentive fee structure for development of the ADS-B ground system; and

(B) Ownership of the ground systems by the contractor instead of the Administration.

SA 90. Mr. REID of Nevada (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 514, to extend expiring provisions of the USA

PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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

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

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

SA 91. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 207 and insert the following:

SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS FOR NON-PRIMARY AIRPORTS.

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project for an airport that is not a primary airport is—

(1) for fiscal year 2012, 85 percent;

(2) for fiscal year 2013, 80 percent; and

(3) for fiscal year 2014, 75 percent.

SA 92. Mr. REED of Rhode Island submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 3 and 4, insert the following:

SEC. 224. ISSUANCE OF LETTERS OF INTENT FOR AIRPORT IMPROVEMENT PROJECTS IN STATES WITH HIGH RATES OF UNEMPLOYMENT.

Upon request of a sponsor for a letter of intent under section 47110(e) of title 49, United States Code, relating to an airport development project at a primary or reliever airport, the Secretary of Transportation shall issue a letter of intent under such section that covers 80 percent of the Government's share of allowable project costs for the project if—

(1) the project is conducted in a State that had an average monthly unemployment rate on the day before the date of the enactment of this Act that was in the highest quartile of average monthly unemployment rates for States;

(2) the record of decision for the project is issued in calendar year 2011; and

(3) all other requirements under section 47110 of such title are satisfied.

S 93. Mrs. HUTCHISON proposed an amendment to amendment SA 7 proposed by Mr. INHOFE to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Strike all after the word ''sec'' and add the following:

. ____. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably

be expected to have a negative effect on any of those airports.

''(C) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

''(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

This section shall become effective 1 day after enactment.

SA 94. Mrs. BOXER (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 2 and 3, insert the following:

SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 15, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 15, 2011, in Dirksen 406 to hold a hearing entitled, ''Nomination of Daniel M. Ashe to be Director of the U.S. Fish and Wildlife Service.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 15, 2011, at 2:30 p.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''The President's Fiscal Year 2012 Budget Proposal.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 15, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 15, 2011, at 10:30 a.m. to conduct a hearing entitled ''A Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 15, 2011 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy be authorized to meet during the session of the Senate on February 15, 2011, at 2:30 p.m. in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that floor privileges be extended to my legislative fellow, Hannah Katch, for the duration of consideration of the FAA bill, S. 223.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 16, 2011

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, February 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; finally, at 11 a.m., that the Senate resume consideration of S. 223, the Federal Aviation Administration authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROCKEFELLER. Mr. President, rollcall votes in relation to FAA amendments are expected to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROCKEFELLER. 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 8:36 p.m., adjourned until Wednesday, February 16, 2011, at 10 a.m.

EXTENSIONS OF REMARKS

HONORING KATHARINE CARR ESTERS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Missisippi. Mr. Speaker, I rise today to honor Mrs. Katharine Carr Esters. Mrs. Katharine Carr Esters, a devout Christian and member of the Presbyterian Church since the age of seven years old, gives thanks to her Lord and Savior Jesus Christ for her accomplishments, especially since returning home to Mississippi back in 1972.

After retiring from the Veterans Administration in Milwaukee, Wisconsin, she wanted to start a small business, so in October of 1972 she built a 12 x 15 concrete block grocery store on her parents' land. She mixed the mortar and hauled it in a wheelbarrow herself. Her small enterprise was a success that enabled her to later add two gas pumps at the store. She felt fortunate to get approval for gasoline on the gravel country road where she lived. Along with obtaining a license to sell groceries she was also issued a beer license.

Seeing the need for improving the standard of living in her neighborhood, in 1975 she applied for community water from County Supervisors. They initially denied her, so she got an easement for a waterline right-of-way from neighborhood property owners. With that breakthrough she rented equipment and bought the pipe, then hired workers to lay the waterline. Ford Motor Credit loaned her some of the money. After completion, the County Supervisors reassessed the taxes on all property where her waterline was put down and that was how she got her area of the county road surfaced.

A politician and staunch democrat, in 1976 she became a Governor Cliff Finch Colonel and placed on the Probation and Parole Board for the State of Mississippi, replacing Dr. Leslie McLemore. Shortly afterwards she was reappointed to the Board of Directors of the Department of Mental Health where she served two consecutive seven-year terms. Working hard on the Board, she is credited with the idea of the State building group homes for mentally challenged citizens so they can have some independence while not being totally on their own, helping to keep their dignity and humanity intact. The first group home was built in Meridian and named the Katharine Carr Ray Esters Group Home and the group home in Kosciusko was also given her name in 2002.

A relative of the rich and famous Miss Oprah Winfrey, in 1988 Mrs. Esters contacted the Northern Highway Transportation Commissioner and persuaded him to name the road that passed the bend from Buffalo Methodist Church near where Oprah was born the Oprah Winfrey Road. Miss Winfrey came home for the celebration and the road was dedicated on the grounds of the Buffalo Community Youth Center—the old church. The evening of the dedication a benefit was held in Oprah's honor at the Coliseum where money was raised. The proceeds were split. Half the money was given to the Buffalo Community Youth Center and half to the Kosciusko/Attala Cultural Center. After that Mrs. Esters refurbished the Buffalo Community Youth Center.

A history major in college she has a love for the past and people who survived hard times with dignity and respect, especially family members. So over the years she has bought and had installed permanent signs at several historical landmarks. She bought a sign for the site at the old retired Black Presbyterian Church at Ethel where she was baptized, a sign at Alexander Memorial Presbyterian Church where she is a member that is on the "Tour Guide" in Kosciusko, and a sign for the Carr Graveyard on #12 Highway near Ethel. She also reactivated the abandoned Civil War Era Cemetery and extended its entire perimeter so that indigent people today can be buried there, and bought and placed 36 granite headstones for those buried there whose graves had not been marked. She also bought and lettered a 14-foot metal gate for the cemetery.

But perhaps her best known accomplishment is her memoir titled Jay Bird Creek and My Recollections published in 2003 that told of when Jim Crow was law in Mississippi. Her book has sold many copies and touched the hearts of readers young and old. Also, in 2005 she wrote the history of Plantation Missionary Baptist Church for the benefit of future members.

She is a Life Member of the NAACP, a Life Member of the Attala County Cultural Center, a member of the Board of Directors of the Oprah Winfrey Boys & Girls Club, a member of the Democratic Executive Committee, and an Elder at Alexander Memorial Presbyterian Church.

In closing the interview she said, "I have given too many scholarships to number, taken high blood pressure medicine everyday for 60 years and taught Christian Education even longer. From my dialysis chair I am still privileged to enjoy my family and friends and, most of all, I remain a grateful servant person."

EXTENDING COUNTERTERRORISM AUTHORITIES

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Ms. WOOLSEY. Mr. Speaker, the new majority in the House has told us that the decisions they make will be guided by two things. First, loyalty to the Constitution. And second, a belief that the government is too large and too intrusive.

Well, here is their chance to act on those principles. The PATRIOT Act provisions we're voting on today represent Big Brother at its creepiest and most invasive. They are a clear violation of the 4th Amendment's "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Its been close to a decade now that we've lived under the PATRIOT Act. For close to a decade, we've been told that our individual freedoms needed to take a backseat. For close to a decade, we've been told that our civil liberties must be shredded in the name of a so-called war on terrorism. We've been told that the national security imperatives of the moment are so great—and so different than any we've faced in our history—that we must submit to roving wiretaps, that we must empower the government to obtain "any tangible thing" related to a terrorism investigation.

"Any tangible thing"—that gives the government pretty broad discretion to ferret out just about whatever it is that they want. It is an invitation to overreach and abuse.

Meanwhile, it's not at all clear that the PATRIOT Act has made us safer. I believe it has stifled freedom more than it has advanced it. There is a real incoherence to an approach that says we have to do violence to our values in order to protect them. Benjamin Franklin's words are just as powerful today as they were more than 200 years ago: "Any society that would give up a little liberty to gain a little security will deserve neither and lose both."

I was impressed that so many members of the majority, in particular those just elected, voted against this measure when it came up on the suspension calendar earlier this week. I strongly urge them to do so again, and I hope they will be joined by more of their Republican colleagues who claim such a passionate belief in modest government. Or do they want to be known as the party that believes we should be tapping Americans' phones but not giving them affordable health care?

I believe we must let these provisions expire. And let's not stop there. Let's move toward a fuller debate about civil liberties and national security, one that revises and ultimately repeals the PATRIOT Act once and for all. This law is Constitutional graffiti. Patriotism means affirming and celebrating the values that have given America its strength and vitality for more than two centuries. A bill that violates several constitutional amendments has no business calling itself the PATRIOT Act.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 72, DIRECTING COMMITTEES TO REVIEW REGULATIONS FROM FEDERAL AGENCIES

SPEECH OF

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. THOMPSON of California. Mr. Speaker, today and tomorrow we are spending more

than 10 hours of our time debating whether or not we should tell committees to do what they are already supposed to be doing.

Lake County, in my district, has 19 percent unemployment rate.

The people of Lake County know that we are not creating jobs by telling committees to do their jobs.

The people in my district, who are waiting on banks to call them back about their loan modification applications, know that this debate will not help them keep their homes.

There is real work to be done in Congress and this is not it.

I think we can stipulate that there are regulations that are redundant and unnecessary.

I, for one, know that a regulation from Federal Housing Finance Agency has shut down the incredibly successful Property Assessed Clean Energy (PACE) program.

PACE is an innovative program in my district, and districts across this country, that has created jobs, saved energy, and slashed homeowners' utility bills.

Spending 10 hours of debate on this meaningless resolution is not going to reinstate the PACE program.

It is not going to bring back the jobs for the people who installed residential solar panels and weatherized houses under PACE.

This resolution is a lot of talk and no action.

Committees have oversight responsibilities; it would be a much better use of our time to have simply scheduled 10 hours of Committee hearings on the matter.

A TRIBUTE TO LES OESTERREICH, ON THE OCCASION OF HIS RETIREMENT

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to honor Les Oesterreich, a resident of Dixon, California, a man respected as an American, a husband to Pat Oesterreich, a father to their combined seven daughters, and a grandfather. Perhaps more germane to this moment is his position as chairman emeritus of Superior Farms, the largest harvester and processor of lamb in the United States. Under his leadership, the company has grown from having a single plant in Dixon, California, to having plants in Denver, Colorado, Boston, Massachusetts, Hawarden, Iowa, and Blue Island, Illinois, with contractual arrangements in Australia as well. Today, Superior Farms employs 494 employees and operates under an Employee Stock Ownership Plan (ESOP), so that every employee has a stake in the company's bottom line.

As CEO of Superior Farms, Mr. Oesterreich skillfully guided the company by working with other industry organizations. He was honored in 2008 by the American Sheep Industry Association with its Camptender Award. He served several terms as a director of the National Meat Association, and as chair of its Small Stock Committee. He was recognized by the United States Department of Agriculture for his work with the Agricultural Marketing Service on the implementation of fair standards for lamb grading. He served on the Advisory Committee for the Animal Science Department at California Polytechnic University at San Luis Obispo and the University of California at Davis. His input to the American Lamb Board and the California Sheep Commission has guided those organizations, and during all these activities he has guided the growth and prosperity of Superior Farms to ensure that he recruited the brightest and best professional management talent available.

Mr. Oesterreich's father worked for Armour Food Co. for 35 years and he learned a lot about the meat business during his formative years in Brownsville, Texas, and Sterling, Illinois. He started work in the slaughter facilities at age 16, then learned how to load trucks, and was finally trained in meat cutting, all at Armour. He joined Superior Farms in 1981 as general manager of the Dixon, California, facility and moved up the chain of management, by dint of hard work, to become its CEO in 2004.

Off the job, he has served as president of the local fire district in Dixon; he is passionate about cars and horses; and he is a member of the American Quarter Horse Association.

As Mr. Oesterreich moves into retirement, he leaves behind an incredible legacy to be continued by the professionals that he has recruited to Superior Farms. Men like Mr. Oesterreich make the United States of America a wonderful place to live. Congratulations, Les Oesterreich!

HONORING LOU ELLA ROBINSON-WELTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Lou Ella Robinson-Welton. Ms. Welton was born to the late Reverend John D. (Doc) Robinson, a Baptist Minister, and Ella Jones-Robinson, a homemaker, on April 10, 1921, in Itta Bena, Mississippi. She was the youngest of six and is the only surviving member. Her siblings were Russell, Frank, Arie, and Seavon and Cleavon (twins). She was married to Sammie Lee Welton Senior, also from Itta Bena, Mississippi, for 41 years until his death in 1986. Sammie Sr. was a World War II Disabled Veteran, a Purple Heart Recipient, a Radio Technician, Printer, and Retired Mississippi Valley State University Laundry Technician. They have 5 children: Vernola, Arie Lue, Sammie Jr., Joyce, and Wanda, all graduates of Mississippi Valley State University. Lou Ella has 12 grandchildren, 19 great grandchildren and one great-great grandchild.

Lou Ella Robinson Welton is an educator, community activist, and for 42 years, was a full-time teacher to generations of students in and around Leflore County, and is affectionately known throughout her community as ''Miss Welton.'' Miss Welton began her career as a teacher/educator when she graduated high school, taking her first teaching job when she was 18. Public schools for African Americans in the early 1900s were rare, so her family sent her to private boarding schools. She was the first in her family to complete high school and the only one to graduate college.

She began her education in Humphreys County but the family moved back to Leflore County after only several months. She attended school at the Saint John's Palo Alto and the Leflore County Training Schools in Itta Bena and graduated from the Stone Street School in Greenwood, Mississippi in 1941. She attended Rust College, and later Mississippi Vocational College, now Mississippi Valley State University, when it was little more than a dream in the eyes of its first president, Dr. James Herbert White. Attending Saturday and summer sessions, she and her husband, Sammie (vocational degree in printing), were among the first graduating class of 1953. She was the only sibling to graduate from college and is one of only two surviving members of the first Graduating Class of 1953 at Mississippi Vocational College in Itta Bena, Mississippi.

After receiving her B.S. degree in elementary education, Miss Welton taught in the Leflore County School System for over 42 years. She taught elementary education, special education, and migrant education with an emphasis on independent living, during her career. She has attended numerous training programs at universities around the country and received certificates in many academic areas related to teaching.

Miss Welton has also been active in her community and church where she has lived for the last 89 years. She was a member of the church choir, Sunday School teacher, Home Mission Society, and still serves as a Mother of the church. Miss Welton has been a member of the Goodwill Industrial Club, which she co-founded (a group of women who assisted needy families), The Cancer Network Control, Leflore County Homemakers, and the Mississippi Education Association.

Her other activities have included selling a variety of commodities in the community that included: Avon, Shaklee, Sarah Coventry, World Book Encyclopedia and Sewing for anyone who wanted something special. She made costumes for many years for the sororities and fraternities at Mississippi Valley State University.

She worked part-time at the Roses Department Store and the Spotless Cleaners in Itta Bena, Mississippi. She has mentored numerous students who still call and come by to maintain the friendships that were garnered many years ago. She has a good memory and likes to talk about the good old days to former students, family and friends. Miss Welton remains active by attending local functions, Adult Day Care, talking on the telephone, and keeping abreast of current events through the newspaper and television.

IN HONOR OF ANN SOLDO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life of Ann Soldo, a generous community leader in California's Pajaro Valley and the first female mayor of Watsonville, California. Ann passed away at the age of 90 on January 24, 2011. She was an admired teacher that taught from the heart and touched the lives of thousands in the Pajaro Valley.

Born in Watsonville, California, on May 27, 1920, Ann received a bachelor's degree from

San Jose State University in 1942, before getting her Master's degree from Stanford University in 1954. From there, Ann began her 40-year career as an educator on California's Central Coast. In addition to teaching, Ann furthered her contribution to education through her role as principal at several schools including Aptos Junior High, where she was the first female principal. She retired from the Pajaro Valley Unified School District in 1978. In 1999, Ann M. Soldo Elementary School was named in her honor.

Ann was the epitome of public service in the Pajaro Valley. She became involved with her local government in 1979, when she was elected to the Watsonville City Council and appointed as Vice-Mayor. From 1983 to 1987, Ann served as the first female mayor of Watsonville. Moreover, she volunteered for numerous community organizations, including the Salvation Army, YWCA, and the Pajaro Valley Historical Association. After the 1989 Loma Prieta Earthquake, she co-chaired the fundraising drive to rebuild a local church and construction of the Henry Mello Center for the Performing Arts.

Mr. Speaker, Ann Soldo was an inspiring leader to so many, a woman who dedicated herself to bettering her community. Ann was proud of her Croatian heritage and took comfort in calling the Pajaro Valley home. She was preceded in death by her husband Andrew Soldo and is survived by her sister Grace Leavitt of Newport Beach, California and stepdaughter Mary Ann Jurchan of Colorado. I know that I speak for the whole House in mourning the passing of this dedicated and loving woman. Her life was a gift to her community.

IN HONOR OF FIRE CHIEF KYLE D. KING FOR A LIFETIME OF COMMUNITY SERVICE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to recognize Fire Chief Kyle D. King for his commitment to community service in Farmers Branch, Texas. Chief King retired from the City of Farmers Branch on December 31, 2010, after completing 35 years of service.

Chief King was born in Carnegie, Oklahoma, attended Southwestern State University, and graduated from Oklahoma State University. After moving to Texas, he began his employment with the City of Farmers Branch as a Fire Inspector on January 1, 1976. He rose quickly, and was promoted to Fire Protection Safety Technician in 1979, Fire Marshal in 1981, Chief Training Officer in 1985, and Fire Chief in 1991.

As Fire Chief, Mr. King held certifications as an Instructor, Master Fire Inspector, Master Fire Fighter, Master Fire Investigator, and Master Peace Officer. He was a member of the Texas and International Fire Chiefs Association and is past President of the Dallas County Fire Chiefs Association. He has most recently served as Texas State Vice President of the Southwestern Fire Chiefs Association.

Chief King has overseen the construction of several fire department buildings, including the Farmers Branch Fire Station No. 3 and the Bob Phelps Fire Administration Building. He also helped to set up the construction documents for new Fire Station No. 1. Additionally he has supervised the implementation of a mass casualty incident task force, the development of an emergency management plan, initiation of the Citizens Fire Academy, and the beginning of the paramedic engine program. Other achievements for the department include receiving a Class 2 ISO rating, recognition for maintaining an outstanding cardiac save rate, and the maintenance of extremely low annual fire losses through innovative fire prevention programs.

Beyond his work at the Fire Department, Chief King is active in his community. A Baptist deacon for over 30 years, Chief King has held several leadership roles in First Baptist Carrollton, his home church. He is also a former Chaplain for Dallas North Gideons International and currently holds the position of Membership Chair. Additionally, he mentors middle school students through the Carrollton-Farmers Branch Independent School District.

On behalf of the 24th Congressional District of Texas, I would like to thank Chief King for his exceptional career and community service contributions to the greater north Texas area. Because of his leadership and expertise, thousands of residents in Farmers Branch receive vital services each year. I ask all my distinguished colleagues to join me in recognizing Chief King for his lifetime of community service.

INTRODUCTION OF THE ''SECURITY AND FAIRNESS ENHANCEMENT (SAFE) FOR AMERICA ACT''

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the bipartisan ''Security and Fairness Enhancement (SAFE) for America Act.'' This much-needed legislation eliminates the controversial visa lottery program, through which 50,000 aliens are chosen at random to come and live permanently in the United States based on pure luck. The visa lottery program threatens national security, results in the unfair administration of our Nation's immigration laws, and encourages a cottage industry for fraudulent opportunists.

Because winners of the visa lottery are chosen at random, the visa lottery program presents a serious national security threat. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. During testimony before the House Committee on the Judiciary, the Office of Inspector General stated that the Office ''continues to believe that the diversity visa program contains significant risks to national security from hostile intelligence officers, criminals, and terrorists attempting to use the program for entry into the United States as permanent residents.''

Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from planting members in the U.S. by having those members apply for the program. As long as those individuals do not have previous criminal backgrounds, these types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our Nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the ''guarantee'' of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in a September 2003 report. Specifically, the report states that the visa lottery program is ''subject to widespread abuse'' and that ''identity fraud is endemic, and fraudulent documents are commonplace.'' Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in the 2003 visa lottery alone.

In addition, the visa lottery program is by its very nature discriminatory. The complex formula for assigning visas under the program arbitrarily disqualifies natives from countries that send more than 50,000 immigrants to the U.S. within a five-year period, which excludes nationals from countries such as Brazil, Canada, India, the Philippines and others.

The visa lottery program represents what is wrong with our country's immigration system. My legislation would eliminate the visa lottery program. The removal of this controversial program will help ensure our Nation's security, make the administration of our immigration

laws more consistent and fair, and help reduce immigration fraud and opportunism.

HONORING FANNIE M. WHITE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor Mrs. Fannie M. White, a lifelong resident of Issaquena County. Fannie White was born on September 2, 1950, to Mr. Sidney and Marie Marshall, the seventh of nine children. She is a 1973 graduate of Mississippi Valley State University with a BS in Business Administration. She is retired from the Mississippi Department of Human Services after 28 years of service. She is married to Supervisor Larry White, who is also the assistant pastor of Rose Hill M.B. Church in Mayersville, MS, and has one son, Tristan White, who is a student at Alcorn State University.

Mrs. White has always had an interest in working with the youth in Issaquena County. Since the 1970's, she has been very active in working with the youth in the church, putting on plays to celebrate different holidays. She is the Adult Sunday School teacher at St. Peter M.B. Church where she is a dedicated member. She is also the founder and president of the Mayersville Youth Development Committee, and the director of the Mayersville Children's Village. Mrs. White has worked with these organizations for several years with such services as the Summer Feeding Program, the After School Tutoring Program, as well as the Summer Enhancement Program. She enjoys summer activities with the children, which consists of Summer Fun Days at the park, trips to educational museums such as the Civil Rights Museum in Memphis, TN, the Natural Science Museum, the Planetarium, and the Civil Rights Museum in Jackson, MS. Mrs. White is also instrumental in participating with St. Jude and Muscular Dystrophy Foundation to help raise money for their organizations, also is an alderman for the town of Mayersville.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. WOOLSEY. Mr. Speaker, on February 14, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 35–37. Had I been present I would have voted: rollcall No. 35: "yes"—On Motion to Recommit with Instructions; rollcall No. 36: "no"—To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011; rollcall No. 34: "yes"—On Approving the Journal.

PERSONAL EXPLANATION

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. BASS of California. Mr. Speaker, on rollcall No. 36, had I been present, I would have voted "no."

HONORING JESSIE PEARL WATT STEWART

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Jessie Pearl Watt Stewart. Jessie Pearl Watt Stewart is the eighth child of 12 born to the late Plummie and Cora Yates Watt in Grenada, Mississippi where she was reared. She attended the Grenada Colored Public Elementary and High School where she received her high school diploma. Upon graduation from high school, she matriculated in Mississippi Vocational College, now known as Mississippi Valley State University, where she earned a Bachelor of Science and a Master of Science Degree in Elementary Education. She also did further studies at Delta State University in Cleveland, Mississippi.

It was at Mississippi Vocational College where she met and married the late Coach Conway Stewart, a native of Greenwood, Mississippi. To this union was given three beautiful daughters, Rev. Cora Denise Stewart Lowe, Valeria Stewart Skinner Moses and Yolanda Yvetta Stewart Spinks.

Jessie Stewart's genuine love for children and people and her respect for education were the guiding forces that led her to a career of teaching for more than 39 years in Indianola, Grenada, Leflore County and Greenwood Public Schools. Her dedication and commitment to the successful education for Black children and young adults of the cultural, civic/moral development of Black women were her inspiration in teaching the whole child every facet of life. This was also instrumental in her organizing several young Black women organizations, a young men's organization, Gentlemen of Quality for high school boys. She worked with junior and high school girls for more than 25 years as sponsor and counselor of a civic, social, cultural and educational club. She worked as counselor, advisor and teacher of youth, and young adults, in the Mississippi State Baptist Congress of the Young People Department of Christian Education for 10 years. Jessie's love for God is evident having served at Jones Chapel Missionary Baptist Church, as assistant secretary for more than 40 years, President of the Missionary Society, Director of Christian Education, Director of Baptist Training Union and Sunday school teacher. She has always exemplified strong Christian faith and gives God all the praise for her successes.

Her leadership ability is reflected in her service to the community, having served as President of The Rising Sun Community Organization, which has more than 300 residents, President of the Greenwood-Leflore Retired Education Personnel Association, Past President of the Third District, City and local Federation of Colored Women Clubs Inc., An active Silver Star of Kappa Alpha Omega Chapter of Alpha Kappa Alpha Sorority (AKA), Past President of the Cotillion Federation of Colored Women' Club, Board member of the Salvation Army, originator and sponsor of orphan residents of local nursing homes. She is an active life and local member of Mississippi Valley State University Alumni Chapter and she has served on the United Way and Girl Scout Boards.

She is the recipient of numerous plaques, awards and recognitions for work in the community, schools and churches. Teacher of the Year from Threadgill Elementary School 1978, Teacher of the Year Dickerson Elementary Schoo1 1991, 1993, 1994 and 1996. Employer of the Year for Greenwood City Schools 1995, A+ Teacher of the year 1992, Who's Who Among American Teachers 1993, Community Services Award for volunteers, Wesley United Methodist Church 1997, 4–H Youth Volunteer Award 1993, Club Woman of the Year, Mississippi State Federation of Colored Women Third District, Cotillion Federated Club Woman of the Year and the Greenwood Commonwealth Newspaper Unsung Hero 2004.

She continues to work untiringly, teaching, mentoring, guiding and providing active participation in her church, The Greenwood-Leflore Retired Education Personnel Association, The Rising Sun Community Organization, AKA Sorority, schools, nursing homes and wherever she is called.

UNITED STATES RELATIONSHIP WITH RUSSIA

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. DREIER. Mr. Speaker, last month, The Economist exhorted Western Leaders to more openly and consistently criticize Russia for its sham democracy, its brutal treatment of human rights activists and political dissidents, and its utter disregard for the rule of law. It was a challenge that should be taken seriously.

Our approach to Russia has been characterized, paradoxically, by a failure to be both sufficiently pragmatic and sufficiently idealistic at the same time.

Russia is a key international player with whom we must engage. That's undeniable. It is a permanent member of the Security Council. It is a key actor in any united international effort to contain Iran's nuclear ambitions. It exerts great influence in regions, such as Central Asia, with implications for our struggle against violent extremism in Afghanistan and elsewhere. Keeping our engagement with Russia as constructive and effective as possible is essential to pursuing our vital national security interests.

But this reality cannot preclude our commitment to promote democracy around the globe and condemn those who brutally suppress it. We must stand up for human rights and the rule of law, even when—especially when—they are undermined by major international players. We cannot remain silent when journalists and activists are killed or savagely

beaten with impunity, while political prisoners face years of jail time. The new guilty verdict imposed on Mikhail Khodorkovsky late last year makes it appear that the only crime that's actually punishable in the Russian Federation is opposition to Putin.

Days after the verdict was handed flown, opposition leader and former Prime Minister Boris Nemtsov was arrested for participating in a peaceful rally. He had committed the grave offense of expressing support for the protection of constitutional rights and condemning the sham Khodorkovsky verdict.

Hostility to the rule of law extends beyond Russia's own borders, as we saw in the August 2008 invasion of our democratic ally Georgia. Georgia's sovereignty and territorial integrity remains under threat today.

In our relationship with Moscow, we must learn to balance the twin imperatives of effective engagement and criticism of gross miscarriages of justice. This will only become more essential in the context of the coming debate on Russia's entry into the World Trade Organization.

Russia has moved closer than ever to acceding to the WTO. We are likely to face this prospect in the coming year and the resulting vote on whether to extend Permanent Normal Trade Relations. We will need to have a full and robust debate on this issue. We will need to ensure that PNTR is not granted until we have confirmed that Russia has fulfilled the basic obligations that WTO membership demands.

If those obligations are met, my view is that WTO accession would be a very positive step forward. Bringing Russia into a rules-based trading system would bind Moscow to the rule of law. It would create consequences and enforcement mechanisms for failure to live by its commitments. WTO membership is by no means a panacea, particularly for systems as deeply flawed as Russia's. But it would be a significant step in the right direction.

Not only would it impose the rule of law in Russia's trading relationships. It would demonstrate that even Moscow recognizes the value of international rules of fairness. This should serve as a reminder that their presumed indifference to our criticism is no excuse for failing to voice that criticism. We need to engage with Russia, but Russia also needs to engage to with us. We cannot shy away from taking a public stand against increasingly brutal repression at the hands of those with whom we have important negotiations.

Neither can we lose sight of the fact that supporting the rule of law is not just about promoting American ideals. One of the most important lessons of the last decade it that democracy strengthening is as firmly grounded in realpolitik as it is steeped in lofty, high-minded ideals. If our moral clarity helps to strengthen democracy advocates in Russia, we will further our strategic goals in the long run. A less corrupt, less autocratic regime in Moscow will result in a better international partner.

As Vladimir Kara Murza has written in World Affairs, defending the rule of law is not just our right but our duty. Last week Vladimir wrote that statutes of the Organization for Security and Cooperation in Europe, to which both the U.S. and Russia are party, make this clear. The statutes state ''issues relating to human rights, fundamental freedoms, democracy, and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order'' and ''commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States.''

As a member of key international bodies and an aspirant to the WTO, Russia has subjected itself to international norms. The U.S. and its Western allies must take seriously the responsibility to hold Russia accountable for its commitments and its actions.

The Russian people have a long and tremendous history. Their government has very tragically tried to return this great people to a dark chapter of that history. But if we refuse to stay silent in the face of egregious human rights violations while constructively engaging in key negotiations, I believe we can effectively encourage positive change in Russia.

RECOGNIZING MARY EVELYN ARNOLD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today, along with my colleague, Representative MIKE THOMPSON, to recognize Mary Evelyn Arnold, who has been named the City of Sonoma's 2011 Alcaldessa, or Honorary Mayor.

The title, ''Alcalde'' or ''Alcaldessa'' when referring to a woman, is the Spanish word for ''Mayor.'' During the Spanish colonial period in California, the Alcalde was the primary civil authority. In modern times in the City of Sonoma, it is an honorary title and the contemporary Alcalde or Alcaldessa presides over ceremonial events for the city.

Alcaldes and Alcaldessas are nominated by the community and are representative of individuals with a long record of volunteer work. Ms. Arnold is no exception to this rule.

At the top of the list of Ms. Arnold volunteer passions is the library. She has served on both the Sonoma County Library Commission and as Chair of the Sonoma Valley Library Advisory Board.

She also serves as Treasurer and Chair of the Investment Committee at Vintage House, organizes the Wednesday cooking crew at Meals on Wheels and bakes birthday cakes for the WillMar Center, which offers support and counseling for children and teens grieving the death of a loved one.

Pets Lifeline (where she is the unofficial cat cuddler), Kiwanis Club of Sonoma Plaza and the AAUW Scholarship Committee round out her volunteer community activities.

Ms. Arnold is also very active in her church, serving on the Committee on Ministry of the Northern California Nevada Conference of the United Church of Christ and serves as Vice Moderator of the First Congregational Church of Sonoma.

Ms. Arnold moved to Sonoma County in 1987 and was the co-owner of a specialty wine business and worked for the Wine Business Monthly and Wine Business Insider for several years, finishing her career with internet.com.

Mr. Speaker, Mary Evelyn Arnold is the quintessential volunteer, a dynamic and well respected member of the community. It is therefore appropriate that we acknowledge her today as the City of Sonoma's Alcaldessa for 2011.

HONORING MICHAEL LATIKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Michael Latiker. Mr. Latiker was the first born to the late Charlie and Earnestine Latiker. He is a lifelong resident of Yazoo City, Mississippi. He attended school in Yazoo City and graduated from Yazoo City High School in 1977. Michael is a man with a heart of gold. He is a selfless servant to the public, a helping hand to those in need, a visitor of the sick, and a fierce friend.

Latiker was introduced to Christianity at an early age by his parents. He is an active and a most dedicated member of King Solomon Baptist Church, where he serves on the deacon board and a committed usher. Besides his Christian duties, he acquired other responsibilities which include: The Outreach Program of the community established by Herman Leach, The King Solomon Male Choir, softball coach of males at Roy Capernella Park (ages 6 through 14), Yazoo Brotherhood and mentor for the youth as well as his children Roderick Miguel, Verneda, and Eureka.

Michael's work never ends without a loving smile. No task for him has ever been too enormous. The philosophy he shares, ''Never too early; Never too late, Just call.'' He has affected and changed the lives of many people and has made the community a better place in which to live. With his faith in Christ, he in a portrait true of brotherhood.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. CLARKE of New York. Mr. Speaker, I was unavoidable detained in my district and missed several votes on February 14, 2011. Had I been present, I would have voted ''yea'' on rollcall No. 35, the Motion to Recommit with Instructions, and ''no'' on rollcall No. 36, final passage of H.R. 514.

IN HONOR OF PRESIDENT GEORGE H.W. BUSH ACCEPTING THE PRESIDENTIAL MEDAL OF FREEDOM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, today President George H.W. Bush accepted the Presidential Medal of Freedom from President Obama.

President Bush, dubbed ''41,'' and I share the common bond very few combat veterans have experienced. We both were shot down while flying for our country. I am thrilled to report that he had a better experience after the

shoot down than I did, but it's a once-in-a-lifetime experience that instantly bonds you with fellow survivors. I will always recall the day that I said goodbye to him on the tarmac at Andrews Air Force Base as he left Washington when President Clinton took office. I still hang the note that he wrote me thanking me for being there in my office. He's just that kind of personable guy who not only thinks of the little things that helps people feel great, he makes time for them.

To commemorate the awarding of the Presidential Medal of Freedom, I would like to submit a poem, the Man the Lord Pulled from the Sea, written by Albert Caswell.

Congratulations, President Bush. You're an outstanding American and a great patriot. God bless you, and I salute you.

THE MAN THE LORD PULLED FROM THE SEA

A patriot's plane was shot from the sky . . .
Would this brave heart live or die?
What was to be?
With his two comrades gone . . .
As their fine souls rose up to Heaven, with our Lord living on, eternally . . .
And from the heavens up above, our Lord God in his love . . . reached down and pulled this Hero, this Man From The Sea!
Our 41st President . . . born,
George Herbert Walker Bush in Milton Massachusetts . . . on June 12th, 1924 . . .
Score a lifetime of public service, to his Nation so great be assured!
As none other in history, have so equaled so before!
When all is said and done, his records are the ones . . .
The historians will contend, are one of the greatest Presidents I'm sure!
Born of wealth, power, social prestige and such fame . . .
How so easily, he could have so made . . . his life just a game!
Instead, he chose public service . . .
As had too, his most distinguished Father Prescott Bush . . . all of Senate fame!
With a lifetime of public service, he can now so claim . . .
Has so given even greater honor, to that already prestigious family name!
Just out of Phillips Academy, at 18 as he knew he had to be . . .
Off to war for this his country 'Tis A Thee . . . ready to die!
With, The World To Be Saved, and a war to be won!
This hero flew off, to that land of the rising sun, up in the sky . . .
Not hiding behind social position, as the world lie in such a horrid condition!
All because, patriot's never ask why!
Leaving, he was barely a man . . .
But returning home, as before us now so stood a hero so grand . . .
One of America's Best, no one denies!
As once again, in 1944 he was so blessed . . .
As he wed his true love and wonderful wife, Barbara Pierce no less . . .
And still, to this very day . . .
Their great love story and wonderful family they consider, of their life's greatest of all success!
Returning home, as straight to Yale . . .
As his heart would so roam, eager to grow at Andover he had been ready to learn . . .
Captain of a championship baseball team, even then the word Bush meant lead!
As great respect as a Leader, he had so earned . . .
For athletics and exercise, he truly yearns . . .
For within his heart, this great passion and way of life has ever so burned!
As a cowboy at heart, as so soon he drove off westward ho . . . out of town . . .
As to Texas as an oilman, he was so surely bound . . .
Then, giving up his company he had built from the ground . . .
As when inside his great heart, so came a calling sound!
So soon he discovered, it was public service that he was in love with . . .
Where his future and heart, and life's work were so to be found . . .
Following his respected Dad, Prescott footsteps into Congress for two terms . . .
And as the head of the CIA, as all of those commies he so burned . . .
Ever striving to improve, growing and learning, as The Man On The Move, as for great challenges his heart ever yearned!
With it becoming clear, that ''The White House'' was ever near, and all of the World.... The Name of Bush would so soon learn . . .''
Serving as Vice President . . . for two terms . . .
As no higher respect . . . in this that office has so since been so returned!
As Timber Wolf, was the ''Go To Guy''!
Among world leaders, his respect was so very high!
That's something, that which must be so earned!
Then The President in 88, no more accomplished resume has ever been so great!
As has had The Electoral College so confirmed!
As history one day . . . shall so forever say . . .
No more productive 12 years of Executive service, has ever come her way!
Because in 12 years . . . such incredible events!
As a real future for our children, had so commenced . . .
As the records will say . . .
Bush and respect, and World leadership, are now one in the same . . .
As communism fell, do you remember that magnificent day?
Our Lord so remembers, your great fight and devotion doing right . . .
To save that most sacred gift of life, ''The Unborn Child!''
As now, high above you he so stands so proud . . .
With tears in his eyes, as all across the heavens with great smile . . .
For each and every life, is so precious and so dear . . .
For it's our Lord's greatest gift which so blesses us, as Robin your sweet child so clear!
While, all of the others questioned . . . it was you who so drew that line in the sand! ''This aggression shall not stand!''
Mr. President, your plan saved the Mid East!
Bringing together each, Jewish and Arab, woman and Man . . .
For you had seen Hitler, and the evils that men do . . .
As you all in your lifetime, had so lived through . . .''No Never Again!''
As you had stood in harms way once before!
And you knew of the great cost to families in of war!
So you followed a code!
Giving to each and every hero, all that they would so need so!
So that they could so carry that load!
As you said, ''if a hero must die valiantly in this honor's code''!
Then, to their loved ones . . . their true fine worth must be showed!
And no classier First Lady, or President have ever so graced our Heartland . . .
Reaching out to all, with but a warm hand . . .
The Old System, a Member of The Gold System . . . for which you so surely stand!
In your treatment, of the average woman and so man . . .
We come this way but only once, and how the big people treat us, so surely makes our world's of such . . .
All in our Lord's plans . . .
For in this Capitol Town, the words class are often found . . .
Whenever, the name of George Bush we so sound!
As his secret service tell of a man so renowned!
While, working for Timber Wolf in town . . . he's a guy they love to be around!
With his great sense of humor, as him and Dana roll on the ground . . .
And his buddy Arnold, never lets him down!
On your last days in office, how some people had forgotten what you had done . . .'Oh, how it gives us such pain!
But, history shall be far kinder and remember your name . . .
And never forget your great record there, as always will remain . . .
As it's your words which so ring true, indeed it is what you do! ''It's all about character'' . . . Time and Time Again!
Now, listen ever closely . . .
From up in the Heavens up above . . .
As our Lord looks down upon you, on this earth in all of his love . . .
As he's been watching you, throughout all of these years . . .
As these words you may hear, on a gentle breeze from up above . . .
''George my Son, you've never let me down'' . . .
I'm so glad that I pulled you, from the sea as I found . . .on the wings of a dove'' . . .

—*Albert Caswell*

HONORING JOSEPH CLEOPHUS DAVIS, SR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Joseph Cleophus Davis, Sr., a long time resident of Port Gibson, Mississippi for 53 years. He was born June 5, 1934 in Claiborne County, Mississippi, to the union of Benjamin Davis, Jr. and Paris Smith, and he shares the June 5th birth date with his mother who celebrated her 102nd birthday on June 5, 2010. Joseph was reared by his paternal grandparents Abby & Benjamin Davis, Sr. and his father in Lorman, Mississippi. Mr. Joseph Davis attended the Jefferson County Schools before he enlisted in the United States Army at the age of 18. He served his country for 3 years, being station at Ladd Air force Base in Fairbanks, Alaska; and at Fort McCullum Army Base in Anderson, Alabama, he served 6 months in the capacity of TDY/Military Policeman. While serving in the Army Reserve in 1961 he was inducted back into active duty because of the Berlin Crisis. He received an Honorable Discharge from the United States Army in 1962.

Mr. Joseph Davis was employed with the Westin House Electric Company from August 1965 through April 1967. Mr. Joseph Davis

was sworn in as a Port Gibson City Policeman in April of 1967, taking this oath gave him permission to carry a weapon in the city, making him the first official black policeman for the City of Port Gibson. Later in life, he was afforded an employment opportunity at one of the great Historically Black University, Alcorn State University. He served in the capacity of Campus Police Officer for 8 years. His great leadership quality and abilities lead him to be offered the Chief of Campus Security position. Her served in this capacity for a total of 11½ years. He celebrated his retirement at the age of 58 in 1992. After a few months into his retirement he decided to become a Deputy for the Claiborne County Sheriff Department from 1993 to the present. He also works in his store F & J's (Faye & Joe); the store is a very special place for the children of his community.

Mr. Joseph Davis joined Christian Chapel Church in 1957 under the direction of Elder T. E. Harris. He has served the church as a junior deacon, a deacon, Chairman of the Board (two terms), Christian Men Fellowship (two terms) and has volunteered on many committees; he presently serves as an Elder.

Mr. Joseph Davis is a graduate of Alcorn State University with a BA in Sociology, a member of the Phi Beta Sigma Fraternity, St. John's Lodge #4, a Charter Member of the NAACP, two time President of the Claiborne County Branch of the NAACP, a former member of the Board of Governors for the Claiborne County Family Health Center Community Health Center, and a former leader for Boy Scout Troop #253.

Mr. Joseph Davis has been married to Faye Vera (Holt) Davis for 52 years. They are the parents of four children: Belinda, Joseph, Jr., Myrtle and Patrick.

PERSONAL EXPLANATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. CULBERSON. Mr. Speaker, on February 14, 2011, I was unable to be present for all rollcall votes due to illness. If present, I would have voted accordingly on the following rollcall votes: rollcall No. 35—nay; rollcall No. 36—aye.

HONORING MATTIE KNIGHT WASHINGTON—EDUCATOR AND COMMUNITY ACTIVIST

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mattie Knight Washington. Ms. Washington, the sixth of fourteen children was born and raised in rural Yazoo County, Mississippi. Mrs. Mattie Knight Washington—an outstanding educator and community activist; first and foremost professes God to be her personal Savior. With the firm belief that family is the most basic and important institution in society, Mrs. Washington proudly represents the adage "a Knight in shining armor"! She is a fine example of bravery, heroism, courtesy, and generosity. This celebrated woman is the epitome of courage, strength and love.

A trailblazer in the area of education, Mattie Bee (as she is affectionately called) learned her first lessons in a home where she was raised by God-fearing parents amid several siblings and members of her extended families. During her teen years she entered Jackson State College (JSU) where she worked very diligently to earn her General Education Diploma (GED). She pursued her goals and later earned a Bachelor of Science, making her first in her family to attend college. Being thirsty for knowledge she obtained a Masters of Science and Education Specialist degrees, all at her dear JSU. Although she has completed further studies at Delta State University, Mississippi State University, and the University of Southern Mississippi, Jackson State remains her "school of the heart." She has served as president of the local chapter of the Jackson State University National Alumni Association.

Mrs. Washington has not only taught for over 32½ years, retiring in 2004, but she also displays her strong desires to give every child the opportunity to be educated and expand their experiences through sponsorship/coordination of many successful educational field trips for students in Yazoo County to various sites in Mississippi, as well as Tennessee, Louisiana, Florida, New York, and the nation's capital—Washington, DC. A lifetime member of the Mississippi Association of Educators (MAE) and the National Educators Association (NEA), Mrs. Washington takes pride in teaching children to find a love for education within them. She actively participates in educational enhancement programs and projects in the community, including the G.A. Carmichael Family Health Center, the Yazoo County Chamber of Commerce-Competitive Community, Adopt-A-School Programs, serves as a board member of the Historical Preservation Society, and is an Election Commissioner.

Reflecting on the biblical passage "The Lord loves a cheerful giver. (11 Corinthians 9:6–7), Mrs. Mattie K. Washington is a strong supporter of the church. Having served in various capacities, particularly in the organization of the Youth Choir, she was one of the first three members of King Solomon Missionary Baptist Church to make a sizeable monetary contribution to the renovation efforts of its fellowship hall. She also assists other community churches in their efforts.

Mattie believes in balance in her life, so she not only gives materialistically, but she also gives of herself through donation of her time and talents. She was the first African-American woman to have started a catering service in Yazoo County, and still enjoys cooking and baking for large numbers of people. One will still find this being displayed over the last 26 years as she honors the Mother Board of King Solomon's Church with an elaborate tribute dinner, where her culinary prowess is demonstrated. She thoroughly enjoys lauding others for their good work so she often takes on sponsoring dinners for the Police Dept., the Mayor and Board of Alderman, as well as family gatherings where city, state, and national officials come to break bread also. This year was her first year spearheading the "Make a Difference Day" event that was formally headed by nationally acclaimed local sponsor, Ms. Leola Dillard.

People from all walks of life, ages, and ethnic backgrounds have benefitted from Mattie's contributions. Her philosophy of whether you are prince or pauper, queen or maid, you will find the same warm, friendly welcome to her home, heart, and life. (She is still educating through modeling!)

Mrs. Washington attributes her inspiration to be an educator from the following: her parents, Roosevelt and Minnie Vaughan Knight, who were not afforded the opportunity to obtain formal education; daughter, Debra Knight Howard, an educated business leader; Joseph G. Williams, a fellow educator, who all preceded her in death; supported by her loving husband, George Washington; daughter, Jennifer Washington; and grandchildren, Deidra, David B., Draven Howard, and A.J. Washington; along with her 13 siblings and countless other relatives, friends and associates.

Mrs. Mattie Knight Washington lives to "make a difference," symbolizing courage, strength and love.

THE INTRODUCTION OF THE WASHINGTON CHANNEL BILL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. NORTON. Mr. Speaker, this non-controversial bill, which the House passed by unanimous consent in the 111th Congress, will allow development at the Southwest Waterfront in the District of Columbia. This bill will benefit not only D.C. residents, but also regional residents, businesses and national and international visitors, by permitting the District to extend docks and increase recreation and maritime activity just an eyeshot from the U.S. Capitol. The District urgently needs this bill to finalize plans for the Southwest Waterfront, which it hopes to convert into an attractive location for residents and visitors alike.

In order for the District to make these improvements, the Federal Government must redesignate part of the water designated by the Federal Government as the Washington Channel, so that more and larger docks can be built by the District to accommodate increased boating and waterside activity. The original width of the Washington Channel was established in the early 1800s, prior to the construction of East Potomac Park, to accommodate industrial and maritime commerce at the Southwest Waterfront. Today, however, the Southwest Waterfront is no longer a major port and does not accommodate large vessels. In fact, the U.S. Coast Guard, the U.S. Navy and the U.S. Army Corps of Engineers have agreed that this redesignation will not affect navigation interests or adversely affect navigation safety.

I ask Members to support this non-controversial change to reinvigorate the Southwest Waterfront for the city, region and visitors to enjoy.

HONORING THE REVEREND EDWARD JOSEPH HILDEBRANDT, JR.

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor the Reverend Edward Joseph Hildebrandt, Jr., and celebrate a life dedicated to serving the American people. On the ninth anniversary of his passing, I would like to commemorate the selflessness and devotion that Reverend Hildebrandt exemplified in every aspect of his work.

Reverend Hildebrandt was born on June 7, 1940, in Hoboken, New Jersey. His family life was difficult, and he grew up protecting and providing for his siblings in their broken and often abusive home. He eventually enlisted in the Army, serving for 4 years as a military policeman, including a tour of duty in Korea where he was stationed at the Korean Demilitarized Zone. After leaving the military, Reverend Hildebrandt worked as a union leader and postal clerk in the Carlstadt and East Rutherford Annex Post Offices. He also worked part-time as a house painter and metal foundry worker. Reverend Hildebrandt was never idle, providing for his family as well as others in their community. He would often invite less fortunate families into his home until they were able to get back on their feet.

Reverend Hildebrandt's strong desire to serve people and improve his community led to his becoming a deacon in the Roman Catholic Church in the late 1970s. He ministered to parishioners at churches in Little Ferry, Garfield, and East Rutherford; however, he would happily minister to those in need—people did not have to be a member of his congregation to receive his attention. With a growing population of Korean immigrants in his community, Reverend Hildebrandt used the cultural knowledge he gained during his military service in Korea to communicate with and provide aid to many families. He also served his community as a Boy Scout leader, Little League coach, and as a member of both the Knights of Columbus and the Rosary Altar Society. Reverend Hildebrandt was a published poet, part of the Hoboken Historic Society, and involved with the National Park Service. He was a founding member of New Kid Ministries in Stockholm, New Jersey.

Despite his deep involvement in many aspects of his community, Reverend Hildebrandt's most proud accomplishment was his 39-year marriage to his wife Rosemarie Ali Hildebrandt, and the nine children they raised together in the Borough of Carlstadt. He was also blessed with four grandchildren. Reverend Hildebrandt's passing on February 2, 2002, was a tremendous loss for both his family and the community which he served.

Mr. Speaker, today I would like to honor the life of Reverend Edward Joseph Hildebrandt, Jr., and join his family and friends in fondly remembering his many years of devoted service to the people of Northern New Jersey.

HONORING JOYCE ROBINSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Joyce Robinson. Ms. Robinson was born on December 8, 1954 to Doris Murray and Charles Welch. She attended Crystal Springs High School. She married Eugene Robinson on October 2, 1972. They have two sons, Eugene Robinson II and Jarvis Robinson. Joyce works for the George Harris Building Company located in Hazlehurst, MS.

She attends Brushy Creek Baptist Church were she serves in the sanctuary choir, vice president of mission ministry, secretary of the mother ministry and church clerk. She is a member of the Heroines of Jericho, Hopewell Court 118. She is also a member of the Hazlehurst Schools' PTA.

She takes care of her mom who are and other senior citizens in the Crystal Springs area. Many of the senior citizens, who are Veterans of the Civil Rights Movement, depend on Joyce to help them in completing their absentee ballots. She does voter registration throughout Copiah County. During Hurricane Katrina, Joyce assisted in preparing meals for the displaced. She is always a "helping hand" to her neighbors.

HONORING DR. TIM BURLINGAME

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in memory of Dr. Tim Burlingame, a great American who faithfully and tirelessly served the community and inspired thousands of young people to better themselves through the word of God.

From 1980 to 1984, I had the pleasure of working with Dr. Burlingame as a member of the Board of Directors of Sonrise Christian School. Dr. Burlingame dutifully worked to ensure his students received the finest academic and religious education from preschool to eighth grade. In August 2010, Dr. Burlingame retired from Sonrise Christian School as head administrator, a position he held for 35 years.

Dr. Burlingame generously gave his time to many educational causes. He served as a board member for the Western Christian School and the Association of Christian Schools International where he also acted as commissioner. He was a leader whose impact was undoubtedly felt well beyond the San Gabriel Valley communities to which he was so devoted.

Dr. Burlingame was an exceptional community volunteer. He was an active member of the Rotary Club, the Covina Planning Commission and a Director for the Covina Chamber of Commerce where he served a term as President.

On October 28, 2010, Dr. Burlingame left our mortal world and returned home to God.

Dr. Burlingame was a devoted Christian, loving husband, father, grandfather and valued community leader. I am proud of his many accomplishments and contributions. He has made a lasting mark on my life and countless others.

Mr. Speaker, I respectfully ask that this Congress join me in honoring the memory of Dr. Tim Burlingame, a truly great American.

A PROCLAMATION RECOGNIZING THE HONORABLE J. TIMOTHY CAMPBELL IN HONOR OF HIS SERVICE AS GREENE COUNTY JUDGE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Judge J. Timothy Campbell for his outstanding efforts of preserving justice in the Greene County Community.

In receiving this distinguished tribute, Judge Campbell has been recognized as an exemplary elected official. Judge Campbell has dedicated nine years to Greene County serving as a Judge in the Greene County Common Pleas Court. Throughout his 37 years of practicing law, he has accepted many roles that range from serving as an Assistant Greene County Prosecutor to serving on educational and service boards. Along with his practice of law Judge Campbell is a renowned author and has published many articles and educational publications. Judge Campbell has also shared time as an instructor and faculty member at RETS College and Wilmington College. He has shown himself to be a prominent and hardworking member of the Greene County community.

Judge Campbell is the epitome of selflessness, commitment and impartial justice. He has demonstrated sincere dedication to providing equality and justice in Greene County. It is his exemplary efforts that assist the progress of our nation in fairly and efficiently protecting our citizens.

Thus, with great pride, I congratulate Judge J. Timothy Campbell for his commendable service to the community and extend best wishes for the future.

HONORING MANUEL WELCH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Manuel Welch, a retired Copiah County District Four Supervisor, born in Copiah County in the Shady Grove community. He attended Shady Grove School and joined Shady Grove M. B. church at an early age. Later his family moved into the Crystal Springs School District where he attended school. He graduated from Holtzclaw High School and soon after graduation obtained a summer job at the GEM plant.

Manuel attended Utica Junior College for one year. He received his first full-time job at a furniture plant in Jackson where he worked for 20 years. He found another job interest as he became a Tax Preparer in 1978.

Manuel was active in the civil rights era. In 1982 he was instrumental in getting Copiah County redistricted. He won the 1983 election but it was taken from him. Manuel didn't get elected until 1985 as the first black Supervisor in Copiah County.

He is an active member of the Copiah County NAACP, the Copiah County Democratic Executive Committee, and is a Mason.

HONORING BETTY DAVIS

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mrs. MYRICK. Mr. Speaker, for almost a half a century, Betty Davis—affectionately known as Miss Betty—has been serving the community at Queens University in Charlotte. Having been at Queens for nearly a third of the university's history, she's its longest serving employee, and everywhere you look, you can see Miss Betty's influence.

She began working at Queens in 1962 as a housekeeper in one of the residence halls. She then became a housemother, saying recently in an interview that the girls in her houses respected her because she respected them.

It's her respect for those around her that has made Miss Betty more than just a friendly face on the Queens University campus—she's someone that students, faculty and staff know they can turn to at any time.

In 1978, university President Dr. Billy O. Wireman took notice, and asked Miss Betty to be his personal assistant. She says that she became like family with Dr. Wireman. He presented her with the Honorary Alumna Award in 1988; she sat with his family at his funeral in 2005.

Close to starting her 50th year at Queens, Miss Betty has recently been named the doyenne of the Queens dining hall. When she's not caring for what she calls her "Queens children" during the school year, she's often spotted around Charlotte—whether shopping or walking around Freedom Park. She's a celebrity-type figure, and anywhere you go around town, you're sure to find someone who knows Miss Betty.

In an article recently published by the Queens University Magazine, Miss Betty recalls a piece of advice her friend and mentor Dr. Wireman once told her: "Gal, don't ever say no. Say you'll try your best." And that's exactly what Miss Betty has been doing for Queens University, her family and the Charlotte community for five decades. We appreciate her service to generations of Charlotteans, and look forward to many more years of her guiding influence.

HONORING MARY EVELYN ARNOLD OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today, along with my colleague, LYNN WOOLSEY, to recognize Mary Evelyn Arnold, who has been named the City of Sonoma's 2011 Alcaldessa, or Honorary Mayor.

The title "Alcalde," or "Alcaldessa," when referring to a woman, is the Spanish word for "Mayor." During the Spanish colonial period in California, the Alcalde was the primary civil authority. In modern times in the City of Sonoma, it is an honorary title and the contemporary Alcalde or Alcaldessa presides over ceremonial events for the city.

Alcaldes and Alcaldessas are nominated by the community and are representative of individuals with a long record of volunteer work. Ms. Arnold is no exception to this rule.

At the top of the list of Ms. Arnold's volunteer passions is the library. She has served on both the Sonoma County Library Commission and as Chair of the Sonoma Valley Library Advisory Board.

She also serves as Treasurer and Chair of the Investment Committee at Vintage House, organizes the Wednesday cooking crew at Meals on Wheels, and bakes birthday cakes for the WillMar Center, which offers support and counseling for children and teens grieving the death of a loved one. Pets Lifeline (where she is the unofficial cat cuddler), Kiwanis Club of Sonoma Plaza and the AAUW Scholarship Committee round out her volunteer community activities.

Ms. Arnold is also very active in her church, serving on the Committee on Ministry of the Northern California Nevada Conference of the United Church of Christ and serves as Vice Moderator of the First Congregational Church of Sonoma.

Ms. Arnold moved to Sonoma County in 1987 and was the co-owner of a specialty wine business and worked for the Wine Business Monthly and Wine Business Insider for several years, finishing her career with internet.com.

Mr. Speaker, Mary Evelyn Arnold is the quintessential volunteer, a dynamic and well respected member of the community. It is therefore appropriate that we acknowledge her today as the City of Sonoma's Alcaldessa for 2011.

IN MEMORY OF KATHY RADKE AND HER CONTRIBUTIONS TO OUR COMMUNITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, along with my wife Cynthia, my sons George and Stephen, I rise today to join with the citizens of my hometown, Martinez, California, to mourn the death of our friend and neighbor Kathy Radke.

Kathy was a friend in the best sense of the word, and she was a neighbor in the largest sense of the word: she worried about us, inquired after us, and supported us as individuals and as families.

Kathy, along with her husband Ted, brought a vision of community that would be supportive of children, families, and our elderly. Hers was a vision that included environmentally sound policies to make our city safer and our community a more enjoyable place to live.

Time and again she was successful in realizing this vision, as she moved through Martinez as a parent, as an elected official, as a volunteer, and as an organizer.

We were all shocked and saddened to learn of her serious illness last year and her passing last week. It's difficult to think of our town without Kathy's caring, her vision, and her drive.

Now along with Ted and her sons HT and Dylan, we will all have to work harder to maintain and grow the many gifts she left for us. We all are going to miss her and the strength of her spirit.

I know that my colleagues will join me in celebrating the life of Kathy Radke, and expressing our condolences to her family and her many friends. I want to draw my colleagues' attention to an article in the Martinez News-Gazette about Kathy and her great legacy, and I ask unanimous consent that the full article be printed in the RECORD.

[From the Martinez News-Gazette, Feb. 10, 2011]

KATHY RADKE: ENVIRONMENTAL CHAMPION, CIVIC LEADER, CHERISHED FRIEND TO MANY

(By Greta Mart)

The woman largely responsible for protecting Mt. Wanda from development, conserving the Franklin Hills as open space and galvanizing community support for Alhambra Creek died this week: Kathy Radke passed away on Monday from pancreatic cancer. She was 71.

During her two terms on the Martinez City Council, Radke focused on water quality issues and worked to bring cleaner water to Martinez residents. Later, the geriatric peer-counseling program she created became a model for others around the state. Another late career change saw her becoming licensed as a conservator, managing financial and health matters for elderly patients.

On Wednesday, her son Dylan Radke, currently the chair of the Parks, Recreation, Marina and Cultural Commission, spoke about his mother's life and touched on the many roles Kathy played in the civic life of Martinez.

Born in December of 1939 and raised in Chicago, Kathy was the middle of three sisters. Her father Otto ran a family beer distributing business, said Dylan, and she attended the Chicago Commercial High School, graduating at age 16.

For a few years Radke worked for the American Medical Association in Chicago and then New York City as an executive secretary until she volunteered for the newly-established Peace Corps.

The Peace Corps took her to rural Guatemala, where she taught nutrition and trade skills. When her stint was up, she moved to San Francisco and enrolled at San Francisco State to earn a B.A.

There she met Ted Radke, who was a fellow student and served as a teaching assistant for one of Kathy's classes.

The two were married and she dropped out when the pair moved to Martinez and had their first child, Harold Theodore III in 1969.

Asked the reason his parents chose Martinez, Dylan said it was a combination of his paternal grandparents living here and his father securing a job at what was then

called the Abandoned and Abused Children's Center, across from the County's Juvenile Hall.

Dylan was born in 1971, at a time when Ted was mounting his first political campaign. Kathy was the key staffer on Ted's campaign for City Council, which he won. Ted served for one term on the Martinez City Council before being elected to the Board of the East Bay Regional Park District in 1977, a position he still holds.

''During that same time, both my parents helped found the Contra Costa Ecology Action,'' said Dylan. ''They were trying to draw attention to environmental issues; how pollution, poor air and water quality affect health. It was an environmental advocacy group.''

Ted left county social services for a teaching position at Contra Costa College while Kathy worked as a secretary for the Martinez Unified School District and subsequently the local electrician's union.

Ted's campaign had apparently inspired Kathy to public service, as she was elected to the City Council in 1982 and served for two terms. She ran for Mayor in 1984, but lost to Mike Menesini.

''Although the office is non-partisan, my mother would not be ashamed to be identified as a Democrat. She was really into water quality; it was a hot issue then due to the proposal of the Peripheral Canal idea. She was also dedicated to maintaining Martinez's small town character,'' said Dylan. ''Mom was active in trying to protect the Franklin Hills [from development] and same with Mt. Wanda. She worked with George Miller to get Mt. Wanda to become part of the John Muir National Historic Site.''

Former Council member Peter Langley said this week that he and Kathy were very close friends when they served together on the Council.

''We were both on the water subcommittee and what we were trying to do was get better water quality for Martinez,'' said Langley. ''Kathy was very much an environmentalist. One of the issues was a development in the Alhambra Hills, which is still before the City Council and we turned down several proposals for the Franklin Hills. South of Highway 4 where Alhambra Valley Road shoots off from Alhambra, there is a place where there is a sort of natural entrance to the hills, a canyon, and there was a guy who wanted to put a development there,'' which Radke opposed.

Langley said that one couldn't dislike Kathy Radke.

''She had a very sunny personality, very warm,'' he said.

Dylan Radke said after his mother left the Council, she returned to finish her Bachelor's degree at Cal State Hayward. She went on to earn a Master's in Human Development and started working on a second Master's in Public Health when she was recruited by Contra Costa County to do geriatric social work.

When he was on the Board of Supervisors, now-Senator Mark DeSaulnier proposed creating a senior peer counseling program and asked Kathy Radke to head it up.

''The program was very successful and become a model for others,'' said Dylan.

''She set up a fabulous peer counseling program that's been copied elsewhere,'' said Radke's friend Harriett Burt.

In the mid-90s, Radke was appointed to the John Muir Health Board of Directors and ran for Board of Supervisors, but was defeated by Gail Uilkema.

After retiring from her County position a few years ago, Radke started a new career by obtaining her license as a fiduciary conservator.

''Conservators are people who manage the care for people who are unable to do it, older adults who no longer have the capacity to manage their financial affairs,'' said Dylan. ''Conservators are court-appointed and Mom would essentially make sure they are being seen by doctors and bills are being paid, it enabled them to continue to live longer in a home environment.''

In the late '80s, Kathy and Ted Radke helped found the Friends of the Alhambra Creek organization.

''There was concern over the accumulation of debris and trash in the creek and with more development in [Alhambra Valley], also watershed issues. [The founders] were primarily trying to restore the creek to a natural flow and making sure it was healthy for fish, turtles, and of course, beavers,'' said Dylan Radke. ''[Kathy], along with Igor Skaredoff and Jane Moore, those three would organize creek cleanups because they saw the creek as vital to the downtown and [Alhambra] valley ecosystem.''

''The first time I met [Kathy], Shirley [his wife] and I went to a slide show by the Friends of Alhambra Creek. Several members had hiked to the source, in Briones, and took pictures. That's when we joined FAC, circa 1990,'' Skaredoff said Wednesday in a telephone interview. ''We hit it off and started doing things together like surveys and creek cleanup. Kathy and I designed a little brochure [about the creek]. Kathy also created a creek protection ordinance for the City of Martinez that is still in the General Plan. It's a great legacy from her; it's actually written into the General Plan how to protect [the creek].''

Turning to the more personal attributes of Radke, Skaredoff described Kathy as possessing a great sense of humor.

''Always she could find something to laugh about, something positive. Whenever you were around her you always felt better, she had that way about her,'' said Skaredoff. ''She was a vital force. I'm very happy I met her and our community was so much better off with her in it.''

Jane Moore also became close to Radke after joining the Friends of Alhambra Creek, and later worked on Radke's campaign for the County Board of Supervisors.

''I've been meaning to look up the definition of this word, although it's usually used in a negative way, because Kathy always comes to mind when I hear it: instigator. She was an instigator in the best sense of the word, in the way she got ideas going, got people interested in ideas, instrumental in showing people how to use their best potential,'' said Moore. ''I wouldn't be doing the work I'm doing without her, she inspired me to get my degree. The loss of Kathy Radke is a huge loss to Martinez and Contra Costa County. She was pivotal in so many people's lives, programs and services. She was an incredibly important person, giving and generous.''

Another friend who had known Radke for many years, Sheila Grilli, said described her death as ''such a loss.''

''We were political cohorts: I ran for City Council when she ran for Mayor. She was fair and well liked, and a happy person. We traveled together a couple of times a year to Mexico and Hawaii—and she was easy to get along with, energetic and open to suggestions. It's hard to imagine that someone as dynamic and interesting is gone,'' said Grilli.

Dylan said traveling the world was one of his mother's passions.

''She couldn't do it enough, she been all over the world,'' said Dylan Radke. ''She also loved to camp, especially with the family, and she loved to garden.''

Anyone who has visited the Radke home was witness to Kathy Radke's passion for gardening. When he was young, Dylan said his parents maintained huge planters for kitchen garden crops; about 15 years ago, Kathy transformed the back yard into an Asian-themed wonderland.

Besides raising their two biological children, Kathy and Ted Radke served as foster parents to three children.

Trying to remember all of his mother's accomplishments, Dylan added that Kathy was also a licensed social worker on top of all her other achievements.

''She passed the social work exam right after I passed the bar,'' to practice law, said Dylan.

Dylan's wife Deidre Seguenza said Wednesday afternoon the family had set a date for Kathy's funeral; it will be held on Wednesday, Feb. 16 at St. Catherine's in Martinez.

''She will be greatly missed,'' said Seguenza with heartbreak in her voice.

INTRODUCTION OF THE YOUTH CORPS ACT OF 2011

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. HIRONO. Mr. Speaker, today I introduce the Youth Corps Act of 2011 to help increase opportunities for youth in Hawaii and nationwide.

In the worst recession since the Great Depression, 2010 marked the highest unemployment rate for youth ages 16–24 since the Labor Department began tracking the figure in World War II. Nearly 1 in 5 youth were unemployed in 2010.

Youth Corps can help. Modeled after President Franklin D. Roosevelt's Civilian Conservation Corps, today's Corps Network includes 143 programs in 44 states and the District of Columbia. Youth Corps programs have helped 600,000 youth gain critical education, civic engagement, and job training skills.

A shining example of a Youth Corps leader is my constituent Mari Takemoto-Chock, who is one of six 2011 Corps Member of the Year. Mai grew up on Hawaii Island and thrived at excellent public schools. Once she attended the University of Hawaii at Manoa, she became aware of the daunting opportunity gap between young people of different socioeconomic and ethnic backgrounds.

Last spring and summer, Mari served as a UH Fellow in my Washington office, where she was one of the most effective employees I have ever had. Wanting to do more on-the-ground service, Mari became an AmeriCorps VISTA intern for Kupu, the Hawaii Youth Conservation Corps. There she helped develop and implement Kupu's new Urban Corps program.

In 2011, Kupu itself is honored with a Project of the Year award. Kupu in Hawaiian means ''to sprout, grow, germinate, or increase'' and like the Kupukupu fern that grows after a lava flow, Kupu brings life back to the people, the land, and the ocean. Kupu used Recovery Act funding to create a Recovery

Youth Conservation Corps. The program provided education and job training to 45 underserved young adults; produced nearly 83,000 service hours, and yielded nearly $1.5 million in community improvement projects.

Unfortunately, Youth Corps programs today must cobble together funding from a wide variety of sources, and they operate with tremendous uncertainty. The Youth Corps Act of 2011 would provide more stability for Youth Corps affiliates and the youth they serve by authorizing a new program through the Workforce Investment Act, WIA.

I thank Congressman ANDREWS for his continued leadership on this bill and urge my colleagues to support this effort.

RECIPIENTS OF THE MEDAL OF FREEDOM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to this year's recipients of the Medal of Freedom, our Nation's highest civilian honor; to individuals who have made our country stronger, our culture richer, our world more peaceful; to men and women who have helped shape our history and lay the foundation for a better future.

In bestowing this honor, President Obama highlighted leaders of vision and courage. Each hails from a different background. Their fields vary, ranging from public service to civil rights, from the arts to athletics, from poetry to politics, from environmental activism to labor and business. Yet they share a common commitment to bold leadership, principled action, and the common good.

In particular, I rise to recognize three recipients who I am privileged to call respected colleagues and friends.

Congressman JOHN LEWIS is the conscience of the Congress, a true hero of our history, and an inspiration to all who serve with him and to every American. From the first Freedom Ride in South Carolina to a ''Bloody Sunday'' in Selma to the well of the House, he stood for his own rights, and extended the blessings of liberty to others. He sought equality for African Americans, and secured justice for all. Through non-violence and courage, he advanced our most basic rights—to vote, to speak, to assemble. JOHN LEWIS' story is a triumph for those whose souls cry out for freedom. No one is more deserving of this recognition.

Ambassador Jean Kennedy Smith, founder of VSA, carries forward her family's torch of service, offering children and adults with disabilities the freedom to celebrate their artistic talents, and ushering in an era of peace and cooperation as our Nation's envoy to Ireland. For more than 35 years, she has worked to empower all people with disabilities to reach their full potential through the arts. She has long believed in the power of art to inspire and to connect individuals and communities of different backgrounds. Through her passion and her commitment, Jean Kennedy Smith has lived up to her own words: that ''art is central to what makes us fully human.''

John Sweeney has provided more than a strong voice for our middle class; he has fought for the freedom of our workers to organize, support their families, and earn a living wage. In California and nationwide, workers have never had a more resilient, more passionate champion than John Sweeney. His life's work is a tribute to fairness, equality, and opportunity for all. On behalf of working Americans—from the chambers of Sacramento to the halls of Washington, DC—when John Sweeney speaks out, America's leaders listen.

In their lifetimes of service, today's recipients of the Medal of Freedom have played a central role in upholding the promise of a better future for all Americans and for our fellow citizens of the world. To them, I offer congratulations and gratitude.

HELP BORDER HEALTHCARE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. FILNER. Mr. Speaker, I rise today to introduce H.R. 541, the Pay for All Your Undocumented Procedures (PAY UP!) Act. This bill will provide payments for emergency services provided to undocumented aliens.

The costs of uncompensated emergency care for undocumented immigrants are sky high and border area hospitals, physicians, and ambulance providers are choking on the costs that they have to eat. My bill, the Pay for All Your Undocumented Procedures (PAY UP!) Act, is the first step to solving this problem which is well known in border communities.

Undocumented aliens receive emergency services in a hospital and yet that hospital is not reimbursed for these services. My bill will ensure that the healthcare providers are reimbursed for the emergency services they provide.

My bill makes permanent a provision of the Medicare Modernization Act that provided payments to eligible providers for procedures for undocumented aliens. The bill authorizes $250 million a year to reimburse eligible providers for this care. Two-thirds of the funds are divided among the 50 states and the District of Columbia based on their relative percentages of undocumented aliens, the last third is divided among the 6 states with the largest number of undocumented aliens.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. SMITH of Washington. Mr. Speaker, last Friday, February 11, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted ''yes'' on rollcall vote No. 32 (on the motion to recommit with instructions), ''yes'' on rollcall vote No. 33 (on agreeing to the resolution H. Res. 72), and ''yes'' on rollcall vote No. 34 (on approving the journal).

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. SMITH of Washington. Mr. Speaker, yesterday evening, Monday, February 14, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted ''yes'' on rollcall vote No. 35 (on the motion to recommit with instructions), ''yes'' on rollcall vote No. 36 (on passage of H.R. 514), and ''yes'' on rollcall vote No. 37 (on approving the journal).

Daily Digest

HIGHLIGHTS

Senate passed H.R. 514, PATRIOT Act/FISA Extension Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S705–S763

Measures Introduced: Twelve bills and five resolutions were introduced, as follows: S. 347–358, and S. Res. 50–54. **Pages S746–47**

Measures Reported:

S. Res. 50, authorizing expenditures by the Committee on Environment and Public Works.

S. Res. 52, authorizing expenditures by the Special Committee on Aging.

S. Res. 53, authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

S. Res. 54, authorizing expenditures by the Select Committee on Intelligence. **Page S747**

Measures Passed:

PATRIOT Act/FISA Extension Act: By 86 yeas to 12 nays (Vote No. 19), Senate passed H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, after taking action on the following amendment proposed thereto: **Pages S727–31**

Adopted:

Reid/McConnell Amendment No. 90, in the nature of a substitute. **Page S727**

Measures Considered:

FAA Air Transportation Modernization and Safety Improvement Act—Agreement: Senate continued consideration of S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, taking action on the following amendments proposed thereto: **Pages S709–27, S731–39**

Adopted:

Nelson (NE) Modified Amendment No. 85 (to Amendment No. 58), to improve the amendment. **Pages S714–15**

By a unanimous vote of 98 yeas (Vote No. 16), Nelson (NE) Amendment No. 58, to impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings. (A unanimous-consent agreement was reached providing that the amendment, having achieved 60 affirmatives votes, be agreed to). **Pages S710, S713–15**

Blunt Modified Amendment No. 5, to require the Under Secretary of Transportation for Security to reconsider certain applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company and to report to Congress if the Under Secretary denies any such application. **Pages S709, S739**

Reid Amendment No. 55, to require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, Nevada. **Pages S710, S739**

Rejected:

Paul Amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008. (By 51 yeas to 47 nays (Vote No. 18), Senate tabled the amendment.) **Pages S709, S720–27**

Withdrawn:

By 47 yeas to 51 nays (Vote No. 17), Wicker Modified Amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S709, S716–20**

Pending:

Rockefeller (for Wyden) Amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands. **Page S709**

Inhofe Modified Amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport. **Pages S709, S732–33**

Rockefeller (for Ensign) Amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System. **Page S709**

McCain Amendment No. 4, to repeal the essential air service program. **Pages S709, S715–16**

Rockefeller (for Leahy) Amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit. **Pages S709–10**

Reid Amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes. **Page S710**

Udall (NM) Modified Amendment No. 49, to authorize Dona Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes. **Pages S710, S731**

Udall (NM) Modified Amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software. **Pages S710, S732**

Paul Amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. **Pages S710–13**

Rockefeller (for Baucus) Further Modified Amendment No. 75, of a perfecting nature. **Page S710**

Hutchison Modified Amendment No. 93 (to Modified Amendment No. 7), to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport. **Pages S733–35**

A motion was entered to close further debate on Inhofe Modified Amendment No. 7 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, February 17, 2011. **Page S734**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Inhofe Modified Amendment No. 7 (listed above). **Page S734**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Wednesday, February 16, 2011. **Page S762**

Messages From the House: **Page S744**

Measures Placed on the Calendar: **Page S744**

Executive Communications: **Pages S744–46**

Executive Reports of Committees: **Page S746**

Additional Cosponsors: **Pages S747–48**

Statements on Introduced Bills/Resolutions: **Pages S748–59**

Additional Statements: **Pages S742–44**

Amendments Submitted: **Pages S759–62**

Authorities for Committees to Meet: **Page S762**

Privileges of the Floor: **Page S762**

Record Votes: Four record votes were taken today. (Total—19) **Pages S714–31**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:36 p.m., until 10 a.m. on Wednesday, February 16, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S762.)

Committee Meetings

(Committees not listed did not meet)

MEDICARE AND MEDICAID

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine fighting fraud and waste in Medicare and Medicaid, after receiving testimony from Peter Budetti, Deputy Administrator and Director, Center for Program Integrity Centers for Medicare and Medicaid Services, Department of Health and Human Services; Tony West, Assistant Attorney General, Civil Division, Department of Justice; Rebecca Nurick, Pennsylvania Senior Medicare Patrol Program, Philadelphia; and Robert Rolf, CGI Federal, Inc., Fairfax, Virginia.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Michael Vickers, of Virginia, to be Under Secretary for Intelligence, and Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary for Personnel and Readiness, both of the Department of Defense, after

the nominees testified and answered questions in their own behalf.

BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012, after receiving testimony from Jacob J. Lew, Director, Office of Management and Budget.

NOMINATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the nomination of Daniel M. Ashe, of Maryland, to be Director of the United States Fish and Wildlife Service, Department of the Interior, after the nominee, who was introduced by Senator Cardin, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:

Subcommittee on Transportation and Infrastructure: Senators Baucus (Chair), Carper, Lautenberg, Cardin, Sanders, Whitehouse, Udall (NM), Vitter, Barrasso, Sessions, Crapo, Johanns, and Boozman.

Subcommittee on Clean Air and Nuclear Safety: Senators Carper (Chair), Baucus, Lautenberg, Cardin, Sanders, Merkley, Barrasso, Vitter, Sessions, Alexander, and Johanns.

Subcommittee on Superfund, Toxics and Environmental Health: Senators Lautenberg (Chair), Baucus, Carper, Merkley, Gillibrand, Crapo, Alexander, Johanns, and Boozman.

Subcommittee on Water and Wildlife: Senators Cardin (Chair), Baucus, Lautenberg, Whitehouse, Udall (NM), Gillibrand, Sessions, Barrasso, Vitter, Crapo, and Alexander.

Subcommittee on Green Jobs and the New Economy: Senators Sanders (Chair), Carper, Merkley, Boozman, and Sessions.

Subcommittee on Oversight: Senators Whitehouse (Chair), Cardin, Sanders, Johanns, and Boozman.

Subcommittee on Children's Health and Environmental Responsibility: Senators Udall (NM) (Chair), Whitehouse, Gillibrand, Alexander, and Vitter.

Senators Boxer and Inhofe are ex officio members of each subcommittee.

GREEN JOBS AND TRADE

Committee on Environment and Public Works: Subcommittee on Green Jobs and the New Economy concluded a hearing to examine green jobs and trade, after receiving testimony from Leo W. Gerard, United Steelworkers (USW), Pittsburgh, Pennsylvania; Paul N. Cicio, Industrial Energy Consumers of America (IECA), W. David Montgomery, Charles River Associates, and Kate Gordon, The Center for American Progress Action Fund, all of Washington, D.C.; and John P. Danner, Northern Power Systems, Barre, Vermont.

BUDGET

Committee on Finance: Committee began hearings to examine the President's proposed budget request for fiscal year 2012, after receiving testimony from Kathleen Sebelius, Secretary of Health and Human Services.

Committee will meet again Wednesday, February 16, 2011.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress and announced the following subcommittee assignments:

Permanent Subcommittee on Investigations: Senators Levin (Chair), Carper, Landrieu, McCaskill, Tester, Begich, Coburn, Collins, Brown (MA), McCain, and Paul.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia: Senators Akaka (Chair), Levin, Landrieu, Begich, Johnson (WI), Coburn, and Ensign.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security: Senators Carper (Chair), Levin, Akaka, Pryor, McCaskill, Begich, Brown (MA), Coburn, McCain, Johnson (WI), and Portman.

Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs: Senators Pryor (Chair), Akaka, Landrieu, Tester, Ensign, Brown (MA), and Johnson (WI).

Ad Hoc Subcommittee on Contracting Oversight: Senators McCaskill (Chair), Carper, Pryor, Tester, Begich, Portman, Collins, McCain, and Paul.

Senators Lieberman and Collins are ex officio members of each subcommittee.

COUNTERTERRORISM LESSONS FROM FORT HOOD ATTACK

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine counterterrorism lessons from the U.S. government's failure to prevent the Fort Hood attack, after receiving testimony from Charles E. Allen, former Under Secretary of Homeland Security for Intelligence and

Analysis, and Assistant DCI for Collection, Central Intelligence Agency; General Jack Keane, USA, Retired, former Vice Chief of Staff of the United States Army, and Samuel J. Rascoff, New York University School of Law Center on Law and Security, both of New York, New York; and Philip Mudd, Oxford Analytica, Alexandria, Virginia.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported an original resolution authorizing expenditures by the Committee and rules of procedure for the 112th Congress; and

The nomination of Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

BUSINESS MEETING

Special Committee on Aging: Committee ordered favorably reported an original resolution authorizing expenditures by the committee.

Also, committee adopted its rules of procedure for the 112th Congress.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 28 public bills, H.R. 702–709; 3 private bills, H.R. 730–732; 3 and resolutions, H. Con. Res. 17–18; and H. Res. 19 were introduced. **Pages H922–24**

Additional Cosponsors: **Page H924**

Report Filed: A report was filed today as follows:

H. Res. 93, providing for consideration of the Senate amendment to the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011 (H. Rept. 112–14). **Page H922**

Speaker: Read a letter from the Speaker wherein he appointed Representative Ellmers to act as Speaker pro tempore for today. **Page H797**

Recess: The House recessed at 10:58 a.m. and reconvened at 12 noon. **Page H803**

Adjournment Resolution: The House agreed to H. Con. Res. 17, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a recorded vote of 243 ayes to 176 noes, Roll No. 40. **Pages H815, H817**

Full-Year Continuing Appropriations Act, 2011: The House began consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011. Consideration is expected to resume tomorrow, February 16th. **Pages H804–15, H817–H913**

Agreed to:

Holt amendment (No. 12 printed in the Congressional Record of February 14, 2011) that redirects $20,000,000 within the Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance and **Pages H888–89**

McClintock amendment (No. 297 printed in the Congressional Record of February 14, 2011) that reduces funding for the Department of the Interior, Bureau of Reclamation, Water and Related Resources by $1,897,000 **Pages H902–03**

Rejected:

Flake amendment (No. 370 printed in the Congressional Record of February 14, 2011) that sought to reduce funding for unneeded boards and commissions by $18,750,000 (by a recorded vote of 207 ayes to 223 noes, Roll No. 41); **Pages H830–44, H851**

Pompeo amendment (No. 87 printed in the Congressional Record of February 14, 2011) that sought to eliminate funding for the Innovative Research Fund (by a recorded vote of 72 ayes to 358 noes, Roll No. 42); **Pages H844–46, H851–52**

Gutierrez amendment (No. 63 printed in the Congressional Record of February 14, 2011) that sought to reduce the amount for Aircraft Procurement, Navy by $21,985,000 and Aircraft Procurement, Air Force by $393,098,000 and increase Defense by $415,083,000 (by a recorded vote of 105 ayes to 326 noes, Roll No. 43); **Pages H846–49, H852–53**

Pompeo amendment (No. 86 printed in the Congressional Record of February 14, 2011) that sought

to reduce funds in Title IV for Research, Development, Test and Evaluation and increase Defense by $115,520,000 (by a recorded vote of 109 ayes to 320 noes, Roll No. 44); **Pages H849–51, H853**

Quigley amendment (No. 162 printed in the Congressional Record of February 14, 2011) that sought to reduce funds in Title IV for Research, Development, Test and Evaluation by 10%; and **Pages H853–54**

McClintock amendment (No. 315 printed in the Congressional Record of February 14, 2011) that sought to reduce funds for the Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy by $247,000,000. **Page H903**

Withdrawn:

Olson amendment (No. 78 printed in the Congressional Record of February 14, 2011) that was offered and subsequently withdrawn that would have redirected $517,000,000 within the National Aeronautics and Space Administration, Space Operations. **Pages H893–95**

Point of order sustained against:

Baldwin amendment (No. 45 printed in the Congressional Record of February 14, 2011) that sought to increase funding, by offset, for Community Health Centers by $1,000,000,000. **Pages H878–81**

Connolly (VA) amendment (No. 93 printed in the Congressional Record of February 14, 2011) that sought to increase funding, by offset, for the Washington Metro Transit Authority by $200,000,000; **Pages H882–86**

Jackson Lee (TX) amendment (No. 240 printed in the Congressional Record of February 14, 2011) that sought to strike 1332 of Title III, which reduces the funding level for the Department of Justice, Community Oriented Policing Services to $290,500,000; and **Pages H889–90**

Cohen amendment (No. 173 printed in the Congressional Record of February 14, 2011) that sought to increase funding for the Legal Services Corporation by $70,000,000. **Pages H895–97**

Proceedings Postponed:

Rooney amendment (No. 2 printed in the Congressional Record of February 14, 2011) that seeks to reduce Research, Development, Test, and Evaluation, Navy by $225,000,000 and reduce Research, Development, Test, and Evaluation, Air Force by $225,000,000 and increase Defense by $450,000,000; **Pages H855–73**

Jones amendment (No. 95 printed in the Congressional Record of February 14, 2011) that seeks to eliminate funding for the Afghanistan Infrastructure Fund; **Pages H873–75**

Holt amendment (No. 237 printed in the Congressional Record of February 14, 2011) that seeks to eliminate funding for the Iraq Security Forces Fund; **Pages H875–78**

DeFazio amendment (No. 97 printed in the Congressional Record of February 14, 2011) that seeks to increase funding, by offset, for the Organic Transition Program by $5,000,000; **Pages H881–82**

Michaud amendment (No. 153 printed in the Congressional Record of February 14, 2011) that seeks to increase funding, by offset, for the Department of Commerce, Economic Development Administration, Economic Development Assistance Programs by $80,000,000; **Page H886**

Flake amendment (No. 368 printed in the Congressional Record of February 14, 2011) that seeks to eliminate funding for the National Drug Intelligence Center; **Pages H886–87**

Latta amendment (No. 260 printed in the Congressional Record of February 14, 2011) that seeks to reduce funding for the Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities by $10,000,000; **Page H888**

Weiner amendment (No. 125 printed in the Congressional Record of February 14, 2011), as modified, that seeks to increase funding, by offset, for the Department of Justice, Community Oriented Policing Services by $298,000,000; **Pages H890–93**

Duncan (SC) amendment (No. 110 printed in the Congressional Record of February 14, 2011) that seeks to reduce funding for the Legal Services Corporation by $324,400,000; **Pages H897–H900**

Biggert amendment (No. 192 printed in the Congressional Record of February 14, 2011) that seeks to reduce funding for the Department of Energy, Energy Programs, Advanced Research Projects Agency—Energy by $50,000,000; **Pages H900–01**

Inslee amendment (No. 395 printed in the Congressional Record of February 14, 2011) that seeks to increase funding, by offset, for the Department of Energy, Energy Programs, Advanced Research Projects Agency—Energy by $20,000,000; **Pages H901–02**

Tonko amendment (No. 4 printed in the Congressional Record of February 14, 2011) that seeks to strike the prohibition on Weatherization and State Energy Program funding; **Pages H903–04**

Latta amendment (No. 259 printed in the Congressional Record of February 14, 2011) that seeks to reduce funding for Energy Efficiency and Renewable Energy by $70,000,000; **Pages H904–07**

DeFazio amendment (No. 98 printed in the Congressional Record of February 14, 2011) that seeks to eliminate the funding for the Selective Service System; and **Pages H907–10**

Pascrell amendment (No. 223 printed in the Congressional Record of February 14, 2011) that seeks

to increase funding, by offset, for the Department of Homeland Security, Federal Emergency Management Agency, Firefighter Assistance Grants by $510,000,000. **Pages H910–13**

H. Res. 92, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 242 yeas to 174 nays with 2 voting ''present'', Roll No. 39, after the previous question was ordered by a yea-and-nay vote of 240 yeas to 179 nays, Roll No. 38. **Pages H804–05, H815–17**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H924–35.

Senate Message: Message received from the Senate today appears on page 853.

Quorum Calls Votes: Two yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H815–16, H816–17, H817, H851, H851–52, H852–53 and H853. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:13 a.m. on Wednesday, February 16th.

Committee Meetings

DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management continued hearings to review implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Part II. Testimony was heard from public witnesses.

DEFINITIONS OF RURAL UNDER AGRICULTURE PROGRAMS

Committee on Agriculture: Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture held a hearing to review the various definitions of rural applied under programs operated by the USDA. Testimony was heard from Cheryl Cook, Deputy Under Secretary, Rural Development, USDA; Don Larson, Commissioner, Brookings County Commission Office, Brookings, South Dakota; and public witnesses.

FY 2012 BUDGET

Committee on the Budget: Held a hearing on the President's Fiscal Year 2012 Budget. Testimony was heard from Jacob J. Lew, Director, OMB.

OSHA'S IMPACT ON JOBS CREATION

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on Investigating OSHA's Regulatory Agenda and Its Impact on Job Creation. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 358, Protect Life Act, as amended; H.R. 525, Veterinary Public Health Amendments Act of 2011; H.R. 528, Neglected Infections of Impoverished Americans Act of 2011; and H.R. 570, Dental Emergency Responder Act of 2011.

The Committee also approved its Oversight Plan for the 112th Congress.

ENVIRONMENTAL REGULATIONS

Committee on Energy and Commerce Subcommittee on Environment and the Economy held a hearing entitled ''Environmental Regulations, the Economy, and Jobs.'' Testimony was heard from Vince Ryan, Harris County Attorney, Houston, Texas; and public witnesses.

DODD-FRANK DERIVATIVES TITLE

Committee on Financial Services: Held a hearing entitled ''Assessing the Regulatory, Economic and Market Implications of the Dodd-Frank Derivatives Title.'' Testimony was heard from Mary Schapiro, Chairman, SEC; Gary Gensler, Chairman, CFTC; Daniel K. Tarullo, Member, Board of Governors, Federal Reserve System; and public witnesses.

FANNIE MAE AND FREDDIE MAC

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''An Analysis of the Post-Conservatorship Legal Expenses of Fannie Mae and Freddie Mac.'' Testimony was heard from the following officials of the Federal Housing Finance Agency: Edward DeMarco, Acting Director; and Alfred Pollard, General Counsel; the following officials of Fannie Mae: Michael Williams, CEO; and Timothy J. Mayopoulos, General Counsel; and Mike DeWine, Attorney General, Ohio; and public witnesses.

POLICY TOWARDS LATIN AMERICA

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing on Does the U.S. Have a Policy toward Latin America? Assessing the Impact to U.S. Interests and Allies. Testimony was heard from Arturo Valenzuela, Assistant Secretary of State, Bureau of Western Hemisphere Affairs, Department of State.

SECURING OUR BORDERS

Committee on Homeland Security: Subcommittee on Border and Maritime Security held a hearing entitled ''Securing Our Borders—Operational Control and the Path Forward.'' Testimony was heard from Michael J. Fisher, Chief, Border Control, Department of Homeland Security; Richard M. Stana, Director,

Homeland Security and Justice, GAO; and Raul G. Salinas, Mayor, Laredo, Texas.

MILITARY AND OVERSEAS VOTING

Committee on House Administration: Held a hearing on Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election. Testimony was heard from Thomas E. Perez, Assistant Attorney General, Civil Rights, Department of Justice; Natalie E. Tennant, Secretary of State, West Virginia; J. Bradley King, Co-Director, Election Division, Secretary of State, Indiana; David Stafford, Supervisor of Elections, Escambia County, Florida; and public witnesses.

ADAM WALSH ACT REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the reauthorization of the Adam Walsh Act. Testimony was heard from the following officials of the Department of Justice: Dawn Doran, Deputy Director, SMART Office; and Stacia A. Hylton, Director, U.S. Marshals Service; Representative Patricia Colloton, Chair, Corrections and Juvenile Justice Committee, House of Representatives, Kansas; and a public witness.

NET NEUTRALITY AND ANTITRUST

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing on Ensuring Competition on the Internet: Net Neutrality and Antitrust. Testimony was heard from public witnesses.

UNFUNDED MANDATES AND REGULATORY OVERREACH

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing on Unfunded Mandates and Regulatory Overreach. Testimony was heard from Denise M. Fantone, Director, Strategic Issues, GAO; Patrice Douglas, Mayor, Edmond, Oklahoma; Anthony H. Griffin, County Executive, Fairfax, Virginia; and a public witness.

TO EXTEND EXPIRING PROVISIONS OF THE USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005 AND INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004 RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS UNTIL DECEMBER 8, 2011

Committee on Rules: Granted, by voice vote, a closed rule providing for the consideration of the Senate amendment to H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2001. The rule makes in order a motion by the chair of the Committee on the Judiciary that the House concur in the Senate amendment. The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides on hour of debate on the motion with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. No testimony was heard.

PROJECT DELIVERY PROCESS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Accelerating the Project Delivery Process: Eliminating Bureaucratic Red Tape and Making Every Dollar Count. Testimony was heard from Victor M. Mendez, Administrator, FHA, Department of Transportation; Debra L. Miller, Secretary, Department of Transportation, Kansas; and public witnesses.

PRESIDENT'S FISCAL YEAR 2012 BUDGET

Committee on Ways and Means: Held a hearing on the President's Fiscal Year 2012 Budget Proposal. Testimony was heard from Timothy F. Geithner, Secretary of the Treasury.

Prior to the hearing, the Committee approved its Oversight Plan for the 112th Congress.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 16, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: To hold hearings to examine safeguarding our future, focusing on building a nationwide network for first responders, 10 a.m., SR–253.

Committee on Energy and Natural Resources: To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012; to be immediately followed by an organizational business meeting to examine subcommittee assignments, revise recusal policy for executive nominees, and an original resolution authorizing expenditures by the

committee during the 112th Congress, 9:30 a.m., SD–366.

Committee on Environment and Public Works: To hold hearings to examine national leaders' call to action on transportation, 10 a.m., SD–406.

Committee on Finance: Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress, Time to be announced, SD–215.

Full Committee, to continue hearings to examine the President's proposed budget request for fiscal year 2012, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Organizational business meeting to consider committee rules, an original resolution authorizing expenditures by the committee during the 112th Congress, Public Health Service nominations, and an original bill entitled Technical Amendment to the Education Sciences Reform Act, 10:30 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine saving the D.C. Opportunity Scholarship Program, 9:15 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine improving Federal employment of people with disabilities, 2:30 p.m., SD–342.

Committee on Indian Affairs: Organizational business meeting to consider electing Chairman and Vice Chairman, committee rules, and any other organizational business items during the 112th Congress, 11:30 a.m., SD–628.

Committee on the Judiciary: To hold hearings to examine targeting Web sites dedicated to stealing American intellectual property, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of California, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia, 3 p.m., SD–226.

Committee on Small Business and Entrepreneurship: Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress, Time to be announced, Room to be announced.

Select Committee on Intelligence: To hold hearings to examine the worldwide threat, 10 a.m., SH–216.

House

Committee on Agriculture, Subcommittee on Nutrition and Horticulture and the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, joint hearing to consider reducing the regulatory burdens posed by the case National Cotton Council v. EPA (6th Cir. 2009) and to review related draft legislation, 1 p.m., 1300 Longworth.

Committee on Armed Services, hearing on the Fiscal Year 2012 National Defense Authorization Budget request from the Department of Defense, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on the Department of the Treasury Fiscal Year 2012 Budget, 2 p.m., 210 Cannon.

Committee on Education and the Workforce, hearing on Policies and Priorities at the U.S. Department of Labor, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Communications and Technology hearing entitled ''Network Neutrality and Internet Regulation: Warranted or More Economic Harm Than Good?'' 9:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Health Care Issues Involving the Center for Consumer Information and Insurance Oversight,'' 9:30 a.m., 2322 Rayburn.

Committee on Financial Services, hearing entitled ''The Final Report of the Financial Crisis Inquiry Commission,'' 10 a.m., 2128 Rayburn.

Subcommittee on Insurance, Housing and Community Opportunity hearing entitled ''Are There Government Barriers to the Housing Market Recovery?'' 2 p.m., 2128 Rayburn.

Committee on the Judiciary, hearing on the Constitutionality of the Individual Mandate, 9:30 a.m., and to continue mark-up of H.R. 5, Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011, 1 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Government Organizations, Efficiency and Financial Management, hearing on Making Sense of the Numbers: Improving the Federal Financial Reporting Model, 1:30 p.m., 2203 Rayburn.

Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, hearing on the Stimulus: Two Years Later, 9:30 a.m., 210–HVC.

Committee on Science, Space, and Technology, Subcommittee on Space and Aeronautics hearing on a review of the Federal Aviation Administration's Research and Development Budget for Fiscal Year 2012, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Putting Americans Back to Work: The State of the Small Business Economy,'' 1 p.m., 2360 Rayburn,

Committee on Transportation and Infrastructure, to mark up the following: a measure to reduce facility costs by consolidating National Gallery of Art and Federal Trade Commission operations in the District of Columbia; H.R. 690, Federal Trade Commission and National Gallery of Art Facility Consolidation, Savings, and Efficiency Act of 2011; H.R. 362, to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''; 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; and H.R. 662, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to continue hearings on the President's Fiscal Year 2012 Budget Proposal, 10 a.m. and 2 p.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe: To hold hearings to examine Lithuania's leadership of the Organization for Security and Cooperation in Europe (OSCE), focusing on the challenges that the Lithuanian chairmanship faces, 3:30 p.m., SD–562.

Next Meeting of the SENATE

10 a.m., Wednesday, February 16

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 223, FAA Air Transportation Modernization and Safety Improvement Act, with a 1 p.m. filing deadline for first-degree amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, February 16

House Chamber

Program for Wednesday: Continue consideration of H.R. 1—Full-Year Continuing Appropriations Act, 2011.

Extensions of Remarks, as inserted in this issue

HOUSE

Austria, Steve, Ohio, E232
Bass, Karen, Calif., E228
Clarke, Yvette D., N.Y., E229
Culberson, John Abney, Tex., E231
Dreier, David, Calif., E228
Farr, Sam, Calif., E226
Filner, Bob, Calif., E235
Goodlatte, Bob, Va., E227
Hirono, Mazie K., Hawaii, E234
Johnson, Sam, Tex., E229
Lungren, Daniel E., Calif., E226
Marchant, Kenny, Tex., E227
Miller, Gary G., Calif., E232
Miller, George, Calif., E233
Myrick, Sue Wilkins, N.C., E233
Norton, Eleanor Holmes, D.C., E231
Pelosi, Nancy, Calif., E235
Rothman, Steven R., N.J., E232
Smith, Adam, Wash., E235, E235
Thompson, Bennie G., Miss., E225, E226, E228, E228, E229, E230, E231, E232, E232
Thompson, Mike, Calif., E225, E233
Woolsey, Lynn C., Calif., E225, E228, E229

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.