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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Rev. Sharon Daugherty, Victory Christian Center, Tulsa, Oklahoma, offered the following prayer:

Father God, we humble ourselves before You as we pray for our Nation and our government. You said, ''Blessed is the Nation whose God is the Lord.'' We pray for You to be Lord over the United States of America. Thank You for our forefathers who established this government upon biblical principles. We ask for President Obama and for our Congress to be guided by the moral and just standard of Your Word in their law-making. We pray that the fear of the Lord would be the standard of judgment and wisdom among all who govern. Help them to hear from You as the authority over this universe.

Holy Spirit, move upon the hearts of Americans in this hour and divinely intervene in our Nation's behalf. We repent where we have been wrong. Help us to do what is right. We put our trust in You alone, in Jesus' name we pray. Amen.

THE JOURNAL

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

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

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

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

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

Mr. JACKSON of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

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

Mr. FLEMING led the Pledge of Allegiance as follows:

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

WELCOMING REV. SHARON DAUGHERTY

The SPEAKER. Without objection, the gentlewoman from Oklahoma (Ms. FALLIN) is recognized for 1 minute.

There was no objection.

Ms. FALLIN. Madam Speaker, I am pleased today to be able to introduce our guest chaplain for the day, Pastor Sharon Daugherty, who leads one of our Nation's great institutions of faith, Victory Christian Center of Tulsa, Oklahoma.

Sharon founded Victory Christian with her husband, Pastor Billy Joe Daugherty. Tragically, we lost him to an illness late last year, but Pastor Daugherty still is very committed to the church and has vowed to carry on the wonderful family tradition. Victory Christian Center operates a school for 1,300 students, has summer camps, local and worldwide outreach missions, an international Bible institute, youth programs, and a community health clinic. It also includes job fairs for those looking for employment. And it has much, much more.

Most of all, Victory Christian Center is the faith home to a congregation of more than 17,000 Oklahomans, one of the largest in America. This is a time when faith matters so much to our people. It binds us together, transcends our differences, and reminds us that our liberties are divinely grounded and divinely inspired.

Pastor Sharon Daugherty is a friend, a good neighbor, and a true faith leader in Oklahoma and America. I am so proud to welcome her today to be our chaplain of the day and thank her for a wonderful prayer.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side of the aisle.

TAX RELIEF TO SMALL BUSINESSES

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, I am pleased that yesterday the House passed H.R. 4849, the Small Business and Infrastructure Jobs Tax Act. As we continue down the path of economic recovery, it is more important than ever that we focus on providing tax relief to small businesses.

I am especially proud to report that the bill contains a provision I championed: an increase in the small business startup deduction. This provision will allow people to strike out on their own, become their own boss and create jobs. I fought for this provision after meeting with small businesses and local Chambers of Commerce in the Hudson Valley. Thanks to their input, this legislation is stronger and more effective. I am glad to deliver on a tax deduction that local business owners told me that they needed to help strengthen and build their companies.

Passage of H.R. 4849 will make a real difference for the small businesses in the Hudson Valley. I hope the Senate will soon pass this important legislation.

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BANKRUPTING THE TREASURY

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

Mr. PITTS. Mr. Speaker, no one is angrier than I am that Congress has just voted to bankrupt the Treasury. Fiscally speaking, the health bill that the President just signed is the single most irresponsible act this government has already taken. We already have over $100 trillion in entitlement promises that we can't keep, and Congress just poured gasoline on the fire.

However, violence and threats are not the right way to respond. Some of our colleagues have received threatening phone calls. A brick has been thrown, a window has been smashed. This is not the right way to respond. When the government ignores the will of the people, a high level of frustration is to be expected. But that frustration needs to be channeled into political activity, not threats and violence.

I urge those who oppose this bill to remember that history and fiscal reality will prove them right, and I urge the citizens of this country who are angry to remember that they are on the right side of this debate, and they should act accordingly. In America, that is what elections are for.

COVERAGE FOR PRE-EXISTING CONDITIONS

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

Ms. GIFFORDS. Mr. Speaker, many stories have been shared here on the floor of the House of Representatives, but today I rise to share the story of Larry and Naomi, two of my constituents, who will now have health care because we recently passed health insurance reform.

Last year Larry was laid off from his job, and immediately began searching for insurance. He was repeatedly denied because his wife, Naomi, was diagnosed with benign fibroids. This is a condition that occurs in up to 50 percent of all women. The companies barred his wife because she had a pre-existing condition. This is a horrible practice that will end with this new law.

In my district, there are an estimated 10,300 people just like Naomi. Starting in 2014, these people will be able to get health care coverage. The new law establishes high-risk insurance pools for adults with such pre-existing conditions. When the law is fully implemented in 2014, no insurance company will be able to use this excuse to deny this type of coverage.

Between now and then coverage will be available to Naomi and thousands of others. Mr. Speaker, I was proud to vote for this bill.

CIVILITY AND DECORUM IN THE HOUSE

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, I rise today as co-Chair of the Center Aisle Caucus, a bipartisan group of Members of Congress dedicated to the principles of civility and decorum in the House. We believe the House of Representatives should be a respectful place, and we work on behalf of the long traditions set by our Founders and followed by two centuries of Representatives.

It is important for us to have open and honest debate in the people's House, and it is important for Americans to know the House of Representatives is a public place. But it is just as important that the debate, no matter how heated or how passionate, remains respectful and does not degenerate or denigrate others.

I didn't vote for the health care bill, but the threats being directed at Members of Congress who did are deplorable, and they are illegal. They are being perpetrated by Americans who forget that no matter what our differences are, we have to work constructively to solve our problems.

We have a great grassroots movement in my home State that is intense but also observe those important standards of decorous dialogue. I would hope that the very few people who are responsible for these acts against our colleagues will take note and follow the example of impassioned, patriotic Americans who can state their beliefs without threatening Members of Congress and their families.

CONGRATULATING LAVERNE JONES-FERRETTE

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, tonight the Virgin Islands will welcome one of our stars, Laverne Jones-Ferrette, home to St. Croix. I regret that I will not be there to join them, so I rise proudly to offer my congratulations on behalf of this Congress and Virgin Islanders everywhere to Laverne, the current world leader in the 60-meter sprint with a time of 6.97 seconds, the first woman to run that distance in under 7 seconds in over a decade, and the silver medal winner at the International Association of Athletics Federations World Indoor Championships in Doha, Qatar.

The Virgin Islands, with a population of roughly 120,000, has produced legends in every field, and these outstanding men and women have made contributions that have brought worldwide recognition to them, the U.S. Virgin Islands, and our Nation.

Mr. Speaker, I ask my colleagues to join me in saluting again Laverne Jones-Ferrette and her teammates, and wishing them Godspeed as they continue to shine.

CONDEMNING VIOLENCE IN HEALTH CARE DEBATE

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

Mr. PENCE. Mr. Speaker, the American people don't want a government takeover of health care. The policy, the backroom deals, and the arrogance have angered millions. But that is no excuse for bigotry, threats, or acts of vandalism, and I condemn such things in the strongest possible terms. People who engage in such acts undermine our cause and should be prosecuted to the fullest extent of the law.

But I also rise to condemn the efforts to smear millions of law-abiding Americans who oppose Obamacare and their principled opposition with these criminal acts. The American people have every right to oppose this government takeover of health care without being lumped in with bigots and vandals by liberals in Congress and in the mainstream press.

I say to my countrymen, end the threats, end the vandalism, and let's also end the smears of law-abiding citizens exercising their First Amendment right to speech and peaceable assembly.

□ 1015

BORDER VIOLENCE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, for too many years, the southern border has been a gateway for the illegal trafficking of drugs, weapons, money, and people. It is a challenge we, in Arizona, have to live with every day.

On Tuesday, Secretaries Clinton, Gates, and Napolitano led a high-level delegation of defense, law enforcement, and intelligence officials to Mexico City to discuss a new border security plan that builds on the work of the Merida Initiative. This is an important step forward.

I call on them to expand current efforts and to develop a new initiative that takes full advantage of the civilian and military resources of both governments to provide a comprehensive solution that addresses the challenges at the border. We must do whatever it takes to take this fight off our streets and straight to the doorsteps of the cartel leaders.

CONGRATULATIONS TO LOUISIANA STATE REPRESENTATIVE PATRICK WILLIAMS

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

Mr. FLEMING. Mr. Speaker, I rise today to commend Louisiana State Representative Patrick Williams, who is currently making his annual 226-mile walk from Shreveport, Louisiana, to the State capitol in Baton Rouge to raise awareness for autism and childhood obesity.

Autism is a common and serious developmental disability in the United States, with one in 150 children likely to have some form of this disability.

Representative Williams is also bringing attention to a serious factor affecting childhood obesity, nutrition in the home, especially among poor families.

As a family physician for over 30 years, I support Representative Williams' efforts and look forward to working with him to address these important issues. I congratulate him on raising awareness for these two important issues and join my constituents in thanking him for his service to the great State of Louisiana.

MAKING COLLEGE MORE AFFORDABLE

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

Mrs. CAPPS. Mr. Speaker, on Sunday, the House passed groundbreaking legislation to make college more affordable.

Students in my district and across the Nation are struggling to keep up with devastating State budget cuts and ever rising tuition. This week I met with college students from UC Santa Barbara and Oxnard Community College on the Capitol steps, and I was proud to tell them that, during these tough economic times, I voted for the single largest investment ever in higher education.

Our bill will save taxpayers over $60 billion from wasteful bank subsidies, and we're making education a priority, investing most of these savings directly into Pell Grants. The bill will mean nearly $48 million for Pell Grants for these and other students over the next 10 years.

Now, more than ever, we need to invest in education to get our economy back on track, and with this bill we did just that. Today we can finish the job for our college students.

REPEAL AND REPLACE

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

Mr. WILSON of South Carolina. Mr. Speaker, repealing the government takeover of health care is the first step, with an immediate replacement for insurance reform. It is important that we offer our patient-centered plan, H.R. 3400, to cover preexisting conditions, to help small businesses with association health plans, and to allow consumers to shop across State lines to lower costs.

Let's continue to cover preexisting conditions but repeal the tax hikes and the unaffordable mandates on individuals and small business owners.

The American patient cannot afford higher premiums. CBO says that the health care premiums will rise up to 13 percent.

The American family cannot afford more tax hikes and fewer jobs; $569.2 billion in tax hikes on small businesses and other employers.

American children cannot afford the massive deficits; a $622 billion addition to our already massive debt burden.

And the American health care system cannot afford fewer doctors. Fewer physicians will accept Medicaid patients.

In conclusion, God bless our troops and we will never forget September 11th in the Global War on Terrorism.

Welcome, students, to the Capitol of McCracken Middle School from Bluffton, South Carolina.

CELEBRATING THE PASSAGE OF HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today, proud of what we've accomplished with President Obama, our House Speaker, Nancy PELOSI, and now the United States Senate to bring quality, affordable health care to the American people.

But our pride is tempered by humility, the humility of knowing that we have brought health care coverage to millions of women who now will no longer have to pay more than men just because they're women.

Our pride is tempered by the humility of knowing that children who have preexisting conditions will now be able to also have health care.

Our pride is tempered by the humility of knowing that for thousands and thousands of small business owners across this country, they'll now be able to provide health care coverage for themselves and their employees.

Mr. Speaker, I'm proud to have joined our forefathers and foremothers who brought us Social Security, civil rights, Medicare, and now health care to the American people.

NO MORE DELAYS ON AMERICAN ENERGY

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

Mr. SMITH of Nebraska. Mr. Speaker, today the House Subcommittee on Energy and Mineral Resources is holding a hearing examining the Obama administration's policies of increasing taxes on and reducing funding for American energy production.

Finding solutions to our country's dependence on foreign energy is a top priority for me. Now is not the time to further delay advancement of American energy. Yet, the administration's budget proposes increasing fees and taxes directly on oil and gas operations here in the United States.

Mr. Speaker, these funds do nothing to expedite or improve the permitting process on Federal lands. Instead, these policies stifle our economy, create more red tape, and block expansion of our energy portfolio. Simply put, these policies are wrong for America.

HEALTH CARE REFORM IN AMERICA

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

Ms. MARKEY of Colorado. Mr. Speaker, I stand here today proud of the accomplishment of this House in finally passing health care reform. This legislation was the culmination of decades of work to bring some sanity to our health care system.

Now Americans with preexisting conditions will no longer be pushed aside by insurance companies. No insurance company will be able to tell a parent that their newborn's weight is a preexisting condition.

In my district, in 2008, 1,400 families filed for bankruptcy from health care costs, putting their lives, their homes, and everything at risk because of health care costs. This bill will protect them from skyrocketing expenses.

In addition, nearly 20,000 businesses will receive credits to help them afford insurance.

I have long been a supporter of the 25 community health care centers in my district. These centers will now have the resources to provide primary care at an affordable cost. Our hospitals will also save tens of millions of dollars they now lose to unreimbursed care.

I am proud to have done my part by voting for this health care reform bill.

PENDING INVESTIGATION INTO THE PMA SCANDAL

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

Mr. FLAKE. Mr. Speaker, a week ago I introduced a privileged resolution asking the Committee on Standards of Official Conduct to report back to the House as to the extent of their investigation into the PMA scandal. A motion to refer that resolution to the committee was adopted unanimously. Every Member in this body voted for it a week ago; yet here we are a week later and we haven't heard anything from the Standards Committee as to the extent of their investigation.

I'll be introducing this resolution again today, and I hope that we can finally get an answer as to the extent of the investigation into the PMA scandal.

HONORING THE LIFE OF FATHER EDWARD L. RUDEMILLER

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

Mr. DRIEHAUS. Mr. Speaker, last week the Roman Catholic Archdiocese of Cincinnati lost a committed and humble servant when Father Edward Rudemiller passed away.

''Father Rudy,'' as he was known, was ordained in 1958 and served the people of southwestern Ohio for 47 years before retiring in 2005. A 1950 graduate of Elder High School in Cincinnati, he returned to his alma mater in 1959 to teach religion and Latin for 21 years.

In addition to these duties, he was the athletic director from 1962–1977. He could often be seen on Friday nights at the ''Pit'' strolling the sidelines in support of his Panthers.

Although best known for his loyalty to Elder High School and the west side of Cincinnati, Father Rudemiller was equally beloved in his role as parish priest and pastor at parishes throughout the archdiocese.

In his later years, Father Rudy fought through illness with dignity and grace. We are grateful for his service and we celebrate his life.

HEALTH CARE REFORM

(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. Mr. Speaker, you know, Texas is one of 14 States filing a lawsuit challenging the Federal requirement to purchase health insurance as part of the new health law.

This is America. We don't force people to hand over hard-earned money to a private company against their will. That's the ultimate overreach of Federal power, and it's unconstitutional.

I'm also upset by the fact that this health care law creates one more government handout. By pushing more and more people into a government-controlled health care plan, we're going to reach a point where more Americans depend on the government for help than those who get along by themselves. That's not right.

Americans want, need, and deserve prosperity and success achieved by sacrifice, hard work, self-reliance, and personal responsibility, not government control. It's called the American Dream.

HEALTH CARE REFORM

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

Mr. BLUMENAUER. Mr. Speaker, well, it's been 72 hours since health care reform was passed and, as near as I can tell, nobody has to go to the post office to get their prostate checked. They're not getting mammograms in the DMV, and we aren't herding doctors to gulags across the country.

The fact is people are seeing what is in this bill: simple, commonsense health insurance reforms that will make a difference for Americans this year in extending coverage, in being able to put children on their health insurance program until they're 26; eliminating the insidious practice of denying coverage when you get sick.

And as Americans see more and more what is in this legislation, we'll have an opportunity to build on this important foundation of health care reform for economic health and security, a better health care for our families, and maybe, just maybe, showing that in the Federal Government here some of us can work together to get things done.

HONORING THE SACRIFICE OF VOLUNTEER FIREFIGHTER DONALD ADKINS

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

Mrs. CAPITO. Mr. Speaker, I rise today to remember one of West Virginia's finest citizens, volunteer firefighter Donald Adkins. Donald was a volunteer with the Glasgow Volunteer Fire Department, and our hearts go out to his fellow firefighters.

On March 13, Donald was bravely providing rescue support to the flooded areas of Raleigh County, West Virginia, when his rescue boat capsized after striking submerged debris. After 6 days of searching by nearly 100 volunteers, Donald's body was found March 19, 2010.

While our hearts remain heavy for the loss of a true selfless servant, we celebrate the gift of life Donald gave to others in our community as a volunteer firefighter.

Mr. Speaker, Donald Adkins and countless rescue volunteers across West Virginia and the Nation put their lives on the line to protect us during times of emergency. I hope you'll join me in praising them for this difficult, dangerous work that they do for the safety of us all.

I also ask that you keep Donald Adkins' parents; his two sons, Devin and Ethan; his daughter, Allyssa; and his girlfriend, Bobbie Evans, in your thoughts and prayers.

THE AMERICAN DREAM

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

Mr. PALLONE. Mr. Speaker, you know, I hear from the other side about the American Dream, but I want to say, the American Dream doesn't mean that the government shouldn't get involved to end discrimination.

We have a long history in this country of the government getting involved to end discrimination. And that's a big part of this health care reform, because right now, people who have preexisting conditions cannot get health insurance, or, if they can, they have to pay prohibitive costs which are not acceptable and make it impossible for them to get health insurance.

What we're doing in this health care reform bill is ending discrimination, so that if you have a preexisting condition, if you've had cancer, you can still get health insurance.

Immediately after this bill becomes law—and it actually has become law; the President signed it—children cannot be excluded from policies because of preexisting conditions. And gradually that will occur for every American, that they cannot be discriminated against.

People are discriminated against now. Women are charged more than men. That's not right. That's not part of the American Dream. We are ending discrimination with this legislation, and I was so proud to see the President sign it on Tuesday.

□ 1030

AMERICAN ASTRONAUTS HITCHING A RIDE INTO SPACE WITH THE RUSSIANS

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

Mr. OLSON. Mr. Speaker, I rise today to point out a growing concern within the community of supporters for a strong human space flight program—American exceptionalism lagging behind Russia and other countries.

Just yesterday in the Washington Post, a special advertising section on Russia had a front page story about their growing investment in human space flight. The headline read, ''American Astronauts are Hitching a Ride with the Russian Space Program. Russia Makes Space for the U.S.''

Additional comments in the story included: ''Russia will fuel space exploration once again, while the U.S. vision appears dampened. As the United States reprioritizes its programs, the country will rely on Russia to take its astronauts into space.''

Under the President's proposed budget, the Russians will be the only game in town for getting our astronauts to and from the International Space Station. The United States of America should never have to depend on another foreign nation to ''make space'' for our astronauts to get to the Space Station that the American taxpayer has largely paid for.

Mr. Speaker, that should be a concern to all Americans.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' '' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas: Now therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1586, TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1212 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1212

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Transportation and Infrastructure or his designee that the House concur in the Senate amendment to the title and that the House concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. It shall be in order at any time through the calendar day of March 28, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

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 March 29, 2010.

SEC. 4. (a) On any legislative day specified in subsection (b), the Speaker may at any time declare the House adjourned.

(b) When the House adjourns on a motion pursuant to this subsection or a declaration pursuant to subsection (a) on the legislative day of:

(1) Thursday, March 25, 2010, it shall stand adjourned until 10:30 a.m. on Monday, March 29, 2010.

(2) Monday, March 29, 2010, it shall stand adjourned until 10 a.m. on Thursday, April 1, 2010.

(3) Thursday, April 1, 2010, it shall stand adjourned until 4 p.m. on Monday, April 5, 2010.

(4) Monday, April 5, 2010, it shall stand adjourned until 9 a.m. on Thursday, April 8, 2010.

(5) Thursday, April 8, 2010, it shall stand adjourned until noon on Monday, April 12, 2010.

(c) If, during any adjournment addressed by subsection (b), the House has received a message from the Senate transmitting its concurrence in an applicable concurrent resolution of adjournment, the House shall stand adjourned (as though by motion) pursuant to such concurrent resolution.

(d) The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by this section as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for consideration of the Senate amendments to H.R. 1586, the Aviation Safety and Investment Act of 2010. The rule makes in order a single motion offered by the chair of the Transportation Committee that the House concur in the Senate amendment to the title and concur in the Senate amendment to the text with the amendment printed in the Rules Committee report. It provides for 1 hour of debate on the motion.

The rule provides the Speaker may entertain motions to suspend the rules; and waives requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This requirement is waived through Monday, March 29.

Mr. Speaker, I stand here just a day after having been reminded yet again of the pain of many of my friends and constituents of the tragic February 12, 2009 crash of Colgan Air Flight 3407 and the grief caused to the people of our area.

Yesterday morning, right here in the Capitol, I was privileged to meet with some of the victims' families. It is always a sobering experience to sit down with those brave souls and their efforts to fight for safer travel for the rest of us. Their great fight is a testament to their commitment and passion.

In fact, it is my sincere hope and prayer that once we finish this effort and make changes to the laws governing pilot safety that we can find a way to name it to honor the lost lives of this crash. I suggest calling this legislation the ''Buffalo Safety Act.'' I can think of no better way to mark the lessons we have learned as a Nation about

flight safety than honoring the people who died on that icy, snowy night.

The meeting I had yesterday morning centered on safety proposals and a discussion of how this legislation will eventually be implemented. We also talked with the Federal Aviation Administration about why it has to take so long before simple, commonsense changes can be made to the laws that govern how many hours a pilot flies, how they are trained and who is responsible for ensuring their flight records are not locked away in some box where nobody can assess their skills.

After last year's crash, I could hardly believe it when we learned that the pilot of Flight 3407 had failed five different tests, yet his employer only knew about two of those failures. Shouldn't a pilot's entire flying record be available to their employer? I think so. I know it would make me feel better about getting on a plane.

As you know, I have been fighting for a handful of specific and simple changes to current law. I believe that the regional pilots have to be paid better. Better compensation will help to make sure we get the best people in the cockpit. I was stunned to learn that the first officer of Flight 3407 was paid $16,000 a year. That is less than you would earn at a convenience store. Is that what we should pay people who we trust with our lives?

I am also worried about fatigue. A tired pilot is not at his or her best, and that is not acceptable. My proposal would call for a study by the National Academy of Science on this topic but would go further by tasking the FAA to rewrite many of the standards for pilots.

I would like to see pilots' flight records available so that everybody knows about the problems in their past flying experiences. Again, my plan would mandate that the General Accounting Office review this with an eye toward greater transparency.

I would like to see carrier maintenance of their aircraft, changes made to the cozy relationship that the FAA has with airlines, and some way to put real teeth into the recommendations that grew out of the horrific hearings last spring by the National Transportation Safety Board.

It has been 21 years, Mr. Speaker, since we have revised some of the standards for aircraft rescue and firefighting standards. We are well overdue to update our expectations for all pilots, who, for the most part, are well-qualified, dedicated, and well-trained professionals.

Of course, the legislation that we are debating today is about much more. With this bill, we have essentially combined our pilot safety bill and the FAA authorization in one package.

□ 1045

It is my hope the Senate will do the right thing and allow us to go to conference where we can quickly and appropriately settle upon a compromise that allows us to turn this conversation into tangible improvements.

Besides the safety programs, this bill provides essential increases in aviation funding and safety improvements and invests in the Airport Improvement Program to help overcome congestion and delays.

The amendment we are considering today consists of the text of two bills that already have passed the House, H.R. 915, the FAA Reauthorization Act of 2009, and H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009.

I urge my colleagues to come together with me to approve this rule. Let us move quickly to pass this amendment and send it to the Senate.

I reserve the balance of my time.

Mr. SESSIONS. I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman, the chairwoman of the Rules Committee, for extending me time on this FAA Reauthorization Act.

Mr. Speaker, this may not come as a surprise to you or Members of this body, but once again we are here to discuss a bill on the floor that has come to the floor under a closed rule. We continue this process in this House of Representatives despite the promise from the majority that they would lead this floor with open and honest and ethical debate and, once again, this is neither open, and I do not believe it's an honest process if Members of this body are shut out day after day after day after day after day in the Rules Committee, Republicans and Democrats, who cannot come to this floor as a result of the Rules Committee action that we took yesterday. They are not even opening this process up to the Members. I think it's bad for this body, I think it's terrible for the Rules Committee and, even worse, I think, to extend the expectation that we would be open on this floor is a misnomer, and it has been for almost 4 years now.

This Democrat majority has not allowed for one open amendment process this entire legislative session, not one, not one, Mr. Speaker, and that's unprecedented. Last week, as we were up over the weekend Saturday in the Rules Committee for the important health care debate, Members came to the Rules Committee the entire day with over 80 Republicans amendments, presenting ideas, ideas that they had, some which were outstanding bills and some which were small and minor fixes.

Yet at the end of the day, before we voted on Sunday, gleefully the Rules Committee majority, including our chairwoman, gleefully announced all 80 Republican ideas were defeated, all 80 Republican ideas were slam dunk in the Rules Committee. All 80 Republican ideas that Members came to express themselves up on the floor, slam dunk, and gleefully the bill was held as is, no additional outside comment necessary, Democrats have it down. This has happened day after day, bill after bill.

We are here, Republicans on the floor of the House of Representatives today, saying, again, that's not right. That's not the way to run this ship, this is not open, and this is not the process that should be followed.

So I guess that when the Speaker promised we are going to be the most open, the most honest, the most ethical Congress, I don't think she was referencing how she and our chairwoman would be running the Rules Committee or the legislation on this floor. Not only is this rule closed, but it allows for martial law authority, meaning that whatever the majority wants to do, they can do on this floor, all the way throughout the weekend, all the way into Monday.

The Rules Committee continues to shut out Republicans, our ideas, and to circumvent the rules that this committee has traditionally had simply to pursue an agenda. I believe last weekend, as thousands of people were outside trying to have their voices be heard, once again, this body did not listen to them and rejected their pleas, which really begs the question, I think, would the majority each time a bill comes up for consideration eliminate the amendment process from the debate?

Is that what they are afraid of? Are they afraid to debate these? Are they afraid to have Members like the gentleman, Mr. MICA, come and present his ideas, ranking member of the committee, a gentleman who has spent lots of time working with people to make this bill better?

What are they afraid of? Are they trying to protect their Members from tough votes? Are they afraid of the process? What is it that continues this process with not one open rule this legislative session? Oh, by the way, we are in the second session right now, this is the second year.

Today's closed rule is all about the Federal Aviation Administration, known as the FAA, and this is their reauthorization act. This bill would reauthorize the FAA for 3 more years. While U.S. air travel plays a fundamental role in our economy, and making safe provisions, a cornerstone of this legislation, is important, yet there are controversial provisions, including cost increases for passengers, excessive spending and labor negotiations, and job losses. Today I would like to talk about those parts of this bill that were not amended, do not allow for Member contest, for amendments.

Keeping up the tradition of Democratic Party spending, this bill authorizes $70 billion over 4 years. This is a historic level of funding for the FAA, which should come as no surprise from this Democrat-controlled Congress that has already set record levels of deficit and spending over the past 4 years and, once again, aiming for a $1.6 trillion deficit this year, $200 billion worth of deficit last month alone.

This legislation reiterates the 1998 labor agreement between the National Air Traffic Controllers Association and the FAA. This is a terrible precedent to have Congress interject itself in a current labor dispute, especially when it is on the back of the American taxpayer. According to CBO, this agreement is going to cost taxpayers $83 million this year and over $1 billion throughout the 4-year reauthorization. This bill puts funding for other important safety and air traffic control modernization programs at risk. Forget the negotiation—we will just take care of that here on the floor of the House of Representatives.

Additionally, this legislation directs the FAA to conduct biannual inspections on all foreign repair stations. This completely disregards the bilateral safety agreements and invites foreign retaliation that threaten 130,000 American jobs at service stations. Mr. Speaker, why does this Democrat leadership continue to bring bills to the floor of the House of Representatives that threaten American jobs?

We should be all about ensuring that American jobs are taken care of, not putting them at risk. We have seen record unemployment over the last year. As a matter of fact, in the last year since President Obama has become our President, here in several months, we have doubled the amount of people who are unemployed in this country. More and more people are out of work every day directly because of the political agenda and will of Barack Obama and NANCY PELOSI on this floor of the House of Representatives with votes of Democratic Members.

Americans want jobs. We want a progrowth strategy. We want to make sure and should be on this floor talking about being competitive with the world, not here trying to satisfy union concerns and raise taxes and diminishing more jobs and putting them at risk.

Despite the record unemployment and the 130,000 jobs this bill currently threatens, it goes one step further by invalidating all antitrust immunity grants to airline allowances 3 years after enacting their contracts. This will hurt U.S. carriers' competitiveness and threaten another 15,000 jobs.

Mr. Speaker, why would we want to become less competitive with other foreign nations? Why would this Congress want to place America in a defensive position against the things which have strengthened Americans' relationship with other countries and ensured, not just that we would get along, but American jobs in the process.

This legislation also increases the Passenger Facility Charge, known as the PFC for those of us who are regular travelers, up to $7 per flight. That is a 56 percent increase from the current allowable $4.50 per flight charge.

At a time when our airlines, not unlike all other areas of this economy, are struggling, we are now going to stick it to those who are flying to pay for these boondoggle expenses that I believe this Congress is creating. While the FAA says the fees are important to fund FAA-approved projects to enhance safety and security, what it's really all about is being able to pay for this union contract.

You know, these projects also include things like bike storage for passengers that are laid out in the bill, bike storage for passengers on airlines. I don't know about you, but I don't know how many passengers who bike to the airports with their luggage, but that's what we are going to do. We are going to go and make bicycle areas available at airports. That's just a lot of money, and it's a lot of wasted money that does not make sense at a time when we should be making tough decisions, not adding to the expense that is required at every airport in this country.

This reauthorization does very little to improve our Nation's air traffic control modernization program, known as NextGen. Despite concerns and growing congestion in our Nation's airspace, the bill does not provide a dedicated funding source, does not establish an air traffic control modernization board, and does not provide NextGen with needed borrowing authority, authority to be prepared for our future. Without proper funding and oversight, NextGen will fail to properly deploy the congestion in U.S. airspace, which is reaching critical levels, to ensure the safety areas are fully adopted to.

This legislation does include the bipartisan bill H.R. 3371, the Airline Safety and Pilot Training Improvement Act, that passed the House of Representatives last year. This is a step in the right direction for the future safety of airline travel, ensuring our pilots have the appropriate screening and training that is necessary.

Over a year ago, Mr. Speaker, the President promised that unemployment would not reach 8 percent. Over 3 million Americans since then have lost their jobs. That was a promise. We have now reached a 10.2 percent record unemployment rate and continue to hover well above the 8 percent that we were told would be the margin. Congress needs to stop the record spending, needs to focus on creating jobs, not diminishing them, as this bill threatens 130,000 jobs today.

Mr. Speaker, I believe we have the ability to make progress in Congress, create jobs, and grow the economy. America should be called the ''Employer Nation,'' and, instead, this Congress fails to understand how jobs are formed through investment and reinvesting within businesses in this country.

We should work with the investor and the free enterprise system to become the global leader. We should not rely on governments to pull us out of this economic stumble that we are in.

Mr. Speaker, at this time I would like to yield 8 minutes to the gentleman from Florida, who is the ranking member of the Aviation Subcommittee, Mr. MICA.

Mr. MICA. I thank the gentleman for yielding.

Mr. Speaker, my colleagues in the House, I rise in strong opposition to this closed rule to consider FAA reauthorization legislation. Quite frankly, Mr. Speaker, I am disgusted with this whole process at a time when millions of Americans are without employment, people are having their homes foreclosed, people seeking jobs for more than a year now finding no opportunities, people cutting back across the land in tough economic times.

□ 1100

I am really saddened that we continue to play games with one of our most important responsibilities, and that is providing Federal authorization for all of our aviation programs.

The FAA bill sets the blueprint for our policy, Federal policy, for projects, for funding, for every activity dealing with aviation in this Nation. I am actually sickened by the games that have been played with this.

As chairman of the Aviation Subcommittee, in May of 2003—now listen to this—in 2003, I introduced the current and longstanding last Federal Aviation Authorization bill. Now, I didn't get it done immediately; but by December, in 6 months I had that on the President's desk, and in December of 2007 the President signed that.

Now, the other side of the aisle has had complete control of the Congress, 258 votes in the House of Representatives, 60, until just about a month ago, to do anything they wanted to do to move this country forward, to move our policy forward as far as transportation, infrastructure, job creation, investment in this country, and we are here on the eve of an Easter recess playing games with a major piece of infrastructure legislation. This is sickening.

Yesterday, we passed the 13th extension. The bill expired in 2007. The 13th extension. And, again, the other body had 60 votes to do anything they wanted to. They could have put any terms in there. So we finally get a bill from them, and they play games with that bill and send it over to us, not to consider our legislation, but putting it on a Ways and Means bill.

Now, I went before the Rules Committee yesterday, and I again emphasized the importance of passing this legislation.

I just came from a meeting of the American Society of Civil Engineers who talked about a $2.2 trillion deficit in infrastructure in this country, and one of the major glaring areas that we haven't paid attention to is aviation. Aviation is the pathway, the very means, of conducting business in this country. Whether it's for passengers, who fly two-thirds of all the flights on the planet in this country, it is our doorway to success in economic activity; and still this bill languishes. This is obscene.

We had the opportunity yesterday, if they would have provided an open rule,

to send over to the Senate, the other body, a measure that would have moved this forward and we could have a bill on its way to the President of the United States and moved the policy and the projects and the jobs forward.

Instead, what they are doing—and listen to what they are doing—they are adding on a House bill that we passed last May with job-threatening, job-killing provisions.

What is wrong with this place?

This is serious. People in this country are crying out for economic opportunities, for jobs, for the dreams of Americans. Instead, what are we doing? We are playing games. Now we are sending it back.

If they would have provided us with an open rule—the Senate bill wasn't that bad; the other body's bill wasn't that bad—we could have amended it today and got on with the business of this country, got on with advancing aviation. So, instead, we are going to put provisions in here.

The first provision we put in there is absolutely ridiculous, that is, to get NATCA, the air traffic controllers, to do away with their contracts. Well, folks, they have already done away with the contract. Of course, nobody knows it; but they have already done away with the contract. The air traffic controllers, who now get $166,000 on average, that is their average pay, behind closed doors they cut a deal to give everyone a $9,000 pay increase. Well, you know, you win the election, you pay off your friends. They helped them win the election, so they get a $9,000 pay increase; 15,000 of them, they give a $30,000 pay increase, $45,000 on average, to new hires in air traffic control.

Now, air traffic controllers do a good job. Do they deserve $166,000 on average? I don't think so. They are well compensated. That is 15,500 employees.

Well, I have 22,000 employees that we left behind in FAA in that sweetheart deal, engineers, people with Ph.D.s, people who have technical expertise in safety that I need in that agency. We left them behind so we could play political games. And they put the provision in here that is almost an insult, because they already cut that deal. They have got a provision in here on repair stations. It threatens to kill 130,000 jobs in this legislation—130,000 jobs. They invalidate an antitrust provision. This is what we are tacking on to the Senate bill that came over here, 15,000 jobs.

When we debated the bill on the floor, I stood up, and almost every speaker who spoke I cited how many jobs would be lost in their district or their State or threatened to be lost because of the provisions. Now we are tacking those job-killing provisions back on this bill and sending it to the other body.

It gets worse. You heard some of the things that are in here that do not belong in here that will harm aviation, that will set us behind, that will kill additional jobs; and yet we are playing that game.

So it's a lot of fun, folks, to be here when people are hurting, when people are looking to us for leadership. And what do we provide them? A little Ping-Pong game: Here comes the bill again. There goes the bill again.

Well, I am going to vote ''no'' on this rule. I am going to vote ''no'' on the legislation that follows. Not because I don't want to proceed; I want to proceed. But we need to do it in a responsible fashion.

Mr. SESSIONS. I reserve the balance of my time.

Ms. SLAUGHTER. May I inquire how much time remains, Mr. Speaker.

The SPEAKER pro tempore. The gentlelady from New York has 24½ minutes remaining. The gentleman from Texas has 8½ minutes remaining.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. SESSIONS. I once again would like to thank the gentlewoman for the time she has extended to us. And I appreciate the gentleman, Mr. MICA, for being here today on the floor.

In closing, Mr. Speaker, I want to reiterate that the House is operating an unprecedented restrictive rules process, once again, continuing the 4 years, into our fourth year of this very interesting process to deny Members the opportunity to come and to place their ideas on this floor, to debate their ideas, and a chance to vote on them. I think it is a bad way to run the House.

Every time a rule is up, we get to say, Well, brand-new record. Brand-new record here for the House of Representatives.

I think you heard the frustration that came from a gentleman who has devoted his life, not only his career, to the transportation infrastructure areas of this country, but also the FAA and a lot of initiatives and ideas that he wishes he could have been a part of to make this better. But, once again, our friends on the other side of the aisle refuse to work with the Republicans. They refuse to allow amendments or even a motion to recommit, and then given themselves martial law, same-day suspension authority, and other circumventing activities just to get their job-killing agendas through this House of Representatives.

If it weren't just job killing, it would be simple for the American people to understand, but it is also record taxing and spending. Big Government. Big Government, empowering government-types of rules and bills on this floor. And we oppose that.

If we continue to borrow, tax, and spend down this pathway that the Democrat majority has that we have been pursuing since 2007, we are going to keep finding that not only do we keep losing jobs, but our country functionally will be broke. Not just broken, but bankrupt-type broke. We are noncompetitive, and we are doing nothing to create competitiveness around this world. As a matter of fact, we are trying to play hardball with other countries.

No wonder this President is seen, and America is seen, in the world's eyes the way that we are. We are told that others diminished America's reputation, but what we are doing here today is just another opportunity to go stick our finger in the eye of our friends around the world.

Mr. Speaker, I am disappointed. We heard the gentleman from Florida say he is outraged. All we can do is that which is given to us. We will vote ''no.'' We will vote ''no'' on this rule. We will vote to try and gain some opportunity to where we can have balance back on this floor, and we will continue to stand up and talk about how we would like for this country to be an employer Nation.

We would like to have this Congress aim at its business and what it does, instead of part-time or summer jobs; full-time jobs, employment, and opportunity for the American people. We would like to see this Congress take on the opportunities to say that we recognize that the way we will have jobs is by lowering taxes and giving investors an opportunity, a chance to place their hard-earned money into the free enterprise system where jobs can be built and grown, an opportunity not to have the three largest political agenda items that this Democratic Party, this President Barack Obama and NANCY PELOSI stand for, three major political items that would net lose this country 10 million jobs.

This last weekend as we were up in the Rules Committee, we were talking about the diminishment of jobs or the guess of diminishment jobs in this health care bill, and I stated what I believe was factually correct: around 4½ million jobs would be lost. And one of my Democratic colleagues yelled back, It's only 3 million jobs—only 3 million jobs are expected to be lost by this health care bill.

That is 3 million American jobs today that we are knowingly, willingly, voting to say, That's okay. We don't care about those jobs, because what we want to do is to take care of some 25 million people who do not have insurance coverage and are underinsured on health care today, and yet remaining another 25 million that are out there.

The cost-benefit ratios are staggering from this Democrat majority. It is staggering what we are doing to the free enterprise system, to families, to jobs, to people who want to have an opportunity to have a job, the dignity to take care of themselves. It's staggering to me the amount of debt, the amount of spending that takes place from this Democratic House of Representatives. It's staggering to me to see that this leadership and the votes that are made on this floor of the House of Representatives day after day are from our past and perhaps our future.

We don't even care if we read the bill. We don't care about the process. We care more about our political agenda, a political agenda about making government bigger, about bankrupting this

country, about taking jobs from American people, about the cavalier nature in which this is done.

And then we look at the opportunity as we go through the bill to see that this health care bill, and other bills like we are having here today, simply empower other people, bigger government: 16,000 new IRS agents will be hired simply to make sure that this health care bill is enforced.

It's these kinds of questions, Mr. Speaker, which Republicans and I believe others are raising about the leadership of Barack Obama and the leadership of NANCY PELOSI; and yet we look up and see day after day the votes that are on the floor.

Don't even worry about reading the bill. Let's just get this done: this is why we are having problems in this country. We should open up the process.

□ 1115

We should have open, honest, ethical debates. We should be willing to accept Republican ideas. We should not be gleeful when, Well, we reject it. Eighty Republican ideas. Job well done, Democratic team. Let's slam-dunk those Republicans. Let's not allow their ideas.

Mr. Speaker, for this country to work, and to work properly, it's going to take all of us working together, not just the Democrat majority because they have the votes to slam-dunk Republicans. We believe process is important. We believe ideas are important. We believe that the Republican Party has lots of ideas that we will continue to stand up for. We are an alternative party and we will continue to show up every day faithfully for the American people; faithfully to say that we believe in not only freedom and opportunity, but we believe in the free enterprise system and people to have the dignity of jobs.

And we are going to fight these job-killing Democrat ideas. We're going to fight these taxes and the spending that takes place, and we will make sure that the American people understand this is just another chance today to put America further and deeper into debt. It makes us sick to our stomach when we have to have Members who come and say, I was shut out of this process. No wonder I'm going to vote against this bill.

I yield back the balance of my time.

Ms. SLAUGHTER. Well, Mr. Speaker, in response to Mr. SESSIONS' comments on jobs, I would like to quote from this morning's Dallas Morning News and then submit the article for the RECORD. ''Jobs picture.'' I believe this is the gentleman's district. ''Moody's is forecasting that most Texas markets—including the Dallas-Forth Worth area—will have made up for employment lost during the recession and be adding jobs by late next year.''

''The central part of the country and all of Texas will be among the first to reclaim all of its lost jobs.''

The just-passed Federal health care legislation could add significantly to the employment base, since Texas is one of the States with the highest percentage of consumers who have no health care insurance.

[From the Dallas Morning News, Mar. 24, 2010]

MOODY'S EXPERTS PREDICT TEXAS CITIES WILL LEAD THE RECOVERY

(By Steve Brown)

Texas cities will outpace the rest of the country coming out of the recession.

But that doesn't mean there won't be bumps in the road to recovery, the folks at Moody's Analytics said Tuesday at their annual Dallas economic confab.

There's still some bad news—more woes in store for the battered real estate sector. But Moody's predicts that Texas will find new jobs in health care, high tech and energy.

''This region really does lead the nation in terms of recovery and will be one of the first regions to achieve a new employment peak,'' Steven Cochrane, Moody's Analytics' managing director, told more than 100 local businesspeople at the session. ''The recession was just so shallow here because the housing cycle was shallow.

''Income growth was more stable, and state fiscal conditions are better,'' he said. ''There is a smaller hole to dig out of.''

JOBS PICTURE

Moody's is forecasting that most Texas markets—including the Dallas-Fort Worth area—will have made up for employment lost during the recession and be adding jobs by late next year or early 2012.

''The central part of the country and all of Texas will be among the first to reclaim all of its lost jobs,'' Cochrane said.

The Dallas area is expected to increase employment by about 1.5 percent in 2010 and 3 percent in 2011.

Oil and gas and high tech will be among the sectors that drive job creation in Texas during the next few years, Moody's predicts.

The just-passed federal health care legislation could also add significantly to the employment base, since Texas is one of the states with the highest percentage of consumers who lack medical insurance.

BIG GROWTH DRIVER

''We will probably see this as a big growth driver in all of the South long term,'' Cochrane said.

Moody's analysts aren't bullish about the country's housing market. They expect further weakness this year and a slow turnaround when it comes.

''Foreclosures are at best peaking now,'' Moody's Analytics director Edward Friedman said. ''Maybe it will be another three or for months before they finally peak completely, and we see the true turnabout we need to believe the housing market is headed on the right track.''

That's why Moody's is forecasting further declines in nationwide home prices during the next six months. ''We think another 5 or 10 percent,'' Friedman said.

THE DRAG OF HOUSING

Unlike in most economic rebounds, the housing market will continue to drag, he said.

''The housing sector—isn't that the sector that leads the recovery?'' Friedman said. ''Not this time.''

Moody's estimates that U.S. households have lost almost $6 trillion in housing values during the recession.

''The rebound so far has only been in the stock market,'' Friedman said. ''You are not getting your housing construction rebound.''

Texas home prices aren't likely to see much of a bounce during the next couple of years, the analysts predict.

''Housing isn't a significant driver in the Texas economy right now,'' Cochrane said.

Moody's also has red flags flying over the U.S. commercial real estate market but doesn't think commercial price adjustments will hurt the economy as badly as the housing sector shakeout has.

''Nonresidential construction is pretty far down,'' Friedman said.

''How much further down could it go?''

I would also like to quote from an AP article this morning and then submit the article for the RECORD.

''The Labor Department said Thursday''—that's today—''that first-time claims for jobless benefits dropped by 14,000 to a seasonally adjusted 442,000. That's below analysts' estimates of 450,000, according to Thomson Reuters.''

As you recall, as I do, Mr. Speaker, that at the beginning of this session we inherited the worst recession since the Great Depression, and we have moved steady, month by month, putting people back to work.

The next thing I'd like to report, ''Analysts forecast the Nation will gain more than 150,000 jobs in March,'' and, ''We believe that the trend in initial claims is signaling that . . . job creation is imminent,'' say the economists at Bank of America Merrill Lynch, who wrote that before the Labor Department's report.

UNEMPLOYMENT CLAIMS DROP BY 14,000—MOST OF THE DROP PEGGED TO ADJUSTMENTS IN HOW LABOR DEPARTMENT CALCULATES CLAIMS

WASHINGTON, Mar. 25, 2010.—(AP) New claims for unemployment benefits fell more than expected in the U.S. last week as layoffs ease and hiring slowly recovers.

The Labor Department said Thursday that first-time claims for jobless benefits dropped by 14,000 to a seasonally adjusted 442,000. That's below analysts' estimates of 450,000, according to Thomson Reuters.

But most of the drop resulted from a change in the calculations the department makes to seasonally adjust the data, a Labor Department analyst said. Excluding the effect of those adjustments, claims would have fallen by only 4,000.

The department updates its seasonal adjustment methods every year, and revises its data for the previous five years. Seasonal adjustment attempts to filter out expected changes in employment such as the layoff of temporary retail employees after the winter holidays. The goal of seasonally adjusted figures is to provide a more accurate picture of underlying economic trends.

Excluding seasonal adjustment, initial claims fell by more than 30,000 last week to 405,557.

The four-week average of claims, which smooths volatility, dropped by 11,000 to a seasonally adjusted 453,750, the department said, the lowest since September 2008, when the financial crisis intensified.

Initial claims have fallen in three of the past four weeks, wiping out most of the increase that took place in the first two months of this year. That increase early in the year stoked worries among economists that improvement in the job market was stalling.

First-time claims were elevated last month by severe snowstorms on the East Coast, which caused backlogs in many state offices that fell behind in processing claims.

Many economists say claims need to fall below roughly 425,000 to signal that the economy will consistently create jobs, though

some say it could happen with claims at higher levels. Analysts forecast the nation will gain more than 150,000 jobs in March, partly due to temporary hiring for the Census. The March figures will be reported April 2.

''We believe that the trend in initial claims is signaling that . . . job creation is imminent,'' economists at Bank of America Merrill Lynch wrote before the Labor Department's report.

Initial claims are considered a gauge of the pace of layoffs and an indication of companies' willingness to hire new workers.

The number of Americans continuing to claim unemployment benefits, meanwhile, fell to 4.6 million.

But that doesn't include millions of people who are receiving extended benefits for up to 73 extra weeks, paid for by the federal government, on top of the 26 customarily provided by the states. Nearly 5.7 million people were on the extended benefit rolls for the week ended March 6, the latest data available. That is about 300,000 lower than the previous week. The extended benefit figures aren't seasonally adjusted and are volatile from week to week.

All told, more than 11.1 million people are claiming unemployment benefits, the department said.

I would like to urge my colleagues to vote ''yes'' on the previous question and the rule.

I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

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.

Ms. SLAUGHTER. 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.

RECESS

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

Accordingly (at 11 o'clock and 19 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1426

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 2 o'clock and 26 minutes p.m.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1220

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas.

Therefore be it: Resolved, that not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO REFER THE RESOLUTION

Mr. MCGOVERN. Mr. Speaker, I move that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, this is a matter that properly belongs before the Committee on Standards of Official Conduct.

I yield back the balance of my time and move the previous question.

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

There was no objection.

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

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

Mr. FLAKE. 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, this 15-minute vote on the motion to refer the resolution will be followed by 5-minute votes on adopting House Resolution 1212; and agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 406, nays 1, answered ''present'' 15, not voting 7, as follows:

[Roll No. 187]

YEAS—406

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam

Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Rahall

ANSWERED ''PRESENT''—15

Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Hastings (WA)
Latham
Lofgren, Zoe
McCaul
Simpson
Walden
Welch

NOT VOTING—7

Barrett (SC)
Buyer
Davis (AL)
Honda
Johnson (GA)
Reichert
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1458

Messrs. HARPER and BONNER changed their vote from ''yea'' to ''present.''

Mr. LATHAM changed his vote from ''nay'' to ''present.''

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

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

H.R. 4872. An act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1586, TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1212, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 190, not voting 8, as follows:

[Roll No. 188]

YEAS—231

Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cohen
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Buyer
Davis (AL)
Ellison
Moore (WI)
Reichert
Smith (WA)
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1508

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.

THE JOURNAL

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

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 10, as follows:

[Roll No. 189]

YEAS—241

Ackerman
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Carnahan
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NAYS—178

Aderholt
Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Carney
Carter
Cassidy
Childers
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Granger
Griffith
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hoekstra
Inglis
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Buyer
Davis (AL)
Gohmert
Hall (TX)
Matsui
Perlmutter
Reichert
Souder
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1514

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4269

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 4269.

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

There was no objection.

□ 1515

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

Mr. OBERSTAR. Mr. Speaker, pursuant to House Resolution 1212, I call up the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Air Transportation Modernization and Safety Improvement Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of Next Generation Air Transportation System projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.

Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Government share of certain air project costs.
Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.
Sec. 208. Miscellaneous amendments.
Sec. 209. State block grant program.
Sec. 210. Airport funding of special studies or reviews.
Sec. 211. Grant eligibility for assessment of flight procedures.
Sec. 212. Safety-critical airports.
Sec. 213. Environmental mitigation demonstration pilot program.
Sec. 214. Allowable project costs for airport development program.
Sec. 215. Glycol recovery vehicles.
Sec. 216. Research improvement for aircraft.
Sec. 217. United States Territory minimum guarantee.
Sec. 218. Merrill Field Airport, Anchorage, Alaska.
Sec. 219. Release from restrictions.
Sec. 220. Designation of former military airports.
Sec. 221. Airport sustainability planning working group.
Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.
Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. NextGen management.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system implementation office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.
Sec. 314. Acceleration of NextGen technologies.
Sec. 315. ADS–B development and implementation.
Sec. 316. Equipage incentives.
Sec. 317. Performance metrics.
Sec. 318. Certification standards and resources.
Sec. 319. Report on funding for NextGen technology.
Sec. 320. Unmanned aerial systems.
Sec. 321. Surface Systems Program Office.
Sec. 322. Stakeholder coordination.
Sec. 323. FAA task force on air traffic control facility conditions.
Sec. 324. State ADS–B equipage bank pilot program.
Sec. 325. Implementation of Inspector General ATC recommendations.
Sec. 326. Semiannual report on status of Greener Skies project.
Sec. 327. Definitions.
Sec. 328. Financial incentives for Nextgen Equipage.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.
Sec. 402. Publication of customer service data and flight delay history.
Sec. 403. Expansion of DOT airline consumer complaint investigations.
Sec. 404. Establishment of advisory committee for aviation consumer protection.
Sec. 405. Disclosure of passenger fees.
Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.
Sec. 407. Notification requirements with respect to the sale of airline tickets.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program.
Sec. 412. Extension of final order establishing mileage adjustment eligibility.
Sec. 413. EAS contract guidelines.
Sec. 414. Conversion of former EAS airports.
Sec. 415. EAS reform.
Sec. 416. Small community air service.
Sec. 417. EAS marketing.
Sec. 418. Rural aviation improvement.
Sec. 419. Repeal of essential air service local participation program.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.
Sec. 432. Contract tower program.
Sec. 433. Airfares for members of the Armed Forces.
Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Judicial review of denial of airman certificates.
Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 504. Design organization certificates.
Sec. 505. FAA access to criminal history records or database systems.
Sec. 506. Pilot fatigue.
Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.
Sec. 508. Cabin crew communication.
Sec. 509. Clarification of memorandum of understanding with OSHA.
Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 511. Improved safety information.
Sec. 512. Voluntary disclosure reporting process improvements.
Sec. 513. Procedural improvements for inspections.
Sec. 514. Independent review of safety issues.
Sec. 515. National review team.
Sec. 516. FAA Academy improvements.
Sec. 517. Reduction of runway incursions and operational errors.
Sec. 518. Aviation safety whistleblower investigation office.
Sec. 519. Modification of customer service initiative.
Sec. 520. Headquarters review of air transportation oversight system database.
Sec. 521. Inspection of foreign repair stations.
Sec. 522. Non-certificated maintenance providers.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. FAA pilot records database.
Sec. 552. Air carrier safety management systems.
Sec. 553. Secretary of Transportation responses to safety recommendations.
Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
Sec. 556. Flightcrew member mentoring, professional development, and leadership.
Sec. 557. Flightcrew member screening and qualifications.
Sec. 558. Prohibition on personal use of certain devices on flight deck.
Sec. 559. Safety inspections of regional air carriers.
Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
Sec. 561. Oversight of pilot training schools.
Sec. 562. Enhanced training for flight attendants and gate agents.
Sec. 563. Definitions.
Sec. 564. Study of air quality in aircraft cabins.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of alternative fuel technology for civilian aircraft.
Sec. 604. Production of clean coal fuel technology for civilian aircraft.
Sec. 605. Advisory committee on future of aeronautics.
Sec. 606. Research program to improve airfield pavements.
Sec. 607. Wake turbulence, volcanic ash, and weather research.
Sec. 608. Incorporation of unmanned aircraft systems into FAA plans and policies.
Sec. 609. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 610. Pilot program for zero emission airport vehicles.
Sec. 611. Reduction of emissions from airport power sources.
Sec. 612. Siting of windfarms near FAA navigational aides and other assets.
Sec. 613. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.
Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of Stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at Teterboro Airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Transporting musical instruments.
Sec. 714. Recycling plans for airports.
Sec. 715. Disadvantaged Business Enterprise Program adjustments.
Sec. 716. Front line manager staffing.
Sec. 717. Study of helicopter and fixed wing air ambulance services.
Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.
Sec. 719. Study of aeronautical mobile telemetry.
Sec. 720. Flightcrew member pairing and crew resource management techniques.
Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.

Sec. 722. Line check evaluations.
Sec. 723. Report on Newark Liberty Airport air traffic control tower.
Sec. 724. Priority review of construction projects in cold weather States.
Sec. 725. Air-rail codeshare study.
Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
Sec. 727. Study on aviation fuel prices.
Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.
Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.
Sec. 731. Technical correction.
Sec. 732. Plan for flying scientific instruments on commercial flights.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

Sec. 800. Amendment of 1986 Code.
Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
Sec. 803. Modification of excise tax on kerosene used in aviation.
Sec. 804. Air traffic control system modernization account.
Sec. 805. Treatment of fractional aircraft ownership programs.
Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
Sec. 807. Transparency in passenger tax disclosures.

TITLE IX—BUDGETARY EFFECTS

Sec. 901. Budgetary effects.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

Sec. 1001. Definition.
Sec. 1002. Rescission.
Sec. 1003. Agency wide identification and reports.

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

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

SEC. 3. EFFECTIVE DATE.

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

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

''(A) $9,336,000,000 for fiscal year 2010; and

''(B) $9,620,000,000 for fiscal year 2011.''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,500,000,000 for fiscal year 2010, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

''(2) $3,600,000,000 for fiscal year 2011, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.''.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

''(1) $200,000,000 for fiscal year 2010.

''(2) $206,000,000 for fiscal year 2011.'';

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

''(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

''(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

''(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

''(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

''(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.''.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $4,000,000,000 for fiscal year 2010; and

''(2) $4,100,000,000 for fiscal year 2011.''.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking ''2007'' in subsection (a)(1)(A) and inserting ''2011'';

(2) by striking ''2007,'' in subsection (a)(2) and inserting ''2011,''; and

(3) by striking ''2007'' in subsection (c)(2) and inserting ''2011''.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

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

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

(3) by adding at the end thereof the following:

''(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.''.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

''§ 48105. Airport programs administrative expenses

''Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

''(1) for fiscal year 2010, $94,000,000; and

''(2) for fiscal year 2011, $98,000,000.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses''.

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Adminstrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

''(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

''(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

''(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

''(B) the total amount of program revenue collected by the agency during the period covered by the report;

''(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

''(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

''(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

''(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

''(G) any other information on the program that the Secretary may require.

''(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

''(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year

shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

''(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

''(ii) that the notice include a full description and justification for a proposed project;

''(iii) that the notice include a detailed financial plan for the proposed project; and

''(iv) that the notice include the proposed level for the passenger facility charge.

''(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

''(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

''(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

''(iii) provides scheduled service at the airport.

''(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

''(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

''(4) PUBLIC NOTICE AND COMMENT.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

''(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

''(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

''(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

''(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

''(5) OBJECTIONS.—

''(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

''(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

''(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

''(i) the project is not an eligible airport related project;

''(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

''(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

''(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

''(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

''(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

''(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

''(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

''(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

''(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

''(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking ''FEE'' in the heading for paragraph (5) and inserting ''CHARGE''; and

(ii) by striking ''fee'' each place it appears in paragraphs (5) and (6) and inserting ''charge''.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking ''fee'' or ''fees'' each place either appears and inserting ''charge'' or ''charges'', respectively; and

(ii) by striking ''FEE'' in the subsection caption for subsection (l), and ''FEES'' in the subsection captions for subsections (e) and (m), and inserting ''CHARGE'' and ''CHARGES'', respectively.

(C) The caption for section 40117 is amended to read as follows:

''§ 40117. Passenger facility charges''.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges''.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking ''subsection (c) of this section to finance a specific'' and inserting ''subsection (c)(6) of this section to finance an intermodal ground access'';

(B) by striking ''specific'' in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

''(2) the project is an eligible airport-related project; and'';

(D) by striking ''each of the specific projects; and'' in paragraph (3) and inserting ''the project.''; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: ''(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.''.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking ''long-term''.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.''.

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

(A) by striking ''(c)(2)'' in paragraph (2) and inserting ''(c)(3)''; and

(B) by striking ''October 1, 2009.'' in paragraph (7) and inserting ''the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.''.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking ''sponsor'' the second place it appears in the first sentence and all that follows and inserting ''sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.''.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

''(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

''(2) COLLECTION REQUIREMENTS.—

''(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

''(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

''(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

''(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.''.

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.—

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

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

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

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

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking ''made;'' in subsection (a)(16)(D)(ii) and inserting ''made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;'';

(2) by striking ''purpose;'' in subsection (c)(2)(A)(i) and inserting ''purpose, which includes serving as noise buffer land;'';

(3) by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' in subsection (c)(2)(B)(iii) and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.''; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

''(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

''(i) reinvestment in an approved noise compatibility project;

''(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

''(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

''(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

''(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).''.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking ''subsection (b) or subsection (c)'' in subsection (a) and inserting ''subsection (b), (c), or (e)''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.''.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking ''year 2004.'' and inserting ''years 2010 and 2011.''.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

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

''(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

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

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

(2) by striking ''facilities, including fuel farms and hangars,'' in subsection (h) and inserting ''facilities, as defined by section 47102,''; and

(3) by adding at the end the following:

''(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made.''.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting ''(1)'' before ''Subsection''; and

(3) by adding at the end thereof the following:

''(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

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

''(B) funding is provided under this title for the public sponsor's acquisition; and

''(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

''(3) This subsection shall apply to grants issued on or after October 1, 1996.''.

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY CHARGES TO CONSTRUCT BICYCLE STORAGE FACILITIES.

Section 40117(a)(3) is amended—

(1) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii);

(2) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(3) by adding at the end the following:

''(B) BICYCLE STORAGE FACILITIES.—A project to construct a bicycle storage facility may not be considered an eligible airport-related project.''.

SEC. 208. MISCELLANEOUS AMENDMENTS.

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

(1) by striking ''each airport to—'' in subsection (a) and inserting ''the airport system to—'';

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

(3) by striking ''aeronautics; and'' in subsection (a)(2) and inserting ''aeronautics.'';

(4) by striking subsection (a)(3);

(5) by inserting ''and'' after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking ''operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,'' in subsection (b)(2), as redesignated, and inserting ''operations''; and

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

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking ''separated from'' in paragraph (1)(B) and inserting ''discharged or released from active duty in'';

(2) by adding at the end of paragraph (1) the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.'';

(3) by striking ''veterans and'' in paragraph (2) and inserting ''veterans, Afghanistan-Iraq war veterans, and''; and

(4) by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.''.

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

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

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

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

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

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

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

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

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

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

(2) by striking ''47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140'' in subsection (b) and inserting ''47102(3)(K) or 47102(3)(L)''; and

(3) by striking ''40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140,'' in subsection (b) and inserting ''40117(a)(3)(G), 47102(3)(K), or 47102(3)(L),''; and

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property that is subject to

section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),''.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking ''Airport Capacity Benchmark Report 2001.'' in paragraph (2) and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report.''; and

(2) by adding at the end thereof the following:

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

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking ''35 percent'' in the first sentence and inserting ''$300,000,000'';

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

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

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

(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E)(ii);

(2) by striking ''airport.'' in subparagraph (E)(iii) and inserting ''airport; and'';

(3) by adding at the end of subparagraph (E) the following:

''(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.'';

(4) in subparagraph (G)—

(A) by striking ''FISCAL YEAR 2006'' in the heading and inserting ''FISCAL YEARS 2008 THROUGH 2011'';

(B) by striking ''fiscal year 2006'' and inserting ''fiscal years 2008 through 2011'';

(C) by striking clause (i) and inserting the following:

''(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;''; and

(D) by striking ''2000 or 2001;'' in clause (ii) and inserting ''2003;''; and

(5) by adding at the end thereof the following:

''(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''.

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

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

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking ''of—'' and all that follows and inserting ''of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.''.

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking ''regulations'' each place it appears in subsection (a) and inserting ''guidance'';

(2) by striking ''grant;'' in subsection (b)(4) and inserting ''grant, including Federal environmental requirements or an agreed upon equivalent;'';

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.''; and

(4) by adding at the end the following:

''(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).''.

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''project.'' and inserting ''project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.''.

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

''(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.''.

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

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

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

(3) by adding at the end the following:

''(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.''.

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47143. Environmental mitigation demonstration pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

''(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

''(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

''(2) will be implemented by an eligible consortium.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

''(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

''(A) Businesses operating in the United States.

''(B) Public or private educational or research organizations located in the United States.

''(C) Entities of State or local governments in the United States.

''(D) Federal laboratories.

''(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

''(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

''(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

''(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

''(i) practical to implement at or near multiple public use airports; and

''(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

''47143. Environmental mitigation demonstration pilot program''.

SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) is amended—

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

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

(3) by adding at the end the following:

''(3) necessarily incurred in anticipation of severe weather.''.

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting ''including acquiring glycol recovery vehicles,'' after ''aircraft,''.

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''aircraft.'' in paragraph (7) and inserting ''aircraft; and''; and

(3) by adding at the end thereof the following:

''(8) to conduct research to support programs designed to reduce gases and particulates emitted.''.

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting ''AND ANY UNITED STATES TERRITORY'' after ''ALASKA'' in the subsection heading; and

(2) by adding at the end thereof the following:

''(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.''.

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 219. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking ''one'' and inserting ''three'' in its place.

SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator;

(2) 5 member organizations representing aviation interests including:

(A) an organization representing airport operators;

(B) an organization representing airport employees;

(C) an organization representing air carriers;

(D) an organization representing airport development and operations experts;

(E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include:

(A) at least one from each of the FAA Regions;

(B) at least 1 large hub;

(C) at least 1 medium hub;

(D) at least 1 small hub;

(E) at least 1 non hub;

(F) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings;

(4) examine and submit recommendations for the industry's next steps with regard to sustainability.

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operations of airports.

(h) No funds may be authorized to carry out this provision.

SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.''.

SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

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

(2) submit to Congress a report on the study completed under paragraph (1).

(b) REPORT CONTENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

''(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

''(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

''(A) the Administrator and a representative from the Department of Defense;

''(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

''(C) 6 members representing aviation interests, as follows:

''(i) 1 representative that is the chief executive officer of an airport.

''(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

''(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

''(iv) 1 representative with extensive operational experience in the general aviation community.

''(v) 1 representative from an aircraft manufacturer.

''(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

''(3) APPOINTMENT AND QUALIFICATIONS.—

''(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

''(i) management of large service organizations;

''(ii) customer service;

''(iii) management of large procurements;

''(iv) information and communications technology;

''(v) organizational development; and

''(vi) labor relations.

''(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

''(i) 2 shall be appointed for terms of 1 year;

''(ii) 1 shall be appointed for a term of 2 years;

''(iii) 1 shall be appointed for a term of 3 years; and

''(iv) 1 shall be appointed for a term of 4 years.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—The Board shall—

''(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

''(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

''(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

''(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

''(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

''(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

''(vii) annually review and make recommendations on the NextGen Implementation Plan;

''(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

''(ix) approve the selection of the head of the Joint Planning and Development Office.

''(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

''(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

''(6) ADMINISTRATIVE MATTERS.—

''(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

''(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

''(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

''(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

''(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

''(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

''(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

''(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

''(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

''(II) to affect any other right or remedy against the United States under applicable law; or

''(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

''(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) does not engage in another business related to aviation or aeronautics; and

''(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

''(I) COMPENSATION.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

''(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

''(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

''(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).''.

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

''(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

''(A) promote the safety of life and property;

''(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

''(C) encourage competition and provide services to the largest feasible number of users; and

''(D) take into account the unique role served by general aviation.''.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

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

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

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

(2) by striking paragraph (4); and

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

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting ''(whether public or private)'' in paragraph (1) after ''authorities'';

(2) by striking ''safety.'' in paragraph (1) and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.''; and

(3) by striking ''appropriation from which expenses were incurred in providing such services.'' in paragraph (3) and inserting ''appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.''.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by striking ''Board.'' in subparagraph (H) and inserting ''Board; and''; and

(3) by inserting at the end the following new subparagraph:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means a Federal Aviation Administration executive;

''(III) the term 'career appointee' means a Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) REVIEW AND RECOMMENDATIONS.—

(1) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board's recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) REALIGNMENT DEFINED.—In this section, the term ''realignment''—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting ''strategic and cross-agency'' after ''manage'' in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) ''The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.'';

(3) by inserting ''(A)'' after ''(3)'' in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

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

''(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;

''(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

''(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

''(C) The head of any such Department or agency shall ensure that—

''(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

''(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

''(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

''(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

''(II) the budgetary and staff resources committed to the project.

''(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.'';

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

(6) by striking ''research and development roadmap'' in subsection (b)(3) and inserting ''implementation plan'';

(7) by striking ''and'' after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

''(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and'';

(9) by inserting ''and key technologies'' after ''concepts'' in subsection (b)(4);

(10) by striking ''users'' in subsection (b)(4) and inserting ''users, an implementation plan,'';

(11) by adding at the end of subsection (b) the following:

''Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.''; and

(12) by striking ''2010.'' in subsection (e) and inserting ''2011.''.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking ''Secretary.'' and inserting ''Secretary and shall meet at least once each quarter.''.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

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

(2) by striking ''weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and'' in subparagraph (C) and inserting ''aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) by striking ''another structure'' in subparagraph (D) and inserting ''any structure, equipment,'';

(4) by striking ''aircraft.'' in subparagraph (D) and inserting ''aircraft; and''; and

(5) by adding at the end the following:

''(E) buildings, equipment, and systems dedicated to the National Airspace System.''.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation; and'' and inserting ''compensation, and the amount received may be credited

to the appropriation current when the amount is received; and''.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

''(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

''(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

''(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.''.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

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

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

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

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.

(D) COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.

(E) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

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

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—

(1) IN GENERAL.—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.

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

(A) 25 percent of the required procedures at such other airports before January 1, 2015;

(B) 50 percent of the procedures at such other airports before January 1, 2016;

(C) 75 percent of the procedures at such other airports before January 1, 2017; and

(D) 100 percent of the procedures before January 1, 2018.

(c) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and congestion benefits.

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

(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

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

(2) specific implementation and transition steps; and

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

(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

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

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS–B DEVELOPMENT AND IMPLEMENTATION.

(a) IN GENERAL.—

(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS–B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS–B ground station installation goals;

(B) a transition plan for ADS–B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

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

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS–B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users, small and medium-sized airports, and general aviation users from deployment of ADS–B and provide an explanation of the metrics used to quantify those benefits.

(b) RULEMAKINGS.—

(1) ADS–B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA–2007–29305; Notice No. 07–15; 72 FR 56947) to issue guidelines and regulations for ADS–B Out technology that—

(i) identify the ADS–B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

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

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

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS–B Out technology not addressed in the initial rulemaking.

(2) ADS–B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS–B In technology that—

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

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

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

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

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

(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

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

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS–B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS–B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

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

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS–B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

(d) CONDITIONAL EXTENSION OF DEADLINES FOR EQUIPPING AIRCRAFT WITH ADS–B TECHNOLOGY.—

(1) ADS–B OUT.—In the case that the Administrator fails to complete the initial rulemaking described in subparagraph (A) of subsection (b)(1) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in clause (ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) ADS–B IN.—In the case that the Administrator fails to initiate the rulemaking required by paragraph (2) of subsection (b) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rulemaking.

SEC. 316. EQUIPAGE INCENTIVES.

(a) IN GENERAL.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS–B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

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

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

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

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

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

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

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

(B) information about how any additional metrics were developed.

(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

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

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

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

(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes; and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;

(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.

(a) IN GENERAL.—The Air Traffic Organization shall—

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

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

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

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

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

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 322. STAKEHOLDER COORDINATION.

(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 324. STATE ADS–B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS–B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS–B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS–B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2010 through 2014.

(c) FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE BANKS.—An ADS–B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS–B equipage account of an ADS–B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS–B and related avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS–B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn

interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) STAFFING ANALYSES AND REPORTS.—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress,

the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

SEC. 327. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

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

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) FUNDING INSTRUMENT.—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§41781. Air carrier and airport contingency plans for long on-board tarmac delays

''(a) DEFINITION OF TARMAC DELAY.—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

''(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

''(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

''(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

''(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

''(A) adequate food and potable water;

''(B) adequate restroom facilities;

''(C) cabin ventilation and comfortable cabin temperatures; and

''(D) access to necessary medical treatment.

''(2) RIGHT TO DEPLANE.—

''(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

''(B) DELAYS.—

''(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

''(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

''(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

''(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

''(iii) EXCEPTIONS.—This subparagraph shall not apply if—

''(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

''(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

''(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

''(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

''(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

''(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

''(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.

''(g) APPROVAL.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

''(A) review the initial contingency plans submitted under subsection (b); and

''(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

''(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

''(A) review the plan; and

''(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

''(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

''(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

''(1) including the plan on the Internet Web site of the carrier or airport; or

''(2) disseminating the plan by other means, as determined by the Secretary.

''§41782. Air passenger complaints hotline and information

''(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''41781. Air carrier and airport contingency plans for long on-board tarmac delays

''41782. Air passenger complaints hotline and information''.

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

''(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

''(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

''(A) The on-time performance for the flight if the flight is a chronically delayed flight.

''(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

''(3) DEFINITIONS.—In this subsection:

''(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

''(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

(1) checked baggage or oversized or heavy baggage;

(2) meals, beverages, or other refreshments;

(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;

(4) purchasing tickets from an airline ticket agent or a travel agency; or

(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

''(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

''(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.''.

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) IN GENERAL.—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—Section 41712, as amended by this Act, is further amended by adding at the end the following:

''(d) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

''(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

''(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

''(2) TAXES AND FEES DESCRIBED.—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

''(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

''(B) any fees for baggage, seating assignments; and

''(C) operational services that are charged when the ticket is purchased.''.

(c) REGULATIONS.—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2013.''.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''provided.'' in subparagraph (C) and inserting ''provided;''; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

''(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.''.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended to read as follows:

''§ 41745. Conversion of lost eligibility airports

''(a) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

''(b) GRANTS.—A grant under this section—

''(1) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceeding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

''(2) may be used—

''(A) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

''(B) to defray operating expenses, if such use is approved by the Secretary; or

''(C) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

''(c) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this section for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this section.

''(d) LIMITATION.—The sponsor of an airport receiving funding under this section is not eligible for funding under section 41736.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41745 and inserting the following:

''417454. Conversion of lost eligibility airports.''.

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) ''Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.''; and

(2) by striking ''$77,000,000'' in paragraph (2) and inserting ''$150,000,000''.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''fashion.'' in subparagraph (E) and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a region or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended—

(1) by striking ''is appropriated'' and inserting ''are appropriated''; and

(2) by striking ''2009'' and inserting ''2011''.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Essential air service for eligible places above per passenger subsidy cap

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

''(b) PLACE DESCRIBED.—A place described in this subsection is a place—

''(1) that is otherwise an eligible place; and

''(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

''(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the per passenger subsidy; and

''(B) the dollar amount allowable for such subsidy under this subchapter.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

''41749. Essential air service for eligible places above per passenger subsidy cap''.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

''§ 41750. Preferred essential air service

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

''(b) PREFERRED AIR CARRIER DESCRIBED.—A preferred air carrier described in this subsection is an air carrier that—

''(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

''(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

''(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—A preferred air carrier providing air transportation to an eligible place

under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

''41750. Preferred essential air service''.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following:

''(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—

''(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

''(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking ''2009'' and inserting ''2011''.

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

''(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.''.

SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title 49 shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

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

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

''§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees''

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

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

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

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

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

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

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

''47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees''.

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

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

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

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share for FAA Part 139 certified airports capped at 20 percent for those airports with fewer than 50,000 annual passenger enplanements.''.

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by striking ''2007'' and inserting ''2007, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011'' after ''2007,''; and

(3) by inserting after ''paragraph.'' the following: ''If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.''.

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking ''$1,500,000.'' and inserting ''$2,000,000.''.

(e) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.''.

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB day-night annual average noise level (DNL), as identified in the Noise Exposure Map Notice published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) LIMITATION.—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this

subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 years;

''(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

''(iii) the designation of such data as public data will enhance aviation safety.

''(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.''.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking ''Beginning 7 years after the date of enactment of this subsection,'' in paragraph (1) and inserting ''Effective January 1, 2013,'';

(2) by striking ''testing'' in paragraph (2) and inserting ''production''; and

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

''(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.''.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

''(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

''40130. FAA access to criminal history records or databases systems''.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled ''Aviation Fatigue Management Symposium: Partnerships for Solutions'';

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the

date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MINIMUM LANGUAGE SKILLS.—

''(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

''(A) read material written in English and comprehend the information;

''(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

''(C) write incident reports and statements and log entries and statements; and

''(D) carry out written and oral instructions regarding the proper performance of their duties.

''(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.''.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—

(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA–2008–0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) LIMITATION.—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

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

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

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

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

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of

an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as ''customers'';

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Inspection of foreign repair stations

''(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

''(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

''(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

''(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

''(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

''(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

''(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

''(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

''(3) describe the training provided to inspectors; and

''(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

''(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

''(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

''(e) BIANNUAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

''(f) DEFINITIONS.—In this section:

''(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44730. Inspection of foreign repair stations''.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) DEFINITIONS.—In this section:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) is amended by adding at the end the following:

''(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).''.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

''(i) FAA PILOT RECORDS DATABASE.—

''(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

''(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the 'database') containing the following records:

''(A) FAA RECORDS.—From the Administrator—

''(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

''(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

''(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

''(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

''(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

''(III) any release from employment or resignation, termination, or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

''(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

''(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

''(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

''(4) REPORTING.—

''(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

''(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

''(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

''(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

''(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

''(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

''(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

''(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

''(B) may remove the individual's records from the database after that date.

''(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

''(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

''(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

''(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

''(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

''(9) PRIVACY PROTECTIONS.—

''(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(B) DISCLOSURE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) de-identified, summarized information to explain the need for changes in policies and regulations;

''(II) information to correct a condition that compromises safety;

''(III) information to carry out a criminal investigation or prosecution;

''(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

''(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

''(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

''(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

''(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

''(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

''(A) to protect and secure—

''(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

''(ii) the confidentiality of those records; and

''(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

''(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

''(A) the air carrier has made a documented good faith attempt to access the information from the database; and

''(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government

or other entity that has not provided the information to the database.

''(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

''(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

''(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

''(i) the designated individual has received the written consent of the pilot applicant to access the information; and

''(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

''(14) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

''(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

''(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

''(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

''(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

''(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting '45 days' for '30 days'.''.

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''paragraph (2)'' and inserting ''subsection (h)(2) or (i)(3)'';

(ii) in subparagraph (A) by inserting ''or accessing the records of that individual under subsection (i)(1)'' before the semicolon; and

(iii) in the matter following subparagraph (D) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(C) in paragraph (2) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or who furnished information to the database established under subsection (i)(2)'' after ''subsection (h)(1)''; and

(E) by adding at the end the following:

''(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

''(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

''(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).''.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking ''subsection (h)'' and inserting ''subsection (h) or (i)''.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration's advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120–66 and AC No. 120–82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA's safety enforcement plan is consistently enforced; and

(2) ensure that the FAA's safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting ''to the National Transportation Safety Board'' after ''shall give''.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

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

(2) by inserting after subsection (b) the following:

''(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

''(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

''(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

''(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

''(3) CONTENTS.—

''(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

''(i) a description of the recommendation;

''(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

''(iii) the proposed date for completing the procedures; and

''(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

''(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

''(i) a description of the recommendation; and

''(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.''.

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality

of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) WAIVER.—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) TRAINING AND TESTING.—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) BEST PRACTICES.—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) CERTIFICATION.—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) REMEDIAL TRAINING PROGRAMS.—

(1) IN GENERAL.—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) AVIATION RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flightcrew member professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) MINIMUM EXPERIENCE REQUIREMENT.—

(1) IN GENERAL.—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot—

(A) have not less than 800 hours of flight time before serving as a flightcrew member for a part 121 air carrier; and

(B) demonstrate the ability to—

(i) function effectively in a multipilot environment;

(ii) function effectively in an air carrier operational environment;

(iii) function effectively in adverse weather conditions, including icing conditions if the pilot is expected to be operating aircraft in icing conditions;

(iv) function effectively during high altitude operations; and

(v) adhere to the highest professional standards.

(2) HOURS OF FLIGHT EXPERIENCE IN DIFFICULT OPERATIONAL CONDITIONS.—The total number of hours of flight experience required by the Administrator under paragraph (1) for pilots shall include a number of hours of flight experience in difficult operational conditions that may be encountered by an air carrier that the Administrator determines to be sufficient to enable a pilot to operate an aircraft safely in such conditions.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) DEFAULT REQUIREMENTS.—If the Administrator fails to meet the deadline established by subsection (c))(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) DEFINITIONS.—In this section:

(1) FLIGHTCREW MEMBER.—The term ''flightcrew member'' has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1)).

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

''§ 44731. Use of certain devices on flight deck

''(a) IN GENERAL.—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with

procedures established by the air carrier or the Federal Aviation Administration.

''(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

''(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—The term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.''.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking ''or'' after the semicolon in paragraph (8);

(2) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(3) by adding at the end the following:

''(10) violate section 44730 of this title or any regulation issued thereunder.''.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44731. Use of certain devices on flight deck''.

(d) REGULATIONS.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

(e) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the cockpit flight crew on commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations about ways to reduce distractions for cockpit flight crews.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air carriers and flightcrew members of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) IN GENERAL.—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

''§ 44732. Training of flight attendants and gate agents

''(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

''(1) serving alcohol to passengers;

''(2) recognizing intoxicated passengers; and

''(3) dealing with disruptive passengers.

''(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

''(c) DEFINITIONS.—In this section:

''(1) AIR CARRIER.—The term 'air carrier' means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

''(2) FLIGHT ATTENDANT.—The term 'flight attendant' has the meaning given the term in section 44728(f).

''(3) GATE AGENT.—The term 'gate agent' means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

''(4) PASSENGER.—The term 'passenger' means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end the following:

''44732. Training of flight attendants and gate agents''.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) AVIATION SAFETY ACTION PROGRAM.—The term ''Aviation Safety Action Program'' means the program described under Federal Aviation Administration Advisory Circular No. 120–66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator.

(3) AIR CARRIER.—The term ''air carrier'' has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term ''Flight Operational Quality Assurance Program'' means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term ''Line Operations Safety Audit Program'' has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120–90.

(7) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight; and

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking ''establish a 4-year pilot'' in paragraph (1) and inserting ''maintain an''; and

(2) by inserting ''pilot'' in paragraph (4) before ''program'' the first time it appears; and

(3) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program.'' in paragraph (4) and inserting ''program.''.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdb) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the ''Advisory Committee on the Future of Aeronautics''.

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting ''unmanned and manned'' in subsection (a) after ''improve'';

(B) by striking ''and'' after the semicolon in subsection (b)(7);

(C) by striking ''emitted.'' in subsection (b)(8) and inserting ''emitted; and''; and

(D) by adding at the end of subsection (b) the following:

''(9) in conjunction with other Federal agencies as appropriate, to develop technologies and

methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.''.

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking ''and'' after the semicolon in paragraph (4);

(B) by striking ''programs.'' in paragraph (5)(C) and inserting ''programs; and''; and

(C) by adding at the end thereof the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

''(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.''.

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) ''detect, sense and avoid technologies'' with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91–57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year ''roadmap'' for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the ''roadmap'' annually.

(e) UPDATED POLICY STATEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA–2006–25714.

(f) EXPANDING THE USE OF UAS IN THE ARCTIC.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) DEFINITIONS.—In this section:

(1) ARCTIC.—The term ''Arctic'' means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) PERMANENT AREAS.—The term ''permanent areas'' means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking ''$500,000 for fiscal year 2004'' and inserting ''$1,000,000 for each of fiscal years 2008 through 2012''.

SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

''§ 47136A. Zero emission airport vehicles and infrastructure

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.''.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

''47136A. Zero emission airport vehicles and infrastructure''.

SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

"§ 47140A. Reduction of emissions from airport power sources

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

''(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

''47140A. Reduction of emissions from airport power sources''.

SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aides associated with that system.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term ''critical FAA facilities'' means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term ''wind farm'' means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are as necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking ''December 31, 2009,'' and inserting ''December 31, 2012,''.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking ''December 31, 2013.'' and inserting ''October 1, 2017.''.

(c) WAR RISK.—Section 44302(f)(1) is amended—

(1) by striking ''September 30, 2009,'' and inserting ''September 30, 2011,''; and

(2) by striking ''December 31, 2009,'' and inserting ''December 31, 2011,''.

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking ''2009,'' and inserting ''2011,''.

(b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''2009,'' and inserting ''2011,''.

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor

land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

''(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

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

''(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

''(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and''.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking ''section 2302(b), relating to whistleblower protection,'' in paragraph (2)(A) and inserting ''sections 2301 and 2302,'';

(2) by striking ''and'' after the semicolon in paragraph (2)(H);

(3) by striking ''Plan.'' in paragraph (2)(I)(iii) and inserting ''Plan;'';

(4) by adding at the end of paragraph (2) the following:

''(J) section 5596, relating to back pay; and

''(K) sections 6381 through 6387, relating to Family and Medical Leave.''; and

(5) by adding at the end of paragraph (3) ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) AVIATION SAFETY INSPECTORS.—

(1) SAFETY STAFFING MODEL.—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) SAFETY INSPECTOR STAFFING.—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

(d) ALASKA FLIGHT SERVICE STATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(C) by striking ''National Park Service'' in subsection (a)(2)(B)(vi) and inserting ''Department of the Interior''; and

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking '', in cooperation with'' and inserting ''and''; and

(bb) by striking ''The air tour'' and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

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

''(B) PROCESS AND APPROVAL.—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

''(i) developed through a public process that complies with paragraph (4); and

''(ii) approved by the Administrator and the Director.''; and

(IV) by adding at the end the following:

''(D) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.''; and

(ii) in paragraph (4)(C), by striking ''National Park Service'' and inserting ''Department of the Interior''.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking ''Director'' in section 804(b) and inserting ''Secretary of the Interior'';

(B) in section 805—

(i) by striking ''Director of the National Park Service'' in subsection (a) and inserting ''Secretary of the Interior'';

(ii) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(iii) by striking ''National Park Service'' each place it appears in subsection (b) and inserting ''Department of the Interior'';

(iv) by striking ''National Park Service'' in subsection (d)(2) and inserting ''Department of the Interior''; and

(C) in section 807—

(i) by striking ''National Park Service'' in subsection (a)(1) and inserting ''Department of the Interior''; and

(ii) by striking ''Director of the National Park Service'' in subsection (b) and inserting ''Secretary of the Interior''.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''lands.'' in subparagraph (C) and inserting ''lands; and''; and

(3) by adding at the end the following:

''(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.''.

(c) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

''(I) may allow for modifications of the interim operating authority without further environmental process, if—

''(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

''(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

''(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.''.

(d) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

''(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

''(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

''(2) to scrap the aircraft;

''(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

''(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

''(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

''(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

''(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by striking ''47528–47531'' and inserting ''47528 through 47531 or 47534''.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''operations.'' in subparagraph (E) and inserting ''operations; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§ 41724. Musical instruments

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

''(C) the instrument can be secured by a seat belt to avoid shifting during flight;

''(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

''(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

''(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

''(B) the weight of the instrument does not exceed 165 pounds.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

''41724. Musical instruments''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—Section 47102(5) is amended by striking ''planning.'' and inserting ''planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' in paragraph (4);

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

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses—

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

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

''(C) operation and maintenance requirements;

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

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

''(F) training and education requirements.''.

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in Federally assisted airport contracts and concessions.

(b) FINDINGS.—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

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

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

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

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

''(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

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

''(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.''.

(d) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—Not later than 180 days after the date of enactment of the

FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.— The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) IN GENERAL.—Section 49108 is repealed.

(b) CONFORMING REPEAL.—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAFFIC CONTROL TOWER.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on the Federal Aviation Administration's plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year after such date of enactment.

SEC. 724 PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

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

SEC. 725. AIR-RAIL CODESHARE STUDY.

(a) CODESHARE STUDY.—Not later than 180 days after the date of the enactment of this Act, the GAO shall conduct a study of—

(1) the current airline and intercity passenger rail codeshare arrangements;

(2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—The study shall consider—

(1) the potential benefits to passengers and costs to taxpayers from the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through codesharing arrangements;

(2) airport operations that can improve connectivity to intercity passenger rail facilities and stations.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller shall submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any conclusions of the Comptroller resulting from the study.

SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SEC. 727. STUDY ON AVIATION FUEL PRICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general. The study shall include the impact of increases in aviation fuel prices on—

(1) general aviation;

(2) commercial passenger aviation;

(3) piston aircraft purchase and use;

(4) the aviation services industry, including repair and maintenance services;

(5) aviation manufacturing;

(6) aviation exports; and

(7) the use of small airport installations.

(b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Clark County, Nevada.

(2) PUBLIC LAND.—The term ''public land'' means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE ¼ and the N ½ of the SE ¼ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE ¼ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

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

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) EXEMPTION REQUIREMENTS.—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) PACKAGING.—

(A) SMALLER CYLINDERS.—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category 1 shipping container.

(B) LARGER CYLINDERS.—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) OPERATIONAL CONTROLS.—

(A) STORAGE; ACCESS TO FIRE EXTINGUISHERS.—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) SHIPMENT WITH OTHER HAZARDOUS MATERIALS.—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM–D materials.

(3) AIRCRAFT REQUIREMENTS.—

(A) AIRCRAFT TYPE.—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) PASSENGER-CARRYING AIRCRAFT.—

(i) SMALLER CYLINDERS ONLY.—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) MAXIMUM NUMBER.—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) CARGO AIRCRAFT.—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) DEFINITIONS.—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. parts 106, 107, and 171–180).

SEC. 731. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) PLAN DEVELOPMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''April 1, 2010'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Air Transportation Modernization and Safety Improvement Act;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2010'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) 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) Section 4081(a)(3)(D) 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) Section 4081(a)(4) is amended—

(i) in the heading by striking ''KEROSENE'' and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Section 4081(d)(2) 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) 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—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(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) Section 4082(d)(2)(B) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Section 6427(i)(4) is amended—

(i) by striking ''(4)(C)'' the first two places it occurs and inserting ''(4)(B)'', and

(ii) by striking '', (l)(4)(C)(ii), and'' and inserting ''and''.

(C) The heading of section 6427(l) is amended by striking ''DIESEL FUEL AND KEROSENE'' and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Section 6427(l)(1) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Section 6427(l)(4) 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) in paragraph (2) by striking ''(other than subsection (l)(4) thereof)'', and

(ii) in paragraph (3) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))''.

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) 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:

''(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) Section 9503(c) is amended by striking paragraph (6).

(iii) Section 9502(a) is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(7),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after June 30, 2010.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on July 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on July 1, 2010, 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 FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel 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 fuel 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 FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on July 1, 2010, by any person if the aggregate amount of such aviation fuel 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 FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel 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 fuel 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 (relating to the Airport and Airway Trust Fund) 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, 2010, 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.—Section 9502(d)(1) 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 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 EXCHANGE ARRANGEMENT.—A '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.—Section 4082(e) 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.—Section 9502(b)(1) 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 June 30, 2010.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after June 30, 2010.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after June 30, 2010.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

''SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

''The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.''.

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking ''on nonestablished lines'' and inserting ''operated solely for sightseeing''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

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), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

''(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 June 30, 2010.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term ''earmark'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

Amend the title so as to read: ''An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.''.

MOTION TO CONCUR

Mr. OBERSTAR. Mr. Speaker, I have a motion at the desk.

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

The text of the motion is as follows:

Motion offered by Mr. OBERSTAR of Minnesota:

Mr. Oberstar moves that the House concur in the Senate amendment to the title and that the House concur in the Senate amendment to the text with an amendment.

The text of the House amendment to the Senate amendment is as follows:

House amendment to Senate amendment:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Safety and Investment Act of 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. FAA operations.
Sec. 104. Research, engineering, and development.
Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.
Sec. 112. PFC eligibility for bicycle storage.
Sec. 113. Award of architectural and engineering contracts for airside projects.
Sec. 114. Intermodal ground access project pilot program.
Sec. 115. Participation of disadvantaged business enterprises in contracts, subcontracts, and business opportunities funded using passenger facility revenues and in airport concessions.
Sec. 116. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.
Sec. 122. Registration fees.

Subtitle D—AIP Modifications

Sec. 131. Amendments to AIP definitions.
Sec. 132. Solid waste recycling plans.
Sec. 133. Amendments to grant assurances.
Sec. 134. Government share of project costs.
Sec. 135. Amendments to allowable costs.
Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.
Sec. 137. Airport disadvantaged business enterprise program.
Sec. 138. Training program for certification of disadvantaged business enterprises.
Sec. 139. Calculation of State apportionment fund.
Sec. 140. Reducing apportionments.
Sec. 141. Minimum amount for discretionary fund.
Sec. 142. Marshall Islands, Micronesia, and Palau.
Sec. 143. Use of apportioned amounts.
Sec. 144. Sale of private airport to public sponsor.
Sec. 145. Airport privatization pilot program.
Sec. 146. Airport security program.
Sec. 147. Sunset of pilot program for purchase of airport development rights.
Sec. 148. Extension of grant authority for compatible land use planning and projects by State and local governments.
Sec. 149. Repeal of limitations on Metropolitan Washington Airports Authority.
Sec. 150. Midway Island Airport.
Sec. 151. Puerto Rico minimum guarantee.
Sec. 152. Miscellaneous amendments.
Sec. 153. Airport Master Plans.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

Sec. 201. Mission statement; sense of Congress.
Sec. 202. Next Generation Air Transportation System Joint Planning and Development Office.
Sec. 203. Next Generation Air Transportation Senior Policy Committee.
Sec. 204. Automatic dependent surveillance-broadcast services.
Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.
Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.
Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.
Sec. 208. DOT inspector general review of operational and approach procedures by a third party.
Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.
Sec. 210. NextGen technology testbed.
Sec. 211. Clarification of authority to enter into reimbursable agreements.
Sec. 212. Definition of air navigation facility.
Sec. 213. Improved management of property inventory.
Sec. 214. Clarification to acquisition reform authority.
Sec. 215. Assistance to foreign aviation authorities.
Sec. 216. Front line manager staffing.
Sec. 217. Flight service stations.
Sec. 218. NextGen Research and Development Center of Excellence.
Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

Sec. 301. Judicial review of denial of airman certificates.
Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 303. Inspection of foreign repair stations.
Sec. 304. Runway safety.
Sec. 305. Improved pilot licenses.
Sec. 306. Flight crew fatigue.
Sec. 307. Occupational safety and health standards for flight attendants on board aircraft.
Sec. 308. Aircraft surveillance in mountainous areas.
Sec. 309. Off-airport, low-altitude aircraft weather observation technology.
Sec. 310. Noncertificated maintenance providers.
Sec. 311. Aircraft rescue and firefighting standards.
Sec. 312. Cockpit smoke.

Sec. 313. Safety of helicopter air ambulance operations.
Sec. 314. Feasibility of requiring helicopter pilots to use night vision goggles.
Sec. 315. Study of helicopter and fixed wing air ambulance services.

Subtitle B—Unmanned Aircraft Systems

Sec. 321. Commercial unmanned aircraft systems integration plan.
Sec. 322. Special rules for certain unmanned aircraft systems.
Sec. 323. Public unmanned aircraft systems.
Sec. 324. Definitions.

Subtitle C—Safety and Protections

Sec. 331. Aviation safety whistleblower investigation office.
Sec. 332. Modification of customer service initiative.
Sec. 333. Post-employment restrictions for flight standards inspectors.
Sec. 334. Assignment of principal supervisory inspectors.
Sec. 335. Headquarters review of air transportation oversight system database.
Sec. 336. Improved voluntary disclosure reporting system.

Subtitle D—Airline Safety and Pilot Training Improvement

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. FAA Task Force on Air Carrier Safety and Pilot Training.
Sec. 344. Implementation of NTSB flight crewmember training recommendations.
Sec. 345. Secretary of Transportation responses to safety recommendations.
Sec. 346. FAA pilot records database.
Sec. 347. FAA rulemaking on training programs.
Sec. 348. Aviation safety inspectors and operational research analysts.
Sec. 349. Flight crewmember mentoring, professional development, and leadership.
Sec. 350. Flight crewmember screening and qualifications.
Sec. 351. Airline transport pilot certification.
Sec. 352. Flight schools, flight education, and pilot academic training.
Sec. 353. Voluntary safety programs.
Sec. 354. ASAP and FOQA implementation plan.
Sec. 355. Safety management systems.
Sec. 356. Disclosure of air carriers operating flights for tickets sold for air transportation.
Sec. 357. Pilot fatigue.
Sec. 358. Flight crewmember pairing and crew resource management techniques.

TITLE IV—AIR SERVICE IMPROVEMENTS

Sec. 401. Smoking prohibition.
Sec. 402. Monthly air carrier reports.
Sec. 403. Flight operations at Reagan National Airport.
Sec. 404. EAS contract guidelines.
Sec. 405. Essential air service reform.
Sec. 406. Small community air service.
Sec. 407. Air passenger service improvements.
Sec. 408. Contents of competition plans.
Sec. 409. Extension of competitive access reports.
Sec. 410. Contract tower program.
Sec. 411. Airfares for members of the Armed Forces.
Sec. 412. Repeal of essential air service local participation program.
Sec. 413. Adjustment to subsidy cap to reflect increased fuel costs.
Sec. 414. Notice to communities prior to termination of eligibility for subsidized essential air service.
Sec. 415. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.
Sec. 416. Office of Rural Aviation.
Sec. 417. Adjustments to compensation for significantly increased costs.
Sec. 418. Review of air carrier flight delays, cancellations, and associated causes.
Sec. 419. European Union rules for passenger rights.
Sec. 420. Establishment of advisory committee for aviation consumer protection.
Sec. 421. Denied boarding compensation.
Sec. 422. Compensation for delayed baggage.
Sec. 423. Schedule reduction.
Sec. 424. Expansion of DOT airline consumer complaint investigations.
Sec. 425. Prohibitions against voice communications using mobile communications devices on scheduled flights.
Sec. 426. Antitrust exemptions.
Sec. 427. Musical instruments.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

Sec. 501. Amendments to air tour management program.
Sec. 502. State block grant program.
Sec. 503. Airport funding of special studies or reviews.
Sec. 504. Grant eligibility for assessment of flight procedures.
Sec. 505. Determination of fair market value of residential properties.
Sec. 506. Soundproofing of residences.
Sec. 507. CLEEN research, development, and implementation partnership.
Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
Sec. 509. Environmental mitigation pilot program.
Sec. 510. Aircraft departure queue management pilot program.
Sec. 511. High performance and sustainable air traffic control facilities.
Sec. 512. Regulatory responsibility for aircraft engine noise and emissions standards.
Sec. 513. Cabin air quality technology.
Sec. 514. Sense of Congress.
Sec. 515. Airport noise compatibility planning study, Port Authority of New York and New Jersey.
Sec. 516. GAO study on compliance with FAA record of decision.
Sec. 517. Westchester County Airport, New York.
Sec. 518. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

Sec. 601. Federal Aviation Administration personnel management system.
Sec. 602. Merit system principles and prohibited personnel practices.
Sec. 603. Applicability of back pay requirements.
Sec. 604. FAA technical training and staffing.
Sec. 605. Designee program.
Sec. 606. Staffing model for aviation safety inspectors.
Sec. 607. Safety critical staffing.
Sec. 608. FAA air traffic controller staffing.
Sec. 609. Assessment of training programs for air traffic controllers.
Sec. 610. Collegiate training initiative study.
Sec. 611. FAA Task Force on Air Traffic Control Facility Conditions.

TITLE VII—AVIATION INSURANCE

Sec. 701. General authority.
Sec. 702. Extension of authority to limit third party liability of air carriers arising out of acts of terrorism.
Sec. 703. Clarification of reinsurance authority.
Sec. 704. Use of independent claims adjusters.
Sec. 705. Extension of program authority.

TITLE VIII—MISCELLANEOUS

Sec. 801. Air carrier citizenship.
Sec. 802. Disclosure of data to Federal agencies in interest of national security.
Sec. 803. FAA access to criminal history records and database systems.
Sec. 804. Clarification of air carrier fee disputes.
Sec. 805. Study on national plan of integrated airport systems.
Sec. 806. Express carrier employee protection.
Sec. 807. Consolidation and realignment of FAA facilities.
Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.
Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
Sec. 810. Lost Nation Airport, Ohio.
Sec. 811. Pollock Municipal Airport, Louisiana.
Sec. 812. Human intervention and motivation study program.
Sec. 813. Washington, DC, Air Defense Identification Zone.
Sec. 814. Merrill Field Airport, Anchorage, Alaska.
Sec. 815. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.
Sec. 816. Duty periods and flight time limitations applicable to flight crewmembers.
Sec. 817. Pilot program for redevelopment of airport properties.
Sec. 818. Helicopter operations over Long Island and Staten Island, New York.
Sec. 819. Cabin temperature and humidity standards study.
Sec. 820. Civil penalties technical amendments.
Sec. 821. Study and report on alleviating congestion.
Sec. 822. Airline personnel training enhancement.
Sec. 823. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.
Sec. 824. FAA radar signal locations.
Sec. 825. Wind turbine lighting.
Sec. 826. Prohibition on use of certain funds.
Sec. 827. Limiting access to flight decks of all-cargo aircraft.
Sec. 828. Whistleblowers at FAA.
Sec. 829. College Point Marine Transfer Station, New York.
Sec. 830. Pilot training and certification.
Sec. 831. St. George, Utah.
Sec. 832. Replacement of terminal radar approach control at Palm Beach International Airport.
Sec. 833. Santa Monica Airport, California.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

Sec. 901. Short title.
Sec. 902. Definitions.
Sec. 903. Interagency research initiative on the impact of aviation on the climate.
Sec. 904. Research program on runways.
Sec. 905. Research on design for certification.
Sec. 906. Centers of excellence.
Sec. 907. Airport cooperative research program.
Sec. 908. Unmanned aircraft systems.
Sec. 909. Research grants program involving undergraduate students.
Sec. 910. Aviation gas research and development program.
Sec. 911. Review of FAA's Energy- and Environment-Related Research Programs.
Sec. 912. Review of FAA's aviation safety-related research programs.
Sec. 913. Research program on alternative jet fuel technology for civil aircraft.
Sec. 914. Center for excellence in aviation employment.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

Sec. 1001. Short title.

Sec. 1002. Extension and modification of taxes funding airport and airway trust fund.

TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

Sec. 1101. Compliance provision.

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

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

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2008.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

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

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 2003'' and inserting ''September 30, 2008''; and

(2) by striking paragraphs (1) through (6) and inserting the following:

''(1) $4,000,000,000 for fiscal year 2010;

''(2) $4,100,000,000 for fiscal year 2011; and

''(3) $4,200,000,000 for fiscal year 2012.''.

(b) ALLOCATIONS OF FUNDS.—Section 48103 is amended—

(1) by striking ''The total amounts'' and inserting ''(a) AVAILABILITY OF AMOUNTS.—The total amounts''; and

(2) by adding at the end the following:

''(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Of the amounts made available under subsection (a), $15,000,000 for each of fiscal years 2010 through 2012 may be used for carrying out the Airport Cooperative Research Program.

''(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the amounts made available under subsection (a), $19,348,000 for each of fiscal years 2010 through 2012 may be used for carrying out airports technology research.''.

(c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(d) RESCISSION OF UNOBLIGATED BALANCES.—Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, for fiscal year 2009, $305,500,000 are hereby rescinded. Of the unobligated balances from funds available under such sections for fiscal years prior to fiscal year 2009, $102,000,000 are hereby rescinded.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,259,000,000 for fiscal year 2010.

''(2) $3,353,000,000 for fiscal year 2011.

''(3) $3,506,000,000 for fiscal year 2012.''.

(b) USE OF FUNDS.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

''(c) WAKE VORTEX MITIGATION.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

''(d) WEATHER HAZARDS.—

''(1) IN GENERAL.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.

''(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

''(A) ground-based icing threats such as ice pellets and freezing drizzle;

''(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

''(C) en route turbulence prediction.

''(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used to advance the development and implementation of safety management systems.

''(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $12,000,000 for fiscal year 2010, $12,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012 may be used for the development and implementation of runway incursion reduction programs.

''(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $125,000,000 for fiscal year 2010, $100,000,000 for 2011, and $50,000,000 for fiscal year 2012 may be used for the acquisition and installation of runway status lights.

''(h) NEXTGEN SYSTEMS DEVELOPMENT PROGRAMS.—Of amounts appropriated under subsection (a), $102,900,000 for fiscal year 2010, $104,000,000 for fiscal year 2011, and $105,300,000 for fiscal year 2012 may be used for systems development activities associated with NextGen.

''(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of amounts appropriated under subsection (a), $30,000,000 for fiscal year 2010, $30,000,000 for fiscal year 2011, and $30,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

''(j) CENTER FOR ADVANCED AVIATION SYSTEM DEVELOPMENT.—Of amounts appropriated under subsection (a), $79,000,000 for fiscal year 2010, $79,000,000 for fiscal year 2011, and $80,800,000 for fiscal year 2012 may be used for the Center for Advanced Aviation System Development.

''(k) ADDITIONAL PROGRAMS.—Of amounts appropriated under subsection (a), $22,500,000 for fiscal year 2010, $22,500,000 for fiscal year 2011, and $22,500,000 for fiscal year 2012 may be used for—

''(1) system capacity, planning, and improvement;

''(2) operations concept validation;

''(3) NAS weather requirements; and

''(4) Airspace Management Lab.''.

SEC. 103. FAA OPERATIONS.

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

''(A) $9,531,272,000 for fiscal year 2010;

''(B) $9,936,259,000 for fiscal year 2011; and

''(C) $10,350,155,000 for fiscal year 2012.''.

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

(1) by striking subparagraph (A) and inserting the following:

''(A) Such sums as may be necessary for fiscal years 2010 through 2012 to support development and maintenance of helicopter approach procedures, including certification and recertification of instrument flight rule, global positioning system, and point-in-space approaches to heliports necessary to support all weather, emergency services.'';

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

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and

(4) in subparagraphs (B), (C), and (D) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2010 through 2012''.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation $6,000,000 for each of fiscal years 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)—

(A) in subparagraph (K) by inserting ''and'' at the end; and

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

(2) in paragraph (12)(L) by striking ''and'' at the end; and

(3) by striking paragraph (13) and inserting the following:

''(13) for fiscal year 2010, $214,587,000, including—

''(A) $8,546,000 for fire research and safety;

''(B) $4,075,000 for propulsion and fuel systems;

''(C) $2,965,000 for advanced materials and structural safety;

''(D) $4,921,000 for atmospheric hazards and digital system safety;

''(E) $14,688,000 for aging aircraft;

''(F) $2,153,000 for aircraft catastrophic failure prevention research;

''(G) $11,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,589,000 for aviation safety risk analysis;

''(I) $15,471,000 for air traffic control, technical operations, and human factors;

''(J) $8,699,000 for aeromedical research;

''(K) $23,286,000 for weather program;

''(L) $6,236,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,412,000 for wake turbulence;

''(O) $10,400,000 for NextGen—Air ground integration;

''(P) $8,000,000 for NextGen—Self separation;

''(Q) $7,567,000 for NextGen—Weather technology in the cockpit;

''(R) $20,278,000 for environment and energy;

''(S) $19,700,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,827,000 for system planning and resource management; and

''(U) $3,674,000 for the William J. Hughes Technical Center Laboratory Facility;

''(14) for fiscal year 2011, $225,993,000, including—

''(A) $8,815,000 for fire research and safety;

''(B) $4,150,000 for propulsion and fuel systems;

''(C) $2,975,000 for advanced materials and structural safety;

''(D) $4,949,000 for atmospheric hazards and digital system safety;

''(E) $14,903,000 for aging aircraft;

''(F) $2,181,000 for aircraft catastrophic failure prevention research;

''(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,497,000 for aviation safety risk analysis;

''(I) $15,715,000 for air traffic control, technical operations, and human factors;

''(J) $8,976,000 for aeromedical research;

''(K) $23,638,000 for weather program;

''(L) $6,295,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,471,000 for wake turbulence;

''(O) $10,600,000 for NextGen—Air ground integration;

''(P) $8,300,000 for NextGen—Self separation;

''(Q) $8,345,000 for NextGen—Weather technology in the cockpit;

''(R) $27,075,000 for environment and energy;

''(S) $20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,836,000 for system planning and resource management; and

''(U) $3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

''(15) for fiscal year 2012, $244,860,000, including—

''(A) $8,957,000 for fire research and safety;

''(B) $4,201,000 for propulsion and fuel systems;

''(C) $2,986,000 for advanced materials and structural safety;

''(D) $4,979,000 for atmospheric hazards and digital system safety;

''(E) $15,013,000 for aging aircraft;

''(F) $2,192,000 for aircraft catastrophic failure prevention research;

''(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,401,000 for aviation safety risk analysis;

''(I) $16,000,000 for air traffic control, technical operations, and human factors;

''(J) $9,267,000 for aeromedical research;

''(K) $23,800,000 for weather program;

''(L) $6,400,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,471,000 for wake turbulence;

''(O) $10,800,000 for NextGen—Air ground integration;

''(P) $8,500,000 for NextGen—Self separation;

''(Q) $8,569,000 for NextGen—Weather technology in the cockpit;

''(R) $44,409,000 for environment and energy;

''(S) $20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,840,000 for system planning and resource management; and

''(U) $3,941,000 for the William J. Hughes Technical Center Laboratory Facility.''.

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

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

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2012 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

''(i) in fiscal year 2010, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(ii) in each of fiscal years 2011 and 2012, be equal to the sum of—

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

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

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

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking ''2007'' and inserting ''2012''.

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

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

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

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2007'' and inserting ''2012''.

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

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

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

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking ''$4.00 or $4.50'' and inserting ''$4.00, $4.50, $5.00, $6.00, or $7.00''.

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

(1) by striking paragraph (7); and

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

(d) CORRECTION OF REFERENCES.—

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

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

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

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

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

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

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

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

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

(2) OTHER REFERENCES.—Subtitle VII is amended by striking ''fee'' and inserting ''charge'' each place it appears in each of the following sections:

(A) Section 47106(f)(1).

(B) Section 47110(e)(5).

(C) Section 47114(f).

(D) Section 47134(g)(1).

(E) Section 47139(b).

(F) Section 47524(e).

(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:

''(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.''.

(b) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING CONTRACTS FOR AIRSIDE PROJECTS.

(a) IN GENERAL.—Section 40117(d) is amended—

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

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

(3) by adding at the end the following:

''(5) in the case of an application to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the eligible agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an application submitted to the Secretary of Transportation by an eligible agency under section 40117 of title 49, United States Code, after the date of enactment of this Act.

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:

''(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

''(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

''(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

''(3) ELIGIBLE COSTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

''(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

''(ii) the total number of the individuals projected to use the facility.

''(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

''(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).''.

SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUBCONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY REVENUES AND IN AIRPORT CONCESSIONS.

Section 40117 (as amended by this Act) is further amended by adding at the end the following:

''(o) PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES.—

''(1) APPLICABILITY OF REQUIREMENTS.—Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises, as set forth in parts 23 and 26 of title 49, Code of Federal Regulations (or a successor regulation), shall apply to an airport collecting passenger facility revenue.

''(2) REGULATIONS.—The Secretary shall issue any regulations necessary to implement this subsection, including—

''(A) goal setting requirements for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues, and airport concessions, are awarded consistent with the levels of participation of disadvantaged business enterprises and airport concessions disadvantaged

business enterprises that would be expected in the absence of discrimination;

''(B) provision for an assurance that requires that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any contract funded using passenger facility revenues; and

''(C) a requirement that an eligible agency will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts funded using passenger facility revenues.

''(3) EFFECTIVE DATE.—Paragraph (1) shall take effect on the day following the date on which the Secretary issues final regulations under paragraph (2).

''(4) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE.—The term 'airport concessions disadvantaged business enterprise' has the meaning given that term in part 23 of title 49, Code of Federal Regulations (or a successor regulation).

''(B) DISADVANTAGED BUSINESS ENTERPRISE.—The term 'disadvantaged business enterprise' has the meaning given that term in part 26 of title 49, Code of Federal Regulations (or a successor regulation).''.

SEC. 116. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate—

(1) the impacts on airports of accommodating connecting passengers; and

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall review, at a minimum, the following:

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b); and

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

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

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

''(1) IN GENERAL.—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by May 1, 2010. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by September 1, 2009, and are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights.

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

''(4) COSTS DEFINED.—In this subsection, the term 'costs' includes those costs associated with the operation, maintenance, leasing costs, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.''.

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

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

SEC. 122. REGISTRATION FEES.

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

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

''(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

''(1) $130 for registering an aircraft.

''(2) $45 for replacing an aircraft registration.

''(3) $130 for issuing an original dealer's aircraft certificate.

''(4) $105 for issuing an aircraft certificate (other than an original dealer's aircraft certificate).

''(5) $80 for issuing a special registration number.

''(6) $50 for issuing a renewal of a special registration number.

''(7) $130 for recording a security interest in an aircraft or aircraft part.

''(8) $50 for issuing an airman certificate.

''(9) $25 for issuing a replacement airman certificate.

''(10) $42 for issuing an airman medical certificate.

''(11) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

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

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

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

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

''(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(C) remain available until expended.

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

''(3) ADJUSTMENTS.—The Administrator shall periodically adjust the fees established by subsection (a) when cost data from the cost accounting system developed pursuant to section 45303(e) reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.''.

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

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

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

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

''(1) IN GENERAL.—A fee''; and

(2) by adding at the end the following:

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

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

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

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

(2) by adding at the end the following:

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

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

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

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: '', developing an environmental management system''.

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

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

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

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

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

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

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

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

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

(e) TERMINAL DEVELOPMENT.—Section 47102 is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

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

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

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

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

SEC. 132. SOLID WASTE RECYCLING PLANS.

(a) AIRPORT PLANNING.—Section 47102(5) (as amended by section 131(b) of this Act) is amended by inserting before the period at the end the following: '', and planning to minimize the generation of, and to recycle, airport solid waste in a manner that is consistent with applicable State and local recycling laws''.

(b) MASTER PLAN.—Section 47106(a) is amended—

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

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in any case in which the project is for an airport that has an airport master plan, the master plan addresses the feasibility of solid waste recycling at the airport and minimizing the generation of solid waste at the airport.''.

SEC. 133. AMENDMENTS TO GRANT ASSURANCES.

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

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

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

''(4) PRIORITIES FOR REINVESTMENT.—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

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

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

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

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

''(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.''.

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking ''the Fund'' and inserting ''the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)''.

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

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

(2) by adding at the end the following:

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

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

''(1) is receiving subsidized air service under subchapter II of chapter 417; and

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

SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

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

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

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

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

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

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

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

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

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

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

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.''.

SEC. 137. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business program to ensure that minority- and women-owned businesses have a full and fair opportunity to compete in federally assisted airport contracts and concessions and to ensure that the Federal Government does not subsidize discrimination in private or locally funded airport-related industries.

(b) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a significant barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(2) Discrimination poses serious barriers to the full participation in airport-related businesses of women business owners and minority business owners, including African Americans, Hispanic Americans, Asian Americans, and Native Americans.

(3) Discrimination impacts minority and women business owners in every geographic region of the United States and in every airport-related industry.

(4) Discrimination has impacted many aspects of airport-related business, including—

(A) the availability of venture capital and credit;

(B) the availability of bonding and insurance;

(C) the ability to obtain licensing and certification;

(D) public and private bidding and quoting procedures;

(E) the pricing of supplies and services;

(F) business training, education, and apprenticeship programs; and

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress has received voluminous evidence of discrimination against minority and women business owners in airport-related industries, including—

(A) statistical analyses demonstrating significant disparities in the utilization of minority- and women-owned businesses in federally and locally funded airport related contracting;

(B) statistical analyses of private sector disparities in business success by minority- and women-owned businesses in airport related industries;

(C) research compiling anecdotal reports of discrimination by individual minority and women business owners;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority and women business owners;

(E) analyses demonstrating significant reductions in the participation of minority and women businesses in jurisdictions that have reduced or eliminated their minority- and women-owned business programs;

(F) statistical analyses showing significant disparities in the credit available to minority- and women-owned businesses;

(G) research and statistical analyses demonstrating how discrimination negatively impacts firm formation, growth, and success;

(H) experience of airports and other localities demonstrating that race- and gender-neutral efforts alone are insufficient to remedy discrimination; and

(I) other qualitative and quantitative evidence of discrimination against minority- and women-owned businesses in airport-related industries.

(6) All of this evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(7) Congress has received and reviewed recent comprehensive and compelling evidence of discrimination from many different sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits.

(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—

''(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

SEC. 138. TRAINING PROGRAM FOR CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

(a) MANDATORY TRAINING PROGRAM.—Section 47113 (as amended by this Act) is further amended—

(1) in subsection (b) by striking ''Secretary'' and inserting ''Secretary of Transportation''; and

(2) by adding at the end the following:

''(h) MANDATORY TRAINING PROGRAM.—

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

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

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

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

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

''(4) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 106(k), not less than $2,000,000 for each of fiscal years 2010, 2011, and 2012 shall be used to carry out this subsection and to support other programs and activities of the Secretary related to the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals in airport related contracts or concessions.''.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (b).

SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''18.5 percent'' and inserting ''10 percent''; and

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

''(3) ADDITIONAL AMOUNT.—

''(A) IN GENERAL.—In addition to amounts apportioned under paragraph (2), and subject to subparagraph (B), the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

''(i) $150,000; or

''(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than $300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.''.

SEC. 140. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting ''except as provided by subparagraph (C),'' before ''in the case''; and

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

(3) by adding at the end the following:

''(C) in the case of a charge of more than $4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.''.

SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking ''sum of—'' and all that follows through the period at the end of subparagraph (B) and inserting ''sum of $520,000,000.''.

SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2009,'' and inserting ''fiscal years 2010 through 2012,''.

SEC. 143. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking ''35 percent'' and inserting ''$300,000,000'';

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

(C) by inserting before the period at the end the following: '', and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as approved in an environmental record of decision for an airport development project under this title''; and

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

SEC. 144. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

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

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) APPROVAL REQUIREMENTS.—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), (c)(4)(A), and (c)(4)(B) by striking ''65 percent'' each place it appears and inserting ''75 percent''.

(b) PROHIBITION ON RECEIPT OF FUNDS.—

(1) SECTION 47134.—Section 47134 is amended by adding at the end the following:

''(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.''.

(2) CONFORMING AMENDMENTS.—Section 47134(g) is amended—

(A) in the subsection heading by striking ''APPORTIONMENTS;'';

(B) in paragraph (1) by striking the semicolon at the end and inserting ''; or'';

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(c) FEDERAL SHARE OF PROJECT COSTS.—Section 47109(a) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

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

SEC. 146. AIRPORT SECURITY PROGRAM.

(a) GENERAL AUTHORITY.—Section 47137(a) is amended by inserting '', in consultation with the Secretary of Homeland Security,'' after ''Transportation''.

(b) IMPLEMENTATION.—Section 47137(b) is amended to read as follows:

''(b) IMPLEMENTATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Transportation shall provide funding through a grant, contract, or another agreement described in section 106(l)(6) to a nonprofit consortium that—

''(A) is composed of public and private persons, including an airport sponsor; and

''(B) has at least 10 years of demonstrated experience in testing and evaluating anti-terrorist technologies at airports.

''(2) PROJECT SELECTION.—The Secretary shall select projects under this subsection that—

''(A) evaluate and test the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

''(B) provide testing and evaluation of airport security systems and technology in an operational, testbed environment.''.

(c) MATCHING SHARE.—Section 47137(c) is amended by inserting after ''section 47109'' the following: ''or any other provision of law''.

(d) ADMINISTRATION.—Section 47137(e) is amended by adding at the end the following: ''The Secretary may enter into an agreement in accordance with section 106(m) to provide for the administration of any project under the program.''.

(e) ELIGIBLE SPONSOR.—Section 47137 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 47137(f) (as so redesignated) is amended by striking ''$5,000,000'' and inserting ''$8,500,000''.

SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

Section 47138 is amended by adding at the end the following:

''(f) SUNSET.—This section shall not be in effect after September 30, 2008.''.

SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

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

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''October 1, 2009,'' and inserting ''October 1, 2012,''.

SEC. 151. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting ''AND PUERTO RICO'' after ''ALASKA''; and

(2) by adding at the end the following:

''(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.''.

SEC. 152. MISCELLANEOUS AMENDMENTS.

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

(1) in subsection (a)—

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

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

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

(D) by striking paragraph (3);

(2) in subsection (b)—

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

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

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

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

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) in paragraph (1)—

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

(B) by adding at the end the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined by section 101 of title 38) in the Armed Forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom, and who was separated from the Armed Forces under honorable conditions.''; and

(2) in paragraph (2) by striking ''veterans and'' and inserting ''veterans, Afghanistan-Iraq war veterans, and''.

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

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

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

''(a) TERMINAL DEVELOPMENT PROJECTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

(2) in subsection (b)—

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

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

(f) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting ''46319,'' after ''46318,''.

(g) OTHER CONFORMING AMENDMENTS.—

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

(2) Section 47108(e)(3) is amended—

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

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

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

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking ''Airport Capacity Benchmark Report 2001'' and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration's most recent airport capacity benchmark report''.

SEC. 153. AIRPORT MASTER PLANS.

Section 47101 is amended by adding at the end the following:

''(i) ADDITIONAL GOALS FOR AIRPORT MASTER PLANS.—In addition to the goals set forth in subsection (g)(2), the Secretary shall encourage airport sponsors and State and local officials, through Federal Aviation Administration advisory circulars, to consider customer convenience, airport ground access, and access to airport facilities in airport master plans.''.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States faces a great national challenge as the Nation's aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 11,000,000 jobs in the United States and contributes approximately $741,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the ''NextGen System'') is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

(6) The benefits of the NextGen System, in terms of promoting economic growth and development, are enormous.

(7) The NextGen System will guide the path of the United States air transportation system in the challenging years ahead.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation's transportation infrastructure;

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Next Generation Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission to ensure that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must work together, carefully integrating and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

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

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

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

''(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.''.

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

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

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

(C) by adding at the end the following:

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

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

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

''(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

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

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

''(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

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

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

''(B) The Director, to the maximum extent practicable, shall—

''(i) ensure that—

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

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

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

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

''(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.''.

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

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

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

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

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

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

(4) by adding at the end the following:

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

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

''(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency

or entity conducting activities relating to the Next Generation Air Transportation System;

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

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

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

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

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

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

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 709(e) of such Act (117 Stat. 2584) is amended by striking ''2010'' and inserting ''2012''.

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

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

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

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

''(e) ANNUAL REPORT.—

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

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

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

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

''(C) a detailed description of—

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

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

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

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

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REPORT ON FAA PROGRAM AND SCHEDULE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as ''ADS-B'') technology into the national airspace system.

(2) CONTENTS.—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications;

(C) a description of possible options for expanding surveillance coverage beyond the ground stations currently under contract, including enhanced ground signal coverage at airports; and

(D) a detailed description of the protections that the Administration will require as part of any contract or program in the event of a contractor's default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

(2) provide that the assets, equipment, hardware, and software used in the performance of the contract be designated as critical national infrastructure for national security and related purposes;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REVIEW BY DOT INSPECTOR GENERAL.—

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

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

(A) an examination of how program risks are being managed;

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

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

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

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

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

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

SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

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

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) REVIEW.—The review shall include the following:

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the ''JPDO'') in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

(6) An examination of transition planning by the Air Traffic Organization and the JPDO.

(7) Any other matters or aspects of planning and coordination of the NextGen System by the Federal Aviation Administration and the JPDO that the Comptroller General determines appropriate.

(c) REPORTS.—

(1) REPORT TO CONGRESS ON PRIORITIES.—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) STUDY.—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) SPECIFIC SYSTEMS REVIEW.—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the national airspace system.

(b) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

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

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

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

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

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review conducted pursuant to subsection (a).

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2010 through 2012 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

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

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

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

(2) by striking subparagraphs (B) and (C) and inserting the following:

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

''(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

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

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

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

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

(4) by adding at the end the following:

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

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation'' and inserting ''compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended''.

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

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

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting ''public and private'' before ''foreign aviation authorities''; and

(B) by striking the period at the end of the first sentence and inserting ''or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears.''; and

(2) in paragraph (3) by striking ''credited'' and all that follows through the period at the

end and inserting ''credited as an offsetting collection to the account from which the expenses were incurred in providing such services and shall remain available until expended.''.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) ESTABLISHMENT OF MONITORING SYSTEM.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(b) COMPONENTS.—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(4) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2010 through 2012 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the document known as the ''NextGen Implementation Plan''.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2010 to 2012 will not provide estimated capacity benefits without additional funds.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $20,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) RELEASE OF DATA.—Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years;

''(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

''(iii) making such data available will enhance aviation safety.

''(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.''.

(b) DESIGN ORGANIZATION CERTIFICATES.—Section 44704(e)(1) is amended by striking ''Beginning 7 years after the date of enactment of this subsection,'' and inserting ''Beginning January 1, 2014,''.

SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Inspection of foreign repair stations

''(a) IN GENERAL.—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall—

''(1) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year;

''(2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components; and

''(3) continue to hold discussions with countries that have foreign repair stations that perform work on air carrier aircraft and components to ensure harmonization of the safety standards of such countries with those of the United States, including standards governing maintenance requirements, education and licensing of maintenance personnel, training, oversight, and mutual inspection of work sites.

''(b) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement entitled ''Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety'', dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.''.

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

''44730. Inspection of foreign repair stations.''.

SEC. 304. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(iii) timeframes and resources needed for the actions described in clause (ii); and

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 305. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 306. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) FLIGHT ATTENDANT FATIGUE.—

(1) STUDY.—The Administrator, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(2) CONTENTS.—The study shall include the following:

(A) A survey of field operations of flight attendants.

(B) A study of incident reports regarding flight attendant fatigue.

(C) Field research on the effects of such fatigue.

(D) A validation of models for assessing flight attendant fatigue.

(E) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(F) An analysis of potential benefits of training flight attendants regarding fatigue.

(3) REPORT.—Not later than June 30, 2010, the Administrator shall submit to Congress a report on the results of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 303 of this Act) is further amended by adding at the end the following:

''§44731. Occupational safety and health standards for flight attendants on board aircraft

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

''(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

''(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

''(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

''(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

''(1) Record keeping.

''(2) Blood borne pathogens.

''(3) Noise.

''(4) Sanitation.

''(5) Hazard communication.

''(6) Anti-discrimination.

''(7) Access to employee exposure and medical records.

''(8) Temperature standards for the aircraft cabin.

''(d) REGULATIONS.—

''(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

''(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

''(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

''(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

''(f) OVERSIGHT.—

''(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

''(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

''(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

''(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

''(i) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' has the meaning given that term by section 44728.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44731. Occupational safety and health standards for flight attendants on board aircraft.''.

SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator

shall submit to Congress a report containing the results of the review.

SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) ISSUANCE OF REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) PLAN.—

(1) DEVELOPMENT.—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is essential, regularly scheduled, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) NONCERTIFICATED MAINTENANCE PROVIDER.—The term ''noncertificated maintenance provider'' means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (''ARFF'') under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address the following:

(1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

(2) The proper level of staffing.

(3) The timeliness of a response.

(4) The handling of hazardous materials incidents at airports.

(5) Proper vehicle deployment.

(6) The need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) FINAL RULE.—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

SEC. 312. COCKPIT SMOKE.

(a) STUDY.—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to preventing or mitigating the effects of dense continuous smoke in the cockpit of a commercial aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 313. SAFETY OF HELICOPTER AIR AMBULANCE OPERATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44732. Helicopter air ambulance operations

''(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations.

''(b) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall address the following:

''(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

''(2) Pilot training standards, including—

''(A) mandatory training requirements, including a minimum time for completing the training requirements;

''(B) training subject areas, such as communications procedures and appropriate technology use;

''(C) establishment of training standards in—

''(i) crew resource management;

''(ii) flight risk evaluation;

''(iii) preventing controlled flight into terrain;

''(iv) recovery from inadvertent flight into instrument meteorological conditions;

''(v) operational control of the pilot in command; and

''(vi) use of flight simulation training devices and line oriented flight training.

''(3) Safety-enhancing technology and equipment, including—

''(A) helicopter terrain awareness and warning systems;

''(B) radar altimeters;

''(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

''(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

''(4) Such other matters as the Administrator considers appropriate.

''(c) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (a), the Administrator, at a minimum, shall provide for the following:

''(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

''(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

''(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

''(C) requires the pilots of the certificate holder to use the checklist.

''(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

''(3) COMPLIANCE.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 135 of title 14, Code of Federal Regulations, including regulations on weather minima and flight and duty time whenever medical personnel are onboard the aircraft.

''(d) DEADLINES.—The Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (a); and

''(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

''§ 44733. Collection of data on helicopter air ambulance operations

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

''(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

''(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

''(3) The number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight).

''(4) The number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents.

''(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

''(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

''(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''Sec. 44732. Helicopter air ambulance operations.

''Sec. 44733. Collection of data on helicopter air ambulance operations.''.

SEC. 314. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing helicopter air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 315. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit to the Secretary of Transportation and the appropriate committees of Congress a report containing its findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the appropriate committees of Congress, that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator, pilot, and programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2013.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term ''certificate of authorization'' means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) DETECT, SENSE, AND AVOID CAPABILITY.—The term ''detect, sense, and avoid capability'' means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(5) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

Subtitle C—Safety and Protections

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

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

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) REPORTS AND RECOMMENDATIONS TO SECRETARY.—The Director shall provide regular reports to the Secretary of Transportation. The Director may recommend that the Secretary take any action necessary for the Office to carry out its functions, including protection of complainants and witnesses.

''(C) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(D) TERM.—The Director shall be appointed for a term of 5 years.

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

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

''(I) further investigation by the Office, the Inspector General of the Department of Transportation, or other appropriate investigative body; or

''(II) corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity or identifying information of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to, and can order the retention of, all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred. The Director may order sworn testimony from appropriate witnesses during the course of an investigation.

''(E) PROCEDURE.—The Office shall establish procedures equivalent to sections 1213(d) and 1213(e) of title 5 for investigation, report, employee comment, and evaluation by the Secretary for any investigation conducted pursuant to paragraph (3)(A).

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall—

''(A) respond within 60 days to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation, in accordance with established record retention requirements; and

''(B) ensure that the findings of all referrals for further investigation or corrective actions taken are reported to the Director.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Secretary, the Administrator, and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) RETALIATION AGAINST AGENCY EMPLOYEES.—Any retaliatory action taken or threatened against an employee of the Agency for good faith participation in activities under this subsection is prohibited. The Director shall make all policy recommendations and specific requests to the Secretary for relief necessary to protect employees of the Agency who initiate or participate in investigations under this subsection. The Secretary shall respond in a timely manner and shall share the responses with the appropriate committees of Congress.

''(8) DISCIPLINARY ACTIONS.—The Secretary shall exercise the Secretary's authority under section 2302 of title 5 for the prevention of prohibited personnel actions in any case in which the prohibited personnel action is taken against an employee of the Agency who, in good faith, has reported the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety. In exercising such authority, the Secretary may subject an employee of the Agency who has taken or failed to take, or threatened to take or fail to take, a personnel action in violation of such section to a disciplinary action up to and including termination.

''(9) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a public report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations, corrective actions recommended, and referrals in response to the submissions;

''(D) summaries of the responses of the Administrator to such recommendations; and

''(E) an evaluation of personnel and resources necessary to effectively support the mandate of the Office.''.

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the ''Agency'') to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vision statement in which it stated that it has a ''vision'' of ''being responsive to our customers

and accountable to the public'' and, in 2003, issued a customer service initiative that required aviation inspectors to treat air carriers and other aviation certificate holders as ''customers'' rather than regulated entities.

(4) The initiatives described in paragraph (3) appear to have given regulated entities and Agency inspectors the impression that the management of the Agency gives an unduly high priority to the satisfaction of regulated entities regarding its inspection and certification decisions and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or other entities regulated by the Agency as ''customers'';

(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and

(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as the 'Agency') if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) IN GENERAL.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the ''Agency'') may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) TRANSITIONAL PROVISION.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) ISSUANCE OF ORDER.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section.

SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Federal Aviation Administration (in this section referred to as the ''Agency'') is reviewed by a team of employees of the Agency, including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term ''Voluntary Disclosure Reporting Program'' means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers implement comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that the violation, or another violation occurring under the same circumstances, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration (FAA) aware of violations that the FAA would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(C) the information the FAA gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads FAA investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

Subtitle D—Airline Safety and Pilot Training Improvement

SEC. 341. SHORT TITLE.

This subtitle may be cited as the ''Airline Safety and Pilot Training Improvement Act of 2010''.

SEC. 342. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle, the following definitions apply:

(1) ADVANCED QUALIFICATION PROGRAM.—The term ''advanced qualification program'' means the program established by the Federal Aviation Administration in Advisory Circular 120–54A, dated June 23, 2006, including any subsequent revisions thereto.

(2) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(3) AVIATION SAFETY ACTION PROGRAM.—The term ''aviation safety action program'' means the program established by the Federal Aviation Administration in Advisory Circular 120–66B, dated November 15, 2002, including any subsequent revisions thereto.

(4) FLIGHT CREWMEMBER.—The term ''flight crewmember'' has the meaning given that term in part 1.1 of title 14, Code of Federal Regulations.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term ''flight operational quality assurance program'' means the program established by the Federal Aviation Administration in Advisory Circular 120–82, dated April 12, 2004, including any subsequent revisions thereto.

(6) LINE OPERATIONS SAFETY AUDIT.—The term ''line operations safety audit'' means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

(7) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(8) PART 135 AIR CARRIER.—The term ''part 135 air carrier'' means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 343. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the ''Task Force'').

(b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

(c) DUTIES.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

(1) Air carrier management responsibilities for flight crewmember education and support.

(2) Flight crewmember professional standards.

(3) Flight crewmember training standards and performance.

(4) Mentoring and information sharing between air carriers.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, and before the last day of each 180-day period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(1) the progress of the Task Force in identifying best practices in the air carrier industry;

(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 344. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

(a) RULEMAKING PROCEEDINGS.—

(1) STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

(2) REMEDIAL TRAINING PROGRAMS.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

(3) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

(b) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS AND NTSB.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) FLIGHT TRAINING AND FLIGHT SIMULATOR.—The terms ''flight training'' and ''flight simulator'' have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

(2) STALL.—The term ''stall'' means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

(3) STICK PUSHER.—The term ''stick pusher'' means a device that, at or near a stall, applies a nose down pitch force to an aircraft's control columns to attempt to decrease the aircraft's angle of attack.

(4) UPSET.—The term ''upset'' means an unusual aircraft attitude.

SEC. 345. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) of title 49, United States Code, is amended by inserting ''to the National Transportation Safety Board'' after ''shall give''.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 of such title is amended—

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

(2) by inserting after subsection (b) the following:

''(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

''(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

''(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

''(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

''(3) CONTENTS.—

''(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

''(i) a description of the recommendation;

''(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

''(iii) the proposed date for completing the procedures; and

''(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

''(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

''(i) a description of the recommendation; and

''(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.''.

SEC. 346. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:

''(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).''.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 of such title is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

''(i) FAA PILOT RECORDS DATABASE.—

''(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

''(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the 'database') containing the following records:

''(A) FAA RECORDS.—From the Administrator—

''(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

''(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

''(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

''(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

''(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

''(III) any release from employment or resignation, termination, or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

''(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

''(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

''(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

''(4) REPORTING.—

''(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

''(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

''(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

''(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

''(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

''(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

''(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

''(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

''(B) may remove the individual's records from the database after that date.

''(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

''(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

''(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

''(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

''(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

''(9) PRIVACY PROTECTIONS.—

''(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(B) DISCLOSURE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) de-identified, summarized information to explain the need for changes in policies and regulations;

''(II) information to correct a condition that compromises safety;

''(III) information to carry out a criminal investigation or prosecution;

''(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

''(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

''(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

''(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

''(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

''(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

''(A) to protect and secure—

''(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

''(ii) the confidentiality of those records; and

''(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

''(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

''(A) the air carrier has made a documented good faith attempt to access the information from the database; and

''(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

''(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

''(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

''(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

''(i) the designated individual has received the written consent of the pilot applicant to access the information; and

''(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

''(14) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under section 106(k)(1), there is authorized to be expended to carry out this subsection such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.

''(15) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

''(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

''(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

''(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

''(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

''(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting '45 days' for '30 days'.''.

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''paragraph (2)'' and inserting ''subsection (h)(2) or (i)(3)'';

(ii) in subparagraph (A) by inserting ''or accessing the records of that individual under subsection (i)(1)'' before the semicolon; and

(iii) in the matter following subparagraph (D) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(C) in paragraph (2) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or who furnished information to the database established under subsection (i)(2)'' after ''subsection (h)(1)''; and

(E) by adding at the end the following:

''(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

''(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

''(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).''.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking ''subsection (h)'' and inserting ''subsection (h) or (i)''.

SEC. 347. FAA RULEMAKING ON TRAINING PROGRAMS.

(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—Not later than 14 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

SEC. 348. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later than 9 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct a review of aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

(b) PURPOSES.—The purpose of the review shall be, at a minimum—

(1) to review the level of the Administration's oversight of each part 121 air carrier;

(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

(3) to assess the number and level of experience of aviation safety inspectors assigned to such carriers;

(4) to evaluate how the Administration is making assignments of aviation safety inspectors to such carriers;

(5) to review various safety inspector oversight programs, including the geographic inspector program;

(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of air carriers;

(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allowing access by aviation safety inspectors and operational research analysts to assist in the oversight of part 121 air carriers; and

(10) to conduct such other analyses as the Inspector General considers relevant to the purpose of the review.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of receipt of the report submitted under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) that specifies which, if any, policy changes recommended by the Inspector General under this section the Administrator intends to adopt and implement;

(2) that includes an explanation of how the Administrator plans to adopt and implement such policy changes; and

(3) in any case in which the Administrator does not intend to adopt a policy change recommended by the Inspector General, that includes an explanation of the reasons for the decision not to adopt and implement the policy change.

SEC. 349. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require each part 121 air carrier to take the following actions:

(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots shall receive, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the Administrator determines appropriate to enhance flight crewmember professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 350. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—

(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(2) MINIMUM REQUIREMENTS.—

(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive pre-employment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act, all flight crewmembers—

(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 351. AIRLINE TRANSPORT PILOT CERTIFICATION.

(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

(b) MINIMUM REQUIREMENTS.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

(A) function effectively in a multipilot environment;

(B) function effectively in adverse weather conditions, including icing conditions;

(C) function effectively during high altitude operations;

(D) adhere to the highest professional standards; and

(E) function effectively in an air carrier operational environment.

(c) FLIGHT HOURS.—

(1) NUMBERS OF FLIGHT HOURS.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

(2) FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

(e) RECOMMENDATIONS OF EXPERT PANEL.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 7(b) of this Act.

(f) DEADLINE.—Not later than 36 months after the date of enactment of this Act, the Administrator shall issue a final rule under subsection (a).

SEC. 352. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND PILOT ACADEMIC TRAINING.

(a) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(b) MINIMUM CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) an assessment of the Federal Aviation Administration's oversight of flight schools;

(2) an assessment of the Administration's academic training requirements in effect on the date of enactment of this Act as compared to flight education provided to a pilot by accredited 2- and 4-year universities;

(3) an assessment of the quality of pilots entering the part 121 air carrier workforce from all sources after receiving training from flight training providers, including Aviation Accreditation Board International, universities, pilot training organizations, and the military, utilizing the training records of part 121 air carriers, including consideration of any relationships between flight training providers and air carriers;

(4) a comparison of the academic training requirements for pilots in the United States to the academic training requirements for pilots in other countries;

(5) a determination and description of any improvements that may be needed in the Administration's academic training requirements for pilots;

(6) an assessment of student financial aid and loan options available to individuals interested in enrolling at a flight school for both academic and flight hour training;

(7) an assessment of the Federal Aviation Administration's oversight of general aviation flight schools that offer or would like to offer training programs under part 142 of title 14, Code of Federal Regulations; and

(8) an assessment of whether compliance with the English speaking requirements applicable to pilots under part 61 of such title is adequately tested and enforced.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 353. VOLUNTARY SAFETY PROGRAMS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

(b) CONTENTS.—The report shall include—

(1) a list of—

(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

(B) the voluntary safety programs each air carrier is using;

(2) if an air carrier is not using one or more of the voluntary safety programs—

(A) a list of such programs the carrier is not using; and

(B) the reasons the carrier is not using each such program;

(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

(5) an explanation of—

(A) where the data derived from such programs is stored;

(B) how the data derived from such programs is protected and secured; and

(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

(6) a description of the extent to which aviation safety inspectors are able to review data derived from such programs to enhance their oversight responsibilities;

(7) a description of how the Administration plans to incorporate operational trends identified under such programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;

(8) other plans to strengthen such programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

(9) such other matters as the Administrator determines are appropriate.

SEC. 354. ASAP AND FOQA IMPLEMENTATION PLAN.

(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

(b) MATTERS TO BE CONSIDERED.—In developing the plan under subsection (a), the Administrator shall consider—

(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive benefit from establishing a flight operational quality assurance program;

(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

SEC. 355. SAFETY MANAGEMENT SYSTEMS.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

(b) MATTERS TO CONSIDER.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

(1) An aviation safety action program.

(2) A flight operational quality assurance program.

(3) A line operations safety audit.

(4) An advanced qualification program.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term ''safety management system'' means the program established by the Federal Aviation Administration in Advisory Circular 120–92, dated June 22, 2006, including any subsequent revisions thereto.

SEC. 356. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 of title 49, United States Code, is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

''(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

''(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.''.

SEC. 357. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones or on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

(M) Any other matters the Administrator considers appropriate.

(3) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(B) not later than one year after the date of enactment of this Act, a final rule under subsection (a).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this section, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this section, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled ''Aviation Fatigue Management Symposium: Partnerships for Solutions'';

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator a report containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 358. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing and crew resource management techniques.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

*(1) in the section heading by striking ''**scheduled**'' and inserting ''**passenger**''; and*

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.—An individual may not smoke in an aircraft—

''(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

''(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

''(1) in scheduled passenger foreign air transportation; and

''(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

''41706. Prohibitions against smoking on flights.''.

SEC. 402. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

''(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

''(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

''(A) For a diverted flight—

''(i) the flight number of the diverted flight;

''(ii) the scheduled destination of the flight;

''(iii) the date and time of the flight;

''(iv) the airport to which the flight was diverted;

''(v) wheels-on time at the diverted airport;

''(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

''(vii) if the flight arrives at the scheduled destination airport—

''(I) the gate-departure time at the diverted airport;

''(II) the wheels-off time at the diverted airport;

''(III) the wheels-on time at the scheduled arrival airport; and

''(IV) the gate arrival time at the scheduled arrival airport.

''(B) For flights cancelled after gate departure—

''(i) the flight number of the cancelled flight;

''(ii) the scheduled origin and destination airports of the cancelled flight;

''(iii) the date and time of the cancelled flight;

''(iv) the gate-departure time of the cancelled flight; and

''(v) the time the aircraft returned to the gate.

''(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the website of the Department of Transportation.''.

(b) EFFECTIVE DATE.—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 403. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''24'' and inserting ''34''.

(b) LIMITATIONS.—Section 41718(c)(2) is amended by striking ''3 operations'' and inserting ''5 operations''.

(c) ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.—Section 41718(c) is amended—

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

(2) by inserting after paragraph (2) the following:

''(3) SLOTS.—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of

title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).''.

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.''.

SEC. 404. EAS CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

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

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

''(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.''.

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by subsection (a).

(c) REPORT.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 405. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a)(2) of title 49, United States Code, is amended by striking ''there is authorized to be appropriated $77,000,000'' and inserting ''there is authorized to be appropriated out of the Airport and Airway Trust Fund $150,000,000''.

(b) DISTRIBUTION OF EXCESS FUNDS.—

(1) IN GENERAL.—Section 41742(a) is amended by adding at the end the following:

''(4) DISTRIBUTION OF EXCESS FUNDS.—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under paragraph (1)—

''(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

''(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).''.

(2) CONFORMING AMENDMENT.—Section 41742(b) is amended—

(A) in the first sentence by striking ''moneys credited'' and all that follows before ''shall be used'' and inserting ''amounts made available under subsection (a)(4)(B)''; and

(B) in the second sentence by striking ''any amounts from those fees'' and inserting ''any of such amounts''.

SEC. 406. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) in subparagraph (E) by striking ''fashion.'' and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a regional or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking ''2009'' and inserting ''2012''.

SEC. 407. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

''CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

''Sec.
''42301. Emergency contingency plans.
''42302. Consumer complaints.
''42303. Use of insecticides in passenger aircraft.
''42304. Notification of flight status by text message or email.

''§ 42301. Emergency contingency plans

''(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

''(b) COVERED AIR TRANSPORTATION DEFINED.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 30 seats.

''(c) AIR CARRIER PLANS.—

''(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

''(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

''(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

''(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

''(A) provide food, water that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

''(B) allow passengers to deplane following excessive delays; and

''(C) share facilities and make gates available at the airport in an emergency.

''(d) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain—

''(1) a description of how the airport operator, to the maximum extent practicable, will provide for the deplanement of passengers following excessive delays and will provide for the sharing of facilities and make gates available at the airport in an emergency; and

''(2) in the case of an airport that is used by an air carrier or foreign air carrier for flights in foreign air transportation, a description of how the airport operator will provide for use of the airport's terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.

''(e) UPDATES.—

''(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

''(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

''(f) APPROVAL.—

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Secretary shall review and approve or require modifications to emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

''(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

''(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

''(h) PUBLIC ACCESS.—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet website of the carrier or airport or by such other means as determined by the Secretary.

''§ 42302. Consumer complaints

''(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) NOTICE TO PASSENGERS OF AIR CARRIERS.—An air carrier providing scheduled air transportation using aircraft with 30 or more seats shall include on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier—

''(1) the hotline telephone number established under subsection (a);

''(2) the email address, telephone number, and mailing address of the air carrier; and

''(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of reports by passengers about air travel service problems.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

''§ 42303. Use of insecticides in passenger aircraft

''(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a

flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

''(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall—

''(1) disclose, on its own Internet Web site or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

''(2) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.

''§ 42304. Notification of flight status by text message or email

''Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least 1 percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

''(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier a notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

''(2) the notification if the passenger requests the notification.''.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Air Passenger Service Improvements 42301''.

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 408. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

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

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

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

SEC. 409. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking ''October 1, 2009'' and inserting ''September 30, 2012''.

SEC. 410. CONTRACT TOWER PROGRAM.

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

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

''(1) CONTRACT TOWER PROGRAM.—

''(A) CONTINUATION AND EXTENSION.—The Secretary'';

(2) by adding at the end of paragraph (1) the following:

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

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

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

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

(1) Section 47124(b)(3)(E) is amended to read as follows:

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not more than $9,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012 may be used to carry out this paragraph.''.

(2) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

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

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

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

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

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

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home and require members of the Armed Forces to travel with heavy bags; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties and waive baggage fees for a minimum of 3 bags.

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) REPEAL.—Section 41747 of title 49, United States Code, and the item relating to such section in the analysis for chapter 417 of such title, are repealed.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 413. ADJUSTMENT TO SUBSIDY CAP TO REFLECT INCREASED FUEL COSTS.

(a) IN GENERAL.—The $200 per passenger subsidy cap initially established by Public Law 103–122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) shall be increased by an amount necessary to account for the increase, if any, in the cost of aviation fuel in the 24 months preceding the date of enactment of this Act, as determined by the Secretary.

(b) ADJUSTMENT OF CAP.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the increased subsidy cap as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

(c) LIMITATION ON ELIGIBILITY.—A community that has been determined, pursuant to a final order issued by the Department of Transportation before the date of enactment of this Act, to be ineligible for subsidized air service under subchapter II of chapter 417 of title 49, United States Code, shall not be eligible for the increased subsidy cap established pursuant to this section.

SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 of title 49, United States Code, is amended by adding at the end the following:

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

''(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

''(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

''(A) the procedures established pursuant to paragraph (2); and

''(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

''(4) SUBSIDY CAP DEFINED.—In this subsection, the term 'subsidy cap' means the subsidy cap established by section 332 of Public Law 106–69, including any increase to that subsidy cap established by the Secretary pursuant to the Aviation Safety and Investment Act of 2010.''.

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 413 of this Act) is further amended by adding at the end the following:

''(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

''(1) IN GENERAL.—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap (as defined in subsection (f)), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

''(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

''(A) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap (as defined in subsection (f)); and

''(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

SEC. 416. OFFICE OF RURAL AVIATION.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Office of Rural Aviation

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the 'Office of Rural Aviation' (in this section referred to as the 'Office').

''(b) FUNCTIONS.—The Office shall—

''(1) monitor the status of air service to small communities;

''(2) develop proposals to improve air service to small communities; and

''(3) carry out such other functions as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

''41749. Office of Rural Aviation.''.

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs, without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) of title 49, United States Code, is amended by striking ''continue to pay'' and all that follows through ''compensation sufficient—'' and inserting ''provide the carrier with compensation sufficient—''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and entitled ''Audit of Air Carrier Flight Delays and Cancellations''.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation's busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers; and

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) SPECIFIC STUDY REQUIREMENTS.—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of passengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the ''advisory committee'') to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 421. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 422. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) make recommendations for establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 423. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

SEC. 424. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget

request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 425. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41724. Prohibitions against voice communications using mobile communications devices on scheduled flights

''(a) INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—

''(1) IN GENERAL.—An individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

''(2) EXCEPTIONS.—The prohibition described in paragraph (1) shall not apply to—

''(A) a member of the flight crew or flight attendants on an aircraft; or

''(B) a Federal law enforcement officer acting in an official capacity.

''(b) FOREIGN AIR TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

''(2) ALTERNATE PROHIBITION.—If a foreign government objects to the application of paragraph (1) on the basis that paragraph (1) provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government until such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) FLIGHT.—The term 'flight' means the period beginning when an aircraft takes off and ending when an aircraft lands.

''(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—

''(A) INCLUSIONS.—The term 'voice communications using a mobile communications device' includes voice communications using—

''(i) a commercial mobile radio service or other wireless communications device;

''(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

''(iii) a device having voice override capability.

''(B) EXCLUSION.—Such term does not include voice communications using a phone installed on an aircraft.

''(d) SAFETY REGULATIONS.—This section shall not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.''.

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

''41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.''.

SEC. 426. ANTITRUST EXEMPTIONS.

(a) STUDY.—The Comptroller General shall conduct a study of the legal requirements and policies followed by the Department in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from the antitrust laws under section 41308 of such title in connection with such international alliances.

(b) ISSUES TO BE CONSIDERED.—In conducting the study under subsection (a), the Comptroller General, at a minimum, shall examine the following:

(1) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in public benefits, including an analysis of whether such benefits could have been achieved by international alliances not receiving exemptions from the antitrust laws.

(2) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in reduced competition, increased prices in markets, or other adverse effects.

(3) Whether international alliances that have been granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that have resulted in increased costs for consumers or foreclosed competition by rival (nonalliance) air carriers at such airports.

(4) Whether increased network size resulting from additional international alliance members will adversely affect competition between international alliances.

(5) The areas in which immunized international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers will receive benefits of at least the same magnitude as those that consumers would receive if there were no immunized international alliances.

(6) The minimum number of international alliances that is necessary to ensure robust competition and benefits to consumers on major international routes.

(7) Whether the different regulatory and antitrust responsibilities of the Secretary and the Attorney General with respect to international alliances have created any significant conflicting agency recommendations, such as the conditions imposed in granting exemptions from the antitrust laws.

(8) Whether, from an antitrust standpoint, requests for exemptions from the antitrust laws in connection with international alliances should be treated as mergers, and therefore be exclusively subject to a traditional merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to those required under section 7A of the Clayton Act (15 U.S.C. 18a).

(9) Whether the Secretary should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary in connection with an international alliance.

(10) The effect of international alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by those employees.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a), including any recommendations of the Comptroller General as to whether there should be changes in the authority of the Secretary under title 49, United States Code, or policy changes that the Secretary can implement administratively, with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(d) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than one year after the date of receipt of the report under subsection (c), and after providing notice and an opportunity for public comment, the Secretary shall issue a written determination as to whether the Secretary will adopt the policy changes, if any, recommended by the Comptroller General in the report or make any other policy changes with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(e) SUNSET PROVISION.—

(1) IN GENERAL.—An exemption from the antitrust laws granted by the Secretary on or before the last day of the 3-year period beginning on the date of enactment of this Act in connection with an international alliance, including an exemption granted before the date of enactment of this Act, shall cease to be effective after such last day unless the exemption is renewed by the Secretary.

(2) TIMING FOR RENEWALS.—The Secretary may not renew an exemption under paragraph (1) before the date on which the Secretary issues a written determination under subsection (d).

(3) STANDARDS FOR RENEWALS.—The Secretary shall make a decision on whether to renew an exemption under paragraph (1) based on the policies of the Department in effect after the Secretary issues a written determination under subsection (d).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) EXEMPTION FROM THE ANTITRUST LAWS.—The term ''exemption from the antitrust laws'' means an exemption from the antitrust laws granted by the Secretary under section 41308 of title 49, United States Code.

(2) IMMUNIZED INTERNATIONAL ALLIANCE.—The term ''immunized international alliance'' means an international alliance for which the Secretary has granted an exemption from the antitrust laws.

(3) INTERNATIONAL ALLIANCE.—The term ''international alliance'' means a cooperative agreement between an air carrier and a foreign air carrier to provide foreign air transportation subject to approval or disapproval by the Secretary under section 41309 of title 49, United States Code.

(4) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 427. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by this Act) is further amended by adding at the end the following:

"§ 41725. Musical instruments

''(a) IN GENERAL.—

''(1) INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment in a closet, baggage, or cargo stowage compartment approved by the Administrator without charge if—

''(A) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator of the Federal Aviation Administration; and

''(B) there is space for such stowage on the aircraft.

''(2) LARGE INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment that is too large to be secured in a closet, baggage, or cargo stowage compartment approved by the Administrator, if—

''(A) the instrument can be stowed in a seat, in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator for such stowage; and

''(B) the passenger wishing to carry the instrument in the aircraft cabin has purchased a seat to accommodate the instrument.

''(3) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger on a flight and that may not be carried in the aircraft passenger compartment if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches and the size restrictions for that aircraft;

''(B) the weight of the instrument does not exceed 165 pounds and the weight restrictions for that aircraft; and

''(C) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator for such stowage.

''(4) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting its liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the air carrier.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

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

''41725. Musical instruments.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park'';

(2) in subsection (a) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

''(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.'';

(3) in subsection (b) by adding at the end the following:

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

''(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.'';

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

''(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.'';

(5) in subsection (c)(3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without further environmental process beyond that described in this paragraph if—

''(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

''(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.'';

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the Aviation Safety and Investment Act of 2010, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.''.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and

(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

''(1) coordinate and consult with the State;

''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

''(3) supplement such analysis, as necessary, to meet applicable Federal requirements.''.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—

''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

''(2) to conduct special environmental studies related to an airport project funded with Federal funds;

''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.''.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

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

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

''(g) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.''.

SEC. 506. SOUNDPROOFING OF RESIDENCES.

(a) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—Section 47504(c)(2)(D) is amended to read as follows:

''(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) to soundproof—

''(i) a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise; and

''(ii) residential buildings located on residential properties in the noise impact area surrounding the airport that the Secretary decides is adversely affected by airport noise, if—

''(I) the residential properties are within airport noise contours prepared by the airport owner or operator using the Secretary's methodology and guidance, and the noise contours have been found acceptable by the Secretary;

''(II) the residential properties cannot be removed from airport noise contours for at least a 5-year period by changes in airport configuration or flight procedures;

''(III) the land use jurisdiction has taken, or will take, appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land to uses that are compatible with normal airport operations; and

''(IV) the Secretary determines that the project is compatible with the purposes of this chapter; and''

(b) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—Section 44705 (as amended by this Act) is further amended by adding at the end the following:

''(f) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—

''(1) ESTABLISHMENT OF CRITERIA.—Before awarding a grant under subsection (c)(2)(D), the Secretary shall establish criteria to determine which residences in the 65 DNL area suffer the greatest noise impact.

''(2) ANALYSIS FROM COMPTROLLER GENERAL.—Prior to making a final decision on the criteria required by paragraph (1), the Secretary shall develop proposed criteria and obtain an analysis from the Comptroller General as to the reasonableness and validity of the criteria.

''(3) PRIORITY.—If the Secretary determines that the grants likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 though 2012 will not be sufficient to soundproof all residences in the 65 DNL area, the Secretary shall first award grants to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).''.

SEC. 507. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 is amended by adding at the end the following:

''§ 47511. CLEEN research, development, and implementation partnership

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

''(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term 'CLEEN engine and airframe technology' means continuous lower energy, emissions, and noise engine and airframe technology.

''(c) PERFORMANCE OBJECTIVE.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2016:

''(1) Development of certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

''(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

''(3) Development of certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels cumulative, relative to Stage 4 standards.

''(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

''(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

''(d) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

''(1) $25,000,000 for fiscal year 2010.

''(2) $33,000,000 for fiscal year 2011.

''(3) $50,000,000 for fiscal year 2012.

''(e) REPORT.—Beginning in fiscal year 2010, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.''.

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

''47511. CLEEN research, development, and implementation partnership.''.

SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), after December 31, 2013, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) EXCEPTIONS.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

''(2) To scrap the aircraft.

''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

''(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

''(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

''(7) To provide transport of persons and goods in the relief of emergency situations.

''(8) To divert the aircraft to an alternative air port in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

''(d) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

(A) in the section heading by striking ''**for violating sections 47528–47530**''; and

(B) by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by inserting ''or 47534'' after ''47528–47531''.

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

''47531. Penalties.'';

and

(B) by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.

SEC. 509. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the

Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term ''eligible consortium'' means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ''environmental mitigation demonstration project'' means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 510. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $5,000,000 may be expended under the pilot program at any single public-use airport.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 511. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) AUTHORIZATION.—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 512. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) INDEPENDENT REVIEW.—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) CONSIDERATIONS.—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

SEC. 513. CABIN AIR QUALITY TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology should, at a minimum, be capable of—

(1) removing oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 514. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 515. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2009. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport, Newark Liberty Airport, and JFK Airport.

SEC. 516. GAO STUDY ON COMPLIANCE WITH FAA RECORD OF DECISION.

(a) STUDY.—The Comptroller General shall conduct a study to determine whether the Federal Aviation Administration and the Massachusetts Port Authority are complying with the requirements of the Federal Aviation Administration's record of decision dated August 2, 2002.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 517. WESTCHESTER COUNTY AIRPORT, NEW YORK.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine whether Westchester County Airport should be authorized to limit aircraft operations between the hours of 12 a.m. and 6:30 a.m.

(b) DEADLINES.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under subsection (a); and

(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

SEC. 518. AVIATION NOISE COMPLAINTS.

(a) TELEPHONE NUMBER POSTING.—Not later than 3 months after the date of enactment of

this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) SUMMARIES AND REPORTS.—Not later than one year after the last day of the 3-month period referred to in subsection (a), and annually thereafter, an owner or operator that receives one or more noise complaints under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by print and electronic means.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by striking paragraph (2) and inserting the following:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

''(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Aviation Safety and Investment Act of 2010); or

''(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

''(B) BINDING ARBITRATION.—

''(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

''(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

''(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

''(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

''(vi) COSTS.—The parties shall share costs of the arbitration equally.

''(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

''(4) ENFORCEMENT.—

''(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

''(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.''.

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) SAVINGS CLAUSE.—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) BACK PAY.—

(1) IN GENERAL.—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this subsection.

(e) INTERIM AGREEMENT.—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.

Section 40122(g)(2)(A) is amended to read as follows:

''(A) sections 2301 and 2302, relating to merit system principles and prohibited personnel practices, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;''.

SEC. 603. APPLICABILITY OF BACK PAY REQUIREMENTS.

(a) APPLICABILITY OF BACK PAY REQUIREMENTS.—Section 40122(g)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting ''; and''; and

(3) by adding at the end the following:

''(I) section 5596, relating to back pay.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to—

(A) all proceedings pending on, or commenced after, the date of enactment of this Act in which an employee of the Federal Aviation Administration is seeking relief under section 5596 of title 5, United States Code, that was available as of March 31, 1996; and

(B) subject to paragraph (2), personnel actions of the Federal Aviation Administration under section 5596 of such title occurring before the date of enactment of this Act.

(2) SPECIAL RULE.—The authority of the Merit Systems Protection Board to provide a remedy under section 5596 of such title, with respect to a personnel action of the Federal Aviation Administration occurring before the date of enactment of this Act, shall be limited to cases in which—

(A) the Board, before such date of enactment, found that the Federal Aviation Administration committed an unjustified or unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 5596 of such title; and

(B) a petition for review is filed with the clerk of the Board not later than 6 months after such date of enactment.

SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as ''FAA systems specialists'').

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

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

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) CONTENTS.—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the Federal Aviation Administration certified under section 7111 of title 5, United States Code, and the Administrator of the Federal Aviation Administration.

(4) REPORT.—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 605. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, ''Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs'' (GAO–05–40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations;

(3) an identification of further action that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and increase assurance that designees meet the Administration's performance standards; and

(4) an assessment of the Administration's organizational delegation and designee programs and a determination as to whether the Administration has sufficient monitoring and surveillance programs in place to properly oversee these programs.

SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) IN GENERAL.—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled ''Staffing Standards for Aviation Safety Inspectors'' and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 607. SAFETY CRITICAL STAFFING.

(a) SAFETY INSPECTORS.—The Administrator of the Federal Aviation Administration shall increase the number of safety critical positions in the Flight Standards Service and Aircraft Certification Service for a fiscal year commensurate with the funding levels provided in subsection (b) for the fiscal year. Such increases shall be measured relative to the number of persons serving in safety critical positions as of September 30, 2008.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) $45,000,000 for fiscal year 2010;

(2) $138,000,000 for fiscal year 2011; and

(3) $235,000,000 for fiscal year 2012.

Such sums shall remain available until expended.

(c) IMPLEMENTATION OF STAFFING STANDARDS.—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model under section 605 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

(d) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term ''safety critical positions'' means—

(1) aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standards Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, Chief Scientist Technical Advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification).

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the ''FAA'') to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) CONTENTS.—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) RECOMMENDATIONS AND ESTIMATES.—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

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

SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

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

SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions'' (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICIES (FCI).—The Task Force shall review the facility condition indicies of the Administration (in this section referred to as the ''FCI'') for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $250,000 to carry out this section.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking ''September 30, 2009'' and inserting ''September 30, 2012''; and

(2) by striking ''December 31, 2009'' and inserting ''December 31, 2019''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2019, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(B) TRANSFER OF PREMIUMS.—

''(i) IN GENERAL.—On December 31, 2019, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

''(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2019;

''(II) the amount of any claims pending under such policies as of December 31, 2019; and

''(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2019.''.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking ''the carrier'' and inserting ''any insurance carrier''.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking ''agent'' and inserting ''agent, or a claims adjuster who is independent of the underwriting agent,''.

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2019''.

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:

''For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.''.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

''(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

''(2) RELEASE OF INFORMATION.—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

''(3) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of

the Administration who shall carry out the authority described in subsection (a). The designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA access to criminal history records or databases systems.''.

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

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

*(1) in the section heading by striking ''**air carrier**'' and inserting ''**carrier**'';*

(2) in subsection (a) by striking ''(as defined in section 40102 of this title)'' and inserting ''(as such terms are defined in section 40102)'';

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

(4) in the heading for paragraph (2) of subsection (d) by striking ''AIR CARRIER'' and inserting ''AIR CARRIER AND FOREIGN AIR CARRIER'';

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

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

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

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

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

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.

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

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

(2) The changes in airport capital needs between fiscal years 2003 and 2008, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

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

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

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

(c) REPORT TO CONGRESS.—

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

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

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

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

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking ''All'' and inserting ''(a) IN GENERAL.—All'';

(2) by inserting ''and every express carrier'' after ''common carrier by air''; and

(3) by adding at the end the following:

''(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

''(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

''(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

''(3) EXPRESS CARRIER DEFINED.—In this section, the term 'express carrier' means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.''.

(b) CONFORMING AMENDMENT.—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking '', any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,''.

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the Federal Aviation Administration (in this section referred to as the ''FAA'') a working group to develop criteria and make recommendations for the realignment of services and facilities (including regional offices) of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) MEMBERSHIP.—The working group shall be composed of—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at regional or field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.—

(1) SUBMISSION.—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) CONTENTS.—The report shall include a justification for each recommendation to consolidate or realign a service or facility (including a regional office) and a description of the costs and savings associated with the consolidation or realignment.

(d) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) OBJECTIONS.—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities (including regional offices) of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.—The Administrator may not realign or consolidate any services or facilities (including regional offices) of the FAA before the Administrator has submitted the report under subsection (f).

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(2) REALIGNMENT; CONSOLIDATION.—

(A) IN GENERAL.—The terms ''realignment'' and ''consolidation'' include any action that—

(i) relocates functions, services, or personnel positions;

(ii) severs existing facility functions or services; or

(iii) any combination thereof.

(B) EXCLUSION.—The term does not include a reduction in personnel resulting from workload adjustments.

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

''(i) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

''(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

''(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United

States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

''(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

''(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

''(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

''(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.''.

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the ''FAA'') could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County's purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County's purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed $1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

(c) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the ''airport''), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for pilots and flight attendants involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2012. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION ZONE.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with Secretary of Homeland Security and Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, DC, Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, DC, Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation's history and economy.

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or

after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1);

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1); and

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) COOPERATION WITH LOCAL AFFECTED JURISDICTION.—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) UNITED STATES GOVERNMENT SHARE.—

(1) IN GENERAL.—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) DETERMINATION.—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) SPECIAL RULES FOR REPAID FUNDS.—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) USE OF PASSENGER FACILITY REVENUE.—An operator of an airport participating in the pilot program may use passenger facility revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) SUNSET.—The Administrator may not make a grant under the pilot program after September 30, 2012.

(i) REPORT TO CONGRESS.—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) EXCEPTIONS.—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island and Staten Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 819. CABIN TEMPERATURE AND HUMIDITY STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat and humidity onboard such aircraft during standard operations or during an excessive flight delay.

(b) TEMPERATURE REVIEW.—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperature and humidity of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and humidity and develop a system for the reporting of excessive temperature and humidity onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature and humidity standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';

(2) in subsection (a)(5)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451''; and

(3) in subsection (d)(2)—

(A) by inserting after ''44723)'' the following: '', chapter 451 (except section 45107)''; and

(B) by inserting after ''44909),'' the following: ''section 45107 or''.

SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, Agriculture, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) IMPACT OF WIND TURBINES ON RADAR SIGNALS.—In conducting the study, the Administrator shall consider the impact of the operation of wind turbines, individually and in collections, on radar signals and evaluate the feasibility of providing quantifiable measures of numbers of turbines and distance from radars that are acceptable.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services, Committee on Agriculture, and Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation, Committee on Homeland Security and Governmental Affairs, Committee on Agriculture, Nutrition, and Forestry, and Committee on Armed Services of the Senate.

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as ''FAA radars'') in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocation of FAA radars, when appropriate, and testing and deployment of alternate solutions, as necessary.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Administrator to issue hazard determinations.

SEC. 825. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The effect of wind turbine lighting on residential areas.

(2) The safety issues associated with alternative lighting strategies, technologies, and regulations.

(3) Potential energy savings associated with alternative lighting strategies, technologies, and regulations.

(4) The feasibility of implementing alternative lighting strategies or technologies.

(5) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, rename, designate, or redesignate any project or program under this act for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

SEC. 827. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to identify a physical means, or a combination of physical and procedural means, of limiting access to the flight decks of all-cargo aircraft to authorized flight crew members.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 828. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the Federal Aviation Administration be granted the full protection of the law.

SEC. 829. COLLEGE POINT MARINE TRANSFER STATION, NEW YORK.

(a) FINDING.—Congress finds that the Federal Aviation Administration, in determining whether the proposed College Point Marine Transfer Station in New York City, New York, if constructed, would constitute a hazard to air navigation, has not followed published policy statements of the Federal Aviation Administration, including—

(1) Advisory Circular Number 150/5200–33B 2, entitled ''Hazardous Wildlife Attractants on or Near Airports'';

(2) Advisory Circular Number 150/5300–13, entitled ''Airport Design''; and

(3) the publication entitled ''Policies and Procedures Memorandum—Airports Division'', Number 5300.1B, dated Feb. 5, 1999.

(b) DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.—The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

SEC. 830. PILOT TRAINING AND CERTIFICATION.

(a) INITIATION OF STUDY.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall initiate a study on commercial airline pilot training and certification programs. The study shall include the data collected under subsection (b).

(b) DATA COLLECTED.—In conducting the study, the Comptroller General shall collect data on—

(1) commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) the number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) how United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) what remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) what stall warning systems are included in flight simulator training compared to classroom instruction; and

(6) the information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

(c) CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) a review of Federal Aviation Administration and international standards regarding commercial airline pilot training and certification programs;

(2) the results of interviews that the Comptroller General shall conduct with United States air carriers, pilot organizations, the National Transportation Safety Board, the Federal Aviation Administration, and such other parties as the Comptroller General determines appropriate; and

(3) such other matters as the Comptroller General determines are appropriate.

(d) REPORT.—Not later than 12 months after the date of initiation of the study, the Comptroller General shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with the findings and recommendations of the Comptroller General regarding the study.

SEC. 831. ST. GEORGE, UTAH.

(a) IN GENERAL.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary under the subsection (a) shall be subject to the following conditions:

(1) The city of St. George shall agree that in conveying any interest in the property that the United States conveyed to the city by deed dated August 28, 1973, the city will receive an amount for such interest that is equal to the fair market value.

(2) Any such amount so received by the city of St. George shall be used by the city for the development, improvement, operation, or maintenance of a replacement public airport.

SEC. 832. REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating terminal radar approach control.

SEC. 833. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Federal Aviation Research and Development Reauthorization Act of 2010''.

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) NATIONAL RESEARCH COUNCIL.—The term ''National Research Council'' means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term ''NSF'' means the National Science Foundation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall carry out a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

''(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government's share of an individual grant under this section shall not exceed 90 percent of the costs.''.

(b) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''expiration of the program'' and inserting ''expiration of the pilot program''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking ''and'' after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.''.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2010 through 2012, for research grants under this section.

SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA's energy- and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(b) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $700,000 for fiscal year 2010 to carry out this section.

SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall conduct a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) ESTABLISHMENT.—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the ''Center'').

(b) APPLIED RESEARCH AND TRAINING.—The Center shall conduct applied research and training on—

(1) human performance in the air transportation environment;

(2) air transportation personnel, including air traffic controllers, pilots, and technicians; and

(3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) DUTIES.—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;

(3) through industry surveys and other research methodologies and in partnership with the ''Taskforce on the Future of the Aerospace Workforce'' and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Airport and Airway Trust Fund Financing Act of 2010''.

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.—

(1) AVIATION-GRADE KEROSENE.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) 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) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking ''19.3 cents'' and inserting ''24.1 cents''.

(3) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) of such Code 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.''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions of such Code 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) Section 4081(a)(3)(D) of such Code 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) Section 4081(a)(4) of such Code is amended—

(i) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)'', and

(ii) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(E) Section 4081(d)(2) of such Code is amended by inserting '', (a)(2)(A)(iv),'' after ''subsections (a)(2)(A)(ii)''.

(b) EXTENSION.—

(1) FUELS TAXES.—Paragraph (2) of section 4081(d) of such Code is amended by striking ''gallon—'' and all that follows and inserting ''gallon after September 30, 2012''.

(2) TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.—

(A) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(B) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(c) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 of such Code is amended—

(1) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(2) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(3) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(d) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) of such Code 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) of such Code 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).''.

(e) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) of such Code 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) of such Code is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(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 of such Code 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) Section 6427(i)(4) of such Code is amended—

(i) by striking ''paragraph (4)(C) or (5)'' both places it appears and inserting ''paragraph (4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(B) Section 6427(l)(1) of such Code is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)(i)''.

(C) Section 4082(d)(2)(B) of such Code is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—

(A) EXPENDITURES FROM TRUST FUND.—Paragraph (1) of section 9502(d) of such Code is amended—

(i) by striking ''October 1, 2009'' in the matter preceding subparagraph (A) and inserting ''October 1, 2012'', and

(ii) by inserting ''or the Aviation Safety and Investment Act of 2010'' before the semicolon at the end of subparagraph (A).

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(3) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code 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) Section 9503(b)(4) of such Code 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:

''(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) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking '', section 9503(c)(7),''.

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

''(7) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.''.

(5) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

''(8) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

''(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

''(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

''(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

''(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.''.

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2009.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2010, 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 the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel 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 fuel 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 FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2010, by any person if the aggregate amount of such aviation fuel 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 FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(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 such Code; 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 such Code on the aviation fuel 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.

TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

SEC. 1101. COMPLIANCE PROVISION.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

The SPEAKER pro tempore. Pursuant to House Resolution 1212, the motion shall be debatable for 1 hour equally divided and controlled by the chair and the ranking minority member of the Committee on Transportation and Infrastructure. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1586.

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

There was no objection.

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

This procedure under which we are acting on this bill is complex and has raised some concerns both in the Rules Committee and in discussion of the rule, so I just want to clarify some things.

The rule states in part: to concur in the Senate amendment to the title of H.R. 1586 which deals with additional tax bonuses on TARP recipients. This is a tax bill that the House had passed and sent to the Senate. The Senate is amending that tax bill, taking everything out and substituting its version of the FAA authorization bill. We then, under the rule, concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules which is the text of the bill that we have twice passed in this House in two Congresses.

It is not something new. It is not a freestanding bill coming to the floor for the first time and should not be nor has it been subjected to an open rule which was requested in the Rules Committee and which was again debated on the House floor during consideration of the rule.

This is the bill we passed first in September, on September 20, 2007, by a vote of 267–151, including four Republican and four Democratic amendments. It was not adopted in that Congress.

We took it up again in 2009, passed the bill May 21 last year by an even

bigger vote, 277–136, including seven Democratic and four Republican amendments. We also include in this bill the Airline Safety and Pilot Training Act of 2009, overwhelmingly approved in the House by a vote of 409–11, not acted upon by the other body. So we are combining these bills and sending them back to the Senate which then we expect will ask for a conference.

Now, we have heard discussion and I heard some rather fomenting sounds during consideration of the rule about, well, we haven't passed this aviation authorization bill in years. We would have passed it in 2007 but for the Statement of Administration Policy September 19, 2007, from the Bush administration that said: Accordingly, if H.R. 2881 were presented to the President, his senior advisers would recommend that he veto the bill.

It passed the House notwithstanding.

But because of the threat of the administration veto, the other body, narrowly divided, didn't even take it up. We did our work in good order, in reasonable order, very quick from the time the gavel was handed over to Speaker PELOSI at the beginning of the 110th Congress and we regained the majority. We picked up where we left off in the previous Congress with the Republican members of our committee and moved the bill with bipartisan support except for three issues. And on one of those, the administration threatened a veto, the negotiation/renegotiation of the air traffic controller contract.

The new administration came in and settled that issue. It is gone. It is done. The language is still in the bill because we passed that bill before the administration settled the air traffic controller contract. So the language stays in the bill, but it will come out in conference, at least that part of it.

So I don't understand this revisionism that I heard on the House floor during the debate on the rule. It is wrong. It doesn't represent the issues properly. It doesn't put them into focus. We are going to pass this legislation today. The Senate will then ask us for a conference in due course, and we will go to conference on this bill. And we will resolve whatever the differences are, and there are several of them, between our version and the Senate version. That is the process.

I just want to make it very clear that is what we are here discussing today.

I reserve the balance of my time.

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

Today we are considering an amendment to H.R. 1586, the Senate-passed FAA reauthorization bill which will substitute two previously considered and passed House bills: H.R. 915, the FAA Reauthorization Act of 2009 and H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009.

This is a procedural process deemed necessary in order for the House and Senate to enter into negotiations to reconcile the differences in each Chamber's FAA reauthorization bill.

While I support the process moving forward, I cannot support the House amendment to H.R. 1586 due to the inclusion of several controversial provisions in the House FAA reauthorization bill being inserted by the amendment.

Certainly we all agree that we need a final bipartisan and bicameral FAA reauthorization bill, and we need it sooner rather than later. With the latest of 13 extensions having passed the House just yesterday, the FAA is still working under the 2003 FAA reauthorization. This is a very untenable situation, so the urgency of this legislation remains.

The American Society of Civil Engineers periodically issues an infrastructure report card, and its 2009 report card gives aviation a grade of only a D. This was actually a lower grade than the D-plus earned in its 2005 report card. So the condition of our aviation infrastructure in the United States is getting worse, not better.

The amendment includes a provision from H.R. 915 that increases Federal investment in aviation infrastructure with funding for the Airport Improvement Program increased to a total of $12.3 billion over 3 years. The facilities and equipment program is increased to $10.1 billion.

The amendment, through a H.R. 915 provision, also increases the cap on the level of passenger facility charges that an airport can impose for capacity and safety improvements. The cap was last raised 10 years ago, and the $4.50 maximum charge is now worth far less due to the passage of time, as well as high construction cost inflation.

One of the most important initiatives under way at the FAA is the modernization of our air traffic control system known as NextGen. We must transition from the 50-year-old ground-based technology to a modern satellite-based system in order to increase capacity, lower costs and increase safety and efficiency in our system. The legislation before us seeks to move this process along while instilling accountability. Congress will need to provide effective oversight to be sure the program stays on track and that we have the financial resources for the $15 billion-$20 billion in government costs for this multi-year program to keep moving forward. Our chairman of the subcommittee, Mr. COSTELLO, has been very active in providing oversight.

The amendment, with the inclusion of H.R. 915 provisions, also improves safety, provides noise mitigation and enhances environmental initiatives. Passenger rights would be addressed by ensuring that airlines and airports plan for the care of passengers who are trapped in long delays on tarmacs.

□ 1530

It also mandates the establishment of a process to avoid airline overscheduling that inevitably leads to delay.

The House amendment also includes H.R. 3371, the Airline Safety and Pilot Training Improvement Act of 2009, a comprehensive, bipartisan bill that passed the House last year. H.R. 3371 improves access and review of pilots' records, requires more extensive pilot training, improves pilot professionalism, addresses pilot fatigue, and increases the minimum certification standards for commercial airline pilots. I look forward to working on finalizing these provisions with the Senate during a conference committee to improve airline safety.

Unfortunately, despite the inclusion of important safety provisions, the amendment also includes a number of controversial provisions in H.R. 915, the same provisions that delayed consideration of the FAA reauthorization in the Senate. Therefore, it's impossible for me to support the amendment in its current form.

One provision regarding air traffic controllers provides for changes in future impasse procedures, which I don't object to, but it also includes costly rollback and backpay requirements under terms of the 1998 contract. According to the Congressional Budget Office, the cost of this provision in budget year 2009 was $83 million, and about $1 billion over the life of the bill. With the arbitrated controller contract agreed to last year, I would have thought this provision would no longer be necessary. However, since it remains as it did in H.R. 915 in the amendment, the provision remains problematic.

H.R. 915 also includes a provision that would move express carriers from being covered by the Railway Labor Act to the National Labor Relations Act. This is really targeted at one company, FedEx Express. FedEx Express was organized as, and still is, an air carrier, in particular, an express carrier. As such, it's been covered by the Railway Labor Act since its creation in 1971.

It has trucks, but it is a fully integrated system, and the trucks would not operate without the planes, which was reaffirmed by the Ninth Circuit Court of Appeals several years ago. I'd note that other companies within the FedEx family, such as FedEx Freight, are rightly covered by the National Labor Relations Act.

Other provisions included in the amendment from H.R. 915 raise concerns, such as the foreign repair station language, which may have the unintended consequences of leading to retaliation by the European Union. This will result in the loss of jobs here in the U.S., as European customers may no longer send planes to the U.S. and the Europeans may impose costly certification and inspection processes on U.S. repair stations.

Also, H.R. 915 included a provision that would automatically sunset airline alliance antitrust immunity agreements 3 years after enactment. We are told this could threaten approximately 15,000 airline jobs in the United States. Considering U.S.-based airlines have already been forced to cut a staggering

41,000 jobs, nearly 10 percent of their work force in the last 2 years, further job loss resulting from this provision raises obvious concerns.

I'd like to thank Chairman OBERSTAR, Chairman COSTELLO, and Ranking Member JOHN MICA and other members of the committee for their continued dedication in working to pass an FAA bill. Many thanks also to our hardworking staff for the effort they've put in over the last 3 years.

And in conclusion, I support the general goals and the majority of this bill in terms of increasing infrastructure investment, advancing NextGen, improving safety and the environment, and increasing passenger protections. There are a few specific provisions that will preclude me from voting for the House amendment to H.R. 1586. Nevertheless, I'm pleased we're considering this bill today and, after it passes, I look forward to continuing to work with my colleagues in a conference committee with the Senate so that we can get a bipartisan, bicameral FAA reauthorization in place.

Mr. OBERSTAR. Before the gentleman concludes, Mr. Speaker, would the gentleman yield for just a moment?

Mr. PETRI. Yes.

Mr. OBERSTAR. The gentleman referred, Mr. Speaker, to the provision in the bill that covers the air traffic controller contract. The gentleman is aware that has been resolved and settled, and in my remarks I said that is a provision that we have already agreed that would be dropped because it's no longer necessary.

Mr. PETRI. That was my observation, and I'm happy with that assurance.

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

Mr. OBERSTAR. I now yield such time as he may consume to the Chair of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), who has ushered this bill through two Congresses, two successful votes on the House floor, and we're now about to go to conference and have the crowning achievement.

Mr. COSTELLO. Mr. Speaker, I rise in strong support of the House amendment to H.R. 1586. This comprehensive bill includes two bills passed by the House, H.R. 915, the Federal Aviation Administration Reauthorization Act, and H.R. 3371, the Bipartisan Airline Safety and Pilot Training Improvement Act of 2009. Together, these bills are a product of over 20 hearings of our subcommittee, of the Aviation Subcommittee, many roundtable discussions on a whole host of topics in the aviation industry, and let me say that we also had the input and worked with the Federal Aviation Administration and every group and organization in the aviation community.

Mr. Speaker, the other body passed the FAA Reauthorization bill, H.R. 1586, using an unrelated House-passed tax bill, as Chairman OBERSTAR stated. The Senate amended H.R. 1586 and inserted the language from S. 1451, the FAA Air Transportation Modernization and Safety Improvement Act.

In response to the action taken by the Senate, today the House will be amending H.R. 1586 with language that has already been passed by the House to ensure many important provisions included in both bills, H.R. 915 and H.R. 3371, that they're maintained throughout conference with the Senate.

There are provisions that are very important that are not included in the Senate bill that were included in H.R. 915, in the legislation that the House is amending today that I want to highlight.

First, the House bill increases the cap on the passenger facility charge from $4.50 to $7 to help airports that choose to participate in the PFC program to meet capital needs. According to the FAA, if every airport currently collecting a $4 or $4.50 PFC raises its PFC to $7, that increase would generate approximately $1.3 billion in additional revenue for airport capital needs each year. This increase in the PFC will allow airports to improve and expand their facilities, while creating jobs at a time when jobs are critically needed in this country.

Second, H.R. 1586, as amended, provides consistency in collective bargaining rights throughout the express carrier industry by allowing employees working on the ground and driving trucks to organize under the National Labor Relations Act, which enables employees to organize at the local level as opposed to the national level. Workers who are directly involved with the aircraft operation portion of those companies, like pilots and mechanics, would continue to be under the jurisdiction of the Railway Labor Act.

In addition, this legislation also includes one of the strongest aviation safety bills in decades, H.R. 3371, the Airline Safety and Pilot Training Act of 2009. This bipartisan legislation was written and introduced by Chairman OBERSTAR, Ranking Member MICA, Mr. PETRI, and myself last year. The legislation was introduced after many hearings and roundtable discussions and with the input of the families of those who perished in the Colgan accident in Buffalo, the pilot groups, airlines, the National Safety Transportation Board, and the Department of Transportation Inspector General, as well as many Members of this body.

Let me say, Mr. Speaker, that the Aviation Subcommittee also held hearings and roundtables on safety issues related to the Colgan accident, culminating in the introduction of H.R. 3371.

Regional airlines have been involved in the last seven fatal U.S. airline accidents, and pilot performance has been implicated in four of these accidents. Our bill, the action that we take today, and the action that we took in the legislation before us will strengthen pilot training requirements and qualifications.

There are five important provisions that I want to highlight very quickly that were originally included in H.R. 3371 and in the bill before us.

First, to address pilot qualification, the bill increases the minimum number of flight hours required to be hired as an airline pilot. Currently, the first officer only needs a commercial pilot's license to be a pilot, which requires a minimum of 250 flight hours. There is a consensus that 250 hours is simply not enough to be an airline pilot and that safety would be improved by raising the standard.

Under our legislation, all airline pilots must obtain an airline transport pilot license, which is currently only mandatory for an airline captain. The ATP requires a minimum of 1,500 flight hours and additional aeronautical knowledge, crew resource management training, and greater flight proficiency testing.

The legislation also strengthens the ATP qualitative minimum requirements, such as demonstrating the ability to function effectively in a multipilot environment and in training to fly in adverse weather conditions, including icing.

Second, we mandate several outstanding NTSB recommendations related to pilot training that were discussed at our hearings, such as those on stall and upset recovery and remedial training.

Third, to ensure that airlines can make informed hiring decisions, the bill requires the FAA to create and maintain an electronic pilot records database. The database will allow an airline to quickly assess an applicant's comprehensive record for hiring purposes only.

Fourth, fatigue has been on the NTSB's most wanted list since 1990. The bill directs the FAA to implement a new pilot flight and duty time rule, taking into account the operating environment of today's pilots and the scientific research on fatigue. As part of the rulemaking, the National Academy of Sciences is tasked with studying the effects of commuting on pilot fatigue. In addition, the bill requires air carriers to create fatigue risk management systems to proactively mitigate fatigue.

Finally, the bill requires all Internet Web sites that sell airline tickets to show, on the first page of the Web display, the name of the air carrier operating each flight segment of a proposed itinerary.

Although there are a few contentious issues that you heard about today, I believe that we have discussed many of these issues and that they can be resolved in conference with the Senate. Virtually the entire aviation community, the airlines, the airports, general aviation, State aviation officials have communicated to us in a unified voice the need to get a multiyear reauthorization done as soon as possible.

Mr. Speaker, the House has already passed these bills separately. Incorporated together as the Aviation Safety and Investment Act of 2010, this legislation provides important stability

for NextGen and the needed capacity improvements, while also strengthening aviation safety.

I urge my colleagues to support this legislation.

Mr. PETRI. Mr. Speaker, I yield 1½ minutes to our colleague from the State of Texas, KEVIN BRADY.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the leadership of Chairmen OBERSTAR and COSTELLO, as well as our ranking leaders, Mr. MICA and Mr. PETRI, on the aviation infrastructure, but I rise in opposition to the bill which includes a number of provisions which would hurt our Nation's airlines, especially when many are suffering losses.

By sunsetting in 3 years the antitrust immunity for airlines participating in international alliances, this bill puts at risk the global competitiveness of U.S. airlines, and reduces benefits for consumers.

International alliances help better serve Americans when traveling abroad. When airlines partner together, consumers benefit from the enhanced competition. They get greater access to lower fares, better online services, and more connecting options. And if airlines are at risk of losing their immunity, airlines may not enter into alliances and may cut back on cooperation with foreign air carriers. And consumer benefits would be put at risk, along with 15,000 American jobs supported by the industry.

Oversight has been raised as an issue, but there is more than adequate oversight already and review of these alliances by both the Department of Justice and the Department of Transportation. The Transportation Department may amend or revoke any existing immunity grant, and the Department of Justice is able to investigate antitrust concerns.

Mr. Speaker, alliances often require significant and long-term investments for U.S. carriers. Unnecessarily sunsetting them would compromise the viability of the industry, benefits to consumers, and American jobs in a weakened economy.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Minnesota has 18 minutes remaining. The gentleman from Wisconsin has 20 minutes remaining.

Mr. OBERSTAR. I now yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairmen of the full committee and the subcommittee and the ranking member for their excellent work on this.

There are a number of issues that are extraordinarily important to the public, the traveling public, in these two pieces of legislation.

The pilot training requirement, something I've been talking about since the early 1990s, I was shocked to find out that for those airlines who don't have higher standards, that they can hire someone with 250 hours of experience and put them up there on the flight deck. This didn't become apparent to a lot of the American public until after the horrible tragedy of the Comair crash last year, but it has been something that has been going on for years.

□ 1545

These low-budget sorts of carriers are trying to drag down the industry. Instead of hiring people with higher qualifications, paying them an actual decent working wage, when you have someone working for a little bit over minimum wage flying your airplane, do you feel good about that? I don't. With very inadequate training and someone who's been up overnight because they can't afford to have their own apartment and they have to commute across the United States of America to go home and sleep in their mom's house? That's a heck of a way to run an industry.

By raising the bar and raising the standard, we will not disadvantage anybody except those who are dragging down the system. We will have a new, higher standard, which the good airlines are already meeting, and those who are not meeting are going to be forced to meet and they're going to be forced to pay competitive wages to get people who are trained to that level. This will make the American traveling public safer.

In addition to that, I first introduced with now-Senator BEN CARDIN a bill on passenger rights in 1987. We've never quite gotten there until this legislation. We have some critical and basic passenger rights embedded in this FAA reauthorization—something that has been decades in the making. We came close a number of years ago but the then-Republican majority cut a deal for some voluntary standards which haven't been exactly subscribed to by some members in the industry. The industry is variable. Some are much better than others. This will make them all go to the same level of protections for consumers.

Again, we're putting a floor in there. If someone wants to exceed it, that's great. But let's move the floor up and go after those who are abusing passengers.

Then, finally, in terms of the overall system, this FAA bill will move us to a 21st century system for air traffic control, one that will allow the airlines much more use of our airspace, much more efficiently avoid storms, fly more fuel-efficient routes, avoid delays. That will be of tremendous benefit both to the industry and the traveling public, that additional predictability with NextGen.

I would recommend to our colleagues that we unanimously pass this legislation.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to our colleague from Texas, Lamar Smith.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank my friend from Wisconsin for yielding me time. I would also like to thank Chairman OBERSTAR and Ranking Member PETRI for their hard work on this legislation.

Mr. Speaker, I have one concern about section 426 of the House amendment to H.R. 1586, which I hope will be addressed. Section 426 does two main things: it requires the Government Accountability Office to study the effect of Department of Transportation grants of antitrust exemptions on consumer welfare; and sunsets the existing antitrust exemptions after 3 years.

These grants of antitrust immunity allow airlines to ''codeshare'' with international partner airlines. This in turn allows the airlines to offer more flight options to consumers. It also means that consumers can accrue and use frequent flier miles on many airlines. Having more flight options and more ways to spend miles is certainly a boon for the consumer. In addition, the airlines contend that these alliances make for healthier airlines, which is good news for the thousands of workers that these companies employ.

As ranking member of the House Judiciary Committee which has jurisdiction over the antitrust laws, I have concerns that under current law, only the Secretary of Transportation can grant these immunities. The Department of Justice's antitrust division does not have a formal role in that process. That is something that I think needs to be examined. I understand that the Senate version of this bill does not have a similar provision. It is my hope that the House Judiciary Committee will be included in any conference on this legislation so that we can offer our antitrust perspective on this particular issue.

Mr. OBERSTAR. I yield myself 1 minute to respond to a repeated misunderstanding of and misconstruction of the language referring to antitrust immunity.

Airlines are free to engage in alliances and have been ever since the Deregulation Act of 1978. The threat to competition and to airline prices and fairness in the marketplace is to bless that relationship, codesharing, with immunity from the antitrust laws so that the airlines in the alliance can collude on market and pricing and on scheduling. They should not have antitrust immunity.

The alliance is a fair and equitable competition device, but it should not be free from the antitrust laws of the United States.

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

Mr. OBERSTAR. I yield myself 30 seconds.

If I had my way, I would eliminate the antitrust altogether, but we're providing a process by which the benefits of alliances that have been given antitrust immunity can be evaluated, determined whether there was a balance of benefits to the traveling public; if so, if they prove their case, they show that there are benefits, then the antitrust immunity continues in place.

I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I want to thank the chairman of the full committee and Chairman COSTELLO. These two chairs have done what can only be called heroic work twice. To do heroic work once, perhaps we'll say that's what chairs do. But this bill through two Congresses has only been improved by what they have done. The merits are not so much what this amendment is about, although there is a very important amendment in this bill.

I do want to say that this is a real jobs bill because it's an infrastructure bill at heart about updating our airline and airport infrastructure. But the bill is full of what the country yearns for and why it was so popular here and in the other body. It's just got the whole panoply of what is necessary to update the FAA: consumer protections that people yearn for, especially as the summer months approach; very much improved safety for the flying public, including the number of training hours for commercial pilots, and we've learned that one the hard way, with airline accidents, while this bill has been winding its way through both Houses.

We have a very aged air traffic control system. This bill brings all of these moving parts together and the committee chairs and the ranking members deserve very special praise for putting together so complicated a bill.

I want to comment on one matter that still is in conference and that has to do with the perennial matter of the slots and the perimeter and the desire of some in the other body, certainly, to save a few minutes by coming to overcrowded Reagan Airport rather than to Dulles or to BWI. For two decades, there was a statutory limit on the number of slots, and then there began to be inroads into it. This has to do with the perimeter where planes can arrive or depart to this airport, in order to even out the air traffic with the three airports in this region and to abate noise and traffic congestion on the ground.

Since 2000, we have had to fight every time this bill came up in order to save the perimeter rule. The perimeter appears to have been saved, and I appreciate the way the chairman worked on this; no modification in the perimeter, although there are going to be more flights, it looks like, with big planes coming in. We have offset the flights from beyond the perimeter by using 10 slots within the perimeter that were unused.

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

Mr. OBERSTAR. I yield the gentlewoman an additional minute.

Ms. NORTON. We have been very fair in trying to keep this an even system on the air and on the ground. I understand that, in the other body, Mr. WARNER and Mr. WEBB are working still on this issue in conference. What has given them the best head start, Mr. Chairman, is what you did here to save the perimeter rule. I think by the time it got there, they knew that that could not be overcome. And if we work together, I think we can finally call this the year of the FAA bill.

I thank both sides for how well you've worked together on this very important bill.

Mr. PETRI. Mr. Speaker, I have only one request for time, and I reserve the balance of my time.

Mr. OBERSTAR. How much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 16 minutes remaining. The gentleman from Wisconsin has 18½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this motion from Chairman OBERSTAR. I would like to commend Chairman JIM OBERSTAR and Chairman JERRY COSTELLO for their leadership and for making FAA reauthorization and aviation safety top priorities of our committee and of this House. We've held over 20 hearings and five roundtables on the FAA reauthorization in the last couple of years.

The House-passed FAA reauthorization will not only modernize our Nation's air transportation system—which is crucially needed right now—but will also significantly boost safety and enhance protections for consumers and the environment.

I was especially pleased to work with the chairman to incorporate a number of pro-consumer/pro-environment provisions into the bill, including holding airlines more accountable for delayed passenger bags; requiring airports to consider the implementation of recycling programs; establishing a Federal research center to develop alternative jet fuel; funding research to eliminate the use of lead in aviation gas; and requiring an open, competitive process for airport projects with the use of QBS.

I look forward to continuing to work with Chairman OBERSTAR, Chairman COSTELLO, and the ranking member as we move to conference with the Senate. Right now we have to continue to look forward, especially with NextGen. We need to get this done for the American flying public, and I urge my colleagues to support this amendment.

Mr. PETRI. I continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of the Oberstar amendment, Subcommittee Chair COSTELLO, and the FAA Authorization Act as passed by the Senate. The Oberstar amendment makes a number of necessary fixes, one of which is to assure that the bill is in compliance with PAYGO rules. I want to thank Chairman OBERSTAR for his unrelenting leadership in bringing this amendment and the original FAA Authorization Act to the floor.

The FAA Authorization Act represents our commitment to safety in general aviation, commercial, cargo, and many other areas, especially the innovative programs to come. This is important to our economy, but also to our quality of life. I fly two times a week, 3,000 miles each way. So I can tell you as a passenger that all of the work that we do in our committee is important.

In the committee hearings, we have discussed issues from safety, to programs, to what's going on with the pilots. I can assure you that Subcommittee Chairman COSTELLO has made every effort to ensure that this authorization is a good bill and meets the needs of the public.

□ 1600

This authorization is a step in the right direction to the total modernization that is needed and that has been long awaited.

Transportation experts and those who work in the airline industry agree that this is the time for a bold, new transportation vision. Many Members have already spoken so far about the upcoming awaited implementation of NextGen, but this bill is much more than that.

That is why I am proud to provide support to the FAA Reauthorization Act as it comes before the House today, and not only today, but as Chairman OBERSTAR brought it to us before.

I urge my colleagues' support in this effort.

Mr. PETRI. I have only one request and continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have only one speaker left on our side, and so since it is our responsibility to close, I would ask the distinguished gentleman from Wisconsin to acknowledge his remaining speaker.

Mr. PETRI. I thank the chairman.

I yield such time as he may consume to my colleague, JOHN MICA, from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. PETRI has done a great job as our Republican leader of the Aviation Subcommittee. I admire his work. Mr. COSTELLO, who chairs that committee, Mr. OBERSTAR, the former Chair of that subcommittee, myself, as a former Chair of that subcommittee, a tremendous amount of expertise out here today.

Our committee is pretty bipartisan, and we try to get things done, not just in the interest of our committee, not in the interest of a partisan position, but in the interest of the country. I am particularly frustrated today, and I expressed some of that frustration when the rule came up. And the rule, as Members know, Mr. Speaker, is the

manner in which we consider a bill and amendments.

Most Members may not be aware, Mr. Speaker, of the little quandary that we are in right now or how we got in this position. This, in fact, is an FAA reauthorization. It would be for a number of years. This is the full bill. The bill that I worked on in 2003 that expired in 2007, we have done 13 extensions as of, I think, this past week.

We have heard that, you know, it may be Bush's fault that we didn't pass something during the first 2 years that the Democrats controlled in overwhelming majority numbers both the House and 60 votes, until about a month ago, in the other body.

But you can't tell me, of all people, that we couldn't deal with President Bush on an issue that affects 11 percent of our economy. This is 11 percent of our economy.

I stood on the floor and led the fight to override a Bush veto. I think it was the 107th veto in the entire history of the Congress.

Mr. OBERSTAR happened to be in the hospital at the time, but they were in the majority, and we did the right thing on a water resources bill. I took on my administration—and I would do the same thing then on Federal aviation authorization because it is in the interest of the people that we move this forward. When we don't have policy relating to how we operate the Federal Aviation Administration or aviation safety, legislation up to date, there is something wrong.

So please don't tell me it's Bush's fault. The Bush that I know of didn't have a vote here. We had the vote. We had the responsibility to get this done years ago.

Now, what really frustrates me even more is the position that we find ourselves in. We are engaged in, I said during the Rules debate, a huge ping-pong ballgame with this bill and with this legislation. The 13th expiration of the legislation and extension we had to do is now sitting over in the other body, I am told.

Now, listen to this, it may expire next week, the 31st. We offered an extension through the beginning of July. It has a provision in there that Mr. OBERSTAR got, an agreement; we agreed together that we should correct a formula for distribution of highway funds for major infrastructure projects, projects of national significance, so that four States wouldn't hog the money, get 58 percent of it. We put that provision in there, and now it's being held hostage. What the other body did, they sent another bill over here, not our bill, they sent on a Ways and Means measure, their bill, so that basically it wouldn't be conferenced.

Now Mr. OBERSTAR is putting his bill that we passed last May for an extension, a full extension, on this measure. The sad part about that is that's not going to pass right away, so we need the measure, and we could have an expiration of our authorization for FAA next week.

This is absolutely unbelievable, inexcusable.

Now I said in the Rules Committee, and that's water over the dam, but I would rather have taken the Senate bill, made the corrections. I can tell you now that when we pass an FAA bill that some provisions are not going to be in it. You have heard opposition to the antitrust immunity sunset. That has the potential for killing 15,000 American jobs, 15,000 American jobs at a time when unemployment is at its highest rate in the United States in decades.

The foreign repair station provision that we are adding back in, we are adding these things back in today to go back over there to ping-pong back and forth, and they aren't going to pass. They aren't going to pass. The foreign repair station provision, which just happens to violate international treaties, would also threaten 130,000 good-paying jobs in the United States of America. How sad today that we are playing games when people need good-paying jobs and with the potential of passing this. Now, people are going to vote for this in a few minutes.

Mr. Speaker, I would submit for the RECORD the list of certified repair stations in House Aviation Subcommittee members' districts.

U.S. BASED EASA CERTIFICATED REPAIR STATIONS IN HOUSE AVIATION SUBCOMMITTEE MEMBER DISTRICTS

Member	Name	Location	EASA?	Employees
Democratic Member:				
Costello	Midcoast Aviation	Cahokia, IL	Yes—#4676	1,339
				1,339
Filner	Rohr Inc	Chula Vista, CA	Yes—#4831	613
				613
Larsen	Goodrich Interiors Seattle Service Center	Everett, WA	Yes—#4265	13
	Messier Bugatti Systems Inc	Everett, WA	Yes—#5403	26
	Precision Engines LLC	Everett, WA	Yes—#4781	45
				84
Carnahan	Ameron Global Product Support	St. Louis, MO	Yes—#4712	10
	Essex PB & R Corporation	St. Louis, MO	Yes—#5184	9
				19
Griffith	BASF Catalysts LLC	Huntsville, AL	Yes—#5314	20
	PPG Industries	Huntsville, AL	Yes—#4755	636
				656
Johnson	Associated Air Center LP	Dallas, TX	Yes—#4173	208
	Chromalloy Gas Turbine LLC	Dallas, TX	Yes—#4320	200
	Dallas Airmotive Inc	Dallas, TX	Yes—#4368	525
	Flite Components LLC	Dallas, TX	Yes—#5303	19
	Gulfstream Aerospace Services Corporation	Dallas, TX	Yes—#5384	656
	Learjet Inc	Dallas, TX	Yes—#5311	80
	National Aircraft Services Inc	Dallas. TX	Yes—#5209	12
	Pratt and Whitney Services Inc	Dallas, TX	Yes—#6066	19
	Premier Air Center Inc	Dallas, TX	Yes—#6049	16
				1,735
Mitchell	Arinc Inc	Scottsdale, AZ	Yes—#5987	43
	Copper State Turbine Engine Company	Scottsdale, AZ	Yes—#6056	45
				88
Cohen	Aeroframe Airepairs	Memphis, TN	Yes—#4134	76
	Aerospace Products International	Memphis, TN	Yes—#5220	9
	Avionics Specialists Inc	Memphis, TN	Yes—#4220	80
	Floats and Fuel Cells Service Center	Memphis, TN	Yes—#4448	13
	Intersky Precision Instrument	Memphis, TN	Yes—#4576	15
	T-Aerospace LLC	Memphis, TN	Yes—#5628	25
				218
Richardson	Belt Makers Inc	Torrance, CA	Yes—#6065	7
	Cupery Corporation	Torrance, CA	Yes—#4359	10
	Honeywell International	Torrance, CA	Yes—#4135	111
	IPECO	Torrance, CA	Yes—#5366	17
	MOOG Inc	Torrance, CA	Yes—#4684	107
	Plasma Technology Inc.	Torrance, CA	Yes—#4751	45
	Robinson Helicopter Company	Torrance, CA	Yes—#5073	1,015
	Shimadzu Precision Instruments Inc	Torrance, CA	Yes—#5693	8
				1,320
Brown	Flightstar Aircraft Services	Jacksonville, FL	Yes—#5370	513
	JAS Services Inc	Jacksonville, FL	Yes—#5386	9

U.S. BASED EASA CERTIFICATED REPAIR STATIONS IN HOUSE AVIATION SUBCOMMITTEE MEMBER DISTRICTS—Continued

Member	Name	Location	EASA?	Employees
	Unison Industries LLC	Jacksonville, FL	Yes—#4976	42
	Cessna Aircraft Company	Orlando, FL	Yes—#4303	156
	Chase Aerospace Inc	Orlando, FL	Yes—#5226	17
	Hawk Aviation Services	Orlando, FL	Yes—#6015	7
	Live TV	Orlando, FL	Yes—#6030	156
	Swissport USA Inc	Orlando, FL	Yes—#5642	35
				935
Cummings	Avdyne Aeroservices LLC	Baltimore, MD	Yes—#6038	33
				33
Ortiz	MC Turbine Inc	Corpus Christi, TX	Yes—#5625	100
				100
Total EASA Active Certificated Jobs in Democratic Aviation Subcommittee Member Districts.				7,140
Republican Members:				
Petri	Gulfstream Aerospace Services Corporation	Appleton, WI	Yes—#4607	850
				850
Coble	Cessna Aircraft Company	Greensboro, NC	Yes	100
	Genesis Aviation	Greensboro, NC	Yes	51
	GSO Aviation	Greensboro, NC	Yes	4
	Triad International Maintenance Corporation	Greensboro, NC	Yes	1.391
				1,546
Ehlers	Eaton Aerospace LLC	Grand Rapids, MI	Yes	72
	GE Aviation Systems LLC	Grand Rapids, MI	Yes	38
	L3 Communications Avionics Systems	Grand Rapids, MI	Yes	139
				249
Gerlach	Innovative Solutions and Support	Exton, PA	Yes	156
				156
Mack	Air Technology Engines, Inc	Naples, FL	Yes	13
				13
Schmidt	Cincinnati Thermal Spray, Inc	Cincinnati, OH	Yes	88
	CTL Aerospace Inc	Cincinnati, OH	Yes	52
	TSS Aviation, Inc	Cincinnati, OH	Yes	265
				405
Fallin	AAR Services Inc	Oklahoma City, OK	Yes	788
	Dow Aerospace	Oklahoma City, OK	Yes	14
				802
Buchanan	Baker Electronics Inc	Sarasota, FL	Yes	45
	L3 Communications Corporation	Sarasota, FL	Yes	196
	Radiant Power Corporation	Sarasota, FL	Yes	40
				281
Total EASA Active Certificated Jobs in Republican Aviation Subcommittee Member Districts.				4,302
Total EASA Active Certificated Jobs in ALL Aviation Subcommittee Member Districts.				11,442

At least 13 EASA Active Certificated Jobs in 20 of 44 Aviation Subcommittee Member Districts.

These are just members of the Transportation and Infrastructure Committee who will lose jobs. I saw Ms. RICHARDSON speak; she will lose about 1,300 jobs in Torrance, California. I heard Mr. COSTELLO speak, the chairman of the Aviation Subcommittee; he has the potential for losing 1,339 jobs.

The FedEx provision, which will allow local strikes, everybody knows what this is about. The other body has said, no, they will not accept it. Our side of the aisle has said, no, we will not accept it. It's not going to be in a final bill. Wake up to reality and pass the legislation that has been lacking now for 3 years.

We have not set the policy, the projects, the funding formula at a time in when this Nation needs jobs—j-o-b-s, jobs. It's that simple. So why are we playing this obscene, kabuki game with the other body?

The aircraft rescue and fire mandates one-size-fits-all will actually close down some of our airports to require and mandate some of the provisions that we are going to send back over there—one-size-fits-all for little airports. Little airports don't need the same requirement as La Guardia, JFK, LAX, MCO. They don't need the same requirements. So why would we impose those expensive, unworthy requirements on all of our airports across the land that's opposed by the airports.

So here we are, we are going home. We have to face people who have lost their jobs, people who have lost their homes, people who come to you with tears in their eyes because they can't provide for their families.

And what are we going to tell them? We are going to tell them with a straight face, folks, we played this little game with 11 percent of our economy, and we have no policy. We haven't approved the projects, now, for some 3 years. We could blame it on Bush, we could blame it on whoever. But the fact is, we are responsible. We had the ability to do this now rather than later, and we didn't do it. So we should be embarrassed.

Now, I know Mr. OBERSTAR has done as much as he can do. But at some point you have to face reality and see some of these provisions are not going to be in any final reauthorization. So I am not a happy camper. I am going to oppose this. If it came down to one vote, and it required my vote to go forward, it won't happen. But if it did, I would vote to pass it even though I am in opposition right now, because I have to move the process forward, and that's my responsibility. But many will vote against it because they opposed it before, and here we are again doing the same thing.

This is like Groundhog Day. We are repeating it over and over all to the detriment of the American people. Folks, the American people don't want a Groundhog Day. They want us to get the job done, and they want jobs out there.

Mr. OBERSTAR. I yield such time as he may consume to the chairman of the subcommittee, Mr. COSTELLO.

Mr. COSTELLO. I thank the gentleman for yielding.

Mr. Speaker, let me thank Chairman OBERSTAR for not only all of his hard work—I think everyone in this body recognizes that no one knows more about aviation and transportation issues, not only in the Congress, but I would venture to say in this country, than the chairman of our full committee, Mr. OBERSTAR.

Both of these bills, both the reauthorization bill and the pilot safety bill, are very good bills. Both have gone through extensive hearings. As I said, we had over 20 safety hearings on the reauthorization bill. We had many roundtable discussions. We had the input of everyone that you can think of in the industry. We heard from all sides. No one was shut out of the process.

The airlines, the airports, the pilots, the flight attendants, the mechanics, the family members of those who perished in the Colgan tragedy, we heard from all of them. We had Captain Sullenberger in to talk to us about the pilot safety bill to seek his opinion about what needed to be done as far as increasing standards and improving safety.

So both of these bills, both the reauthorization bill and the pilot safety bill, they also—not only did we go through extensive hearings but they passed the committee overwhelmingly and passed this body overwhelmingly. There are no surprises in either one of those bills, in the FAA reauthorization bill or in the pilot training bill. All of the issues, all of the provisions that are in both of these bills have gone through extensive hearings and through extensive discussions. There were no surprises.

My friend from Florida makes reference to the bill that he passed as chairman of the Aviation Subcommittee in 2003, and I think it's worth noting that we, as chairman of the Aviation Subcommittee and Mr. OBERSTAR as chairman of the full committee, we started negotiations on the reauthorization bill back in 2007, in the spring of 2007. We met with our friends on the other side of the aisle. We talked about the reauthorization bill, what needed to be in it, and it was the Bush administration.

My friend from Florida knows because he told me over and over again that if we passed the bill that we were putting together, that the Bush administration would veto the bill. In addition to that, it was the Bush administration administrator of the FAA at the time, Ms. Blakey, who was the administrator of the FAA, who, in fact, we had a difficult time negotiating with her concerning some provisions in the bill, in particular, the contract problems with the air traffic controllers.

And then after she left the position and an acting administrator, Mr. Sturgell, was appointed, he, in fact, dragged negotiations out. And finally, when we got to the point where we thought we had an agreement, there was only one pending problem with the agreement, and the FAA demanded some concessions on the part of the air traffic controllers. And the air traffic controllers came into a meeting with all of us and said, if that's what it takes to get a contract and get this dispute settled, we will give it up. We will make these concessions.

And Mr. Sturgell, in that room, said, well, there are other issues. We thought we had an agreement but for one item. And when the air traffic controllers said we will make those concessions, we are all in to get this solved, it was the Bush administration that said, we have more problems and other issues that we have to discuss.

□ 1615

So let me just say that I am not here to point fingers. But when my friend from Florida says that the Democrats control the House and the Senate and the White House, the fact of the matter is what I just said: we were ready to go with the bill in the spring and summer of 2007, and the reason that it was held up is because we continued to try and negotiate and try and get the Bush administration and the FAA under the Bush administration to reach agreements with us and, unfortunately, it did not happen. We came to the floor, and we passed the bill in 2007 with very strong support.

Again, I would just remind Members, there are no surprises in this bill today. Every provision in the FAA reauthorization bill, every provision in the pilot safety and training bill, all of those provisions were aired out with everyone in the industry and, in fact, were discussed by the leadership of the committee and the members of the committee when these bills were marked up in committee. We had extensive discussions. There are no surprises. Nothing has been added to either one of these bills that we have before us today.

Let me conclude, Mr. Speaker, by saying, Mr. MICA says this is a job killer and in fact has read off from a list of how many jobs that each Member could potentially lose in their district. Let me tell you what the FAA says.

The FAA says that this is not a job killer, but it will create jobs. And what they say is, in the short term, the bill will immediately create good construction and technology jobs, giving local economies the jump-start they need. So the economics will improve, the economy will improve. According to the FAA, the bill will allow billions to be spent on upgrading and expanding airports throughout the country. It is expected to create 125,000 jobs annually.

That comes from the FAA. This is not a job killer. This is a job creator. It is investing in our infrastructure at our airports, it will reduce congestion, it will reduce delays. It has a consumer protection provision in these bills to protect passengers.

Let me just conclude by saying that I would hope my friend from Florida and my friends on the other side of the aisle would in fact vote in favor of this legislation. And whatever differences that we may have in the provisions that they may not like, that's why we have a conference, that's why we go to conference, to work out our differences.

So I would urge my colleagues to vote ''yes'' on this legislation.

Mr. PETRI. Mr. Speaker, I would just observe that we are talking past each other a little bit. I think the bill overall, I certainly would not dispute the estimate of the Department of Transportation or the FAA that increasing the funding available for construction of new airports and for operating the system and for putting in the NextGen and so on will create jobs within the airline system.

But I think the ranking member, Mr. MICA, was speaking about some other provisions of the bill and the impact it might have under certain interpretations, on, for example, repair stations or on airline jobs in this country. So there would be gains in one area, but there are potential losses in another area. That was the concern.

Mr. MICA. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman.

Mr. MICA. To that point, I did say I would be willing to cast, if it came to one vote, a vote to move this process forward, because I have always tried to work in a bipartisan manner, and I appreciate the manner in which, Mr. Speaker, both Mr. COSTELLO and Mr. OBERSTAR work on this.

One of the things that does concern me—and it's my understanding, Mr. Speaker, that this came over on a Ways and Means measure. We are sending it back. We won't necessarily get a chance to even conference this in the normal manner. So I am concerned about also the process.

I am concerned, too, that we aren't passing a final bill today. This has many good provisions in it. There are some differences that need to be resolved.

In fact, what really irritates me, too, is the safety provision. The safety bill that is added on by the other body, we agreed in a bipartisan manner, and it is sinful that that is not enacted on the President's desk almost immediately. That's in this measure and I support that strongly, and we worked together to get that on there. But we do have differences and we do have to face reality, and we need to get the job done.

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

Mr. OBERSTAR. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore. The gentleman has 9½ minutes remaining.

Mr. OBERSTAR. I yield myself such time as I may consume.

First, I have made it clear from the outset that the process in which we find ourselves on the House floor is due to the means by which the Senate brought their bill through the Senate and sent it over to us, and one aspect of that is that the aviation bill reported by the Senate includes a tax provision, which the Senate cannot initiate. Under the Constitution, it must be initiated by the House.

So in order to keep faith with the Constitution, the Senate amended an already-passed House tax bill to which they added their aviation bill. The tax provision has now been vacated, and we send back to the Senate an aviation bill on which there will be a conference.

We have insisted on it. Our leadership has concurred and said there will be a conference; they agreed with the Senate leadership, and there will be a conference. And these issues that have

been discussed of the provisions of the House bill have twice passed the House already, will be matters to be discussed with our colleagues in the Senate in the conference in an open conference session, period. It is a complex process to get us there, but it is a process by which we will get to conference with the Senate.

Now, never did I say in my remarks that the inability to pass this bill in 2007 was the fault of President Bush. I did not say that. I said, and I read from the Statement of Administration Policy, that if our 2007 bill, H.R. 2881, were presented to the President, his senior advisers would recommend that he veto the bill. That is quite plain on its face a statement recited from the administration's Statement of Administration Policy.

We moved, as Mr. COSTELLO already explained and laid out the time line, very promptly in our committee, preceded by consultations with our Republican colleagues. We had discussions in February, March, and April, into May. We had a markup in committee in May. And then we withheld going to the floor in an attempt to reach an agreement with the FAA, the Bush administration, and the air traffic controllers.

And I must compliment the gentleman from Florida (Mr. MICA), the ranking member, for his participation, his ready willingness to engage personally, not just send minions, but to engage personally in that process. He participated in numerous meetings with Mr. COSTELLO and me, Secretary Peters, Marion Blakey, administrator of FAA, and a person from the Office of Management and Budget to speak authoritatively for the administration on the budget and expenditure issues. We talked extensively in June and in July. We had several meetings through July and the first week of August.

We came back the first week of September after the August recess, and again, Mr. MICA in the room, we had discussions. I give him great credit for engaging himself personally. We could not reach the—not ''we''—the air traffic controllers and the administration could not reach agreement. At that point we said we do have a responsibility to move this bill, and on September 20 it passed the House 267–151.

There was no comparable bill in the Senate. The Senate was wrestling with the administration's proposals for taxes that Senators objected to, financing agreements that the Senate objected to that they found that they could not reach agreement internally nor could they reach agreement with the administration. Therefore, we had to pass finally an extension of current law, the bill that Mr. MICA authored as Chair of the Aviation Subcommittee in 2003 and which we all supported.

Since then, we have had a Presidential election, the administration moved in, and we moved promptly on our bill. We did all the right things to reach agreement, starting from our point in 2007 and 2008. Meanwhile, the administration addressed the issue of the air traffic controller contract. Secretary LaHood made it his first responsibility: bring the controllers in, bring the FAA, bring the Office of Management and Budget into discussions. Find what the points of agreement were, points of disagreement, and resolve the matter, as it should be done.

With good will and willingness on both sides, some 600 items were resolved, including the very crucial ones of pay and pay grades and pay scales, and a starting point of next negotiation for the follow-on contract. It was a remarkable achievement, and the end result was that 94 percent of controllers voted in favor of it.

I am very mystified by the comment that I heard about the aircraft rescue and firefighting standards. Section 311 requires the FAA to begin a rulemaking to update aircraft rescue and firefighting standards and bring them into compliance with existing national voluntary consensus standards for response time, deployment, staffing, hazardous materials training only if such standards are found to be practical.

That is not a one-size-fits-all. That is not a straitjacket. That is not imposing something arbitrarily. That is a process by which these issues can be resolved. It is a rational response. It was agreed upon in our committee. FAA, airport authorities, International Association of Firefighters participated in developing the standards and support them. The rulemaking will provide a process by which all those who have an interest in air crash fire and rescue will have the opportunity to have a say in and shape the final standards.

We are not doing it by law. We are not saying this is the standard. We are not shoving something down somebody's throat. We are creating a process by which that standard can be established.

I know a good deal about air crash rescue and firefighting because we have a facility in Duluth, not at the airport, but operated by the community college, lake Superior College. It's no longer a community college, it's a full-fledged university-level operation, and they train firefighters. They were training over 2,000 a year from all over the United States, from 14 foreign countries that came to this facility. They know a good deal about standards and about equipment and training of personnel.

□ 1630

They have, in fact, the hull of a DC–10 that is used as training. They put it on fire a couple of times a week. They train people in how to deal with fire and to rescue people from burning aircraft. And so what we've created in this legislation is a process by which standards will be set for the whole country to save lives.

The pure speculation and the scare tactics that the airlines have engaged in—they've sent talking points to people around the country and to various airport authorities and had them send this false information on. That's pure scare tactics. I already used time to explain this with the gentleman from Texas.

This bill needs to pass.

Mr. POMEROY. Mr. Speaker, I rise today to express concern with certain provisions of H.R. 1586, the FAA Air Transportation Modernization and Safety Improvement Act of 2010.

I am pleased that the Senate has taken action on the Federal Aviation Administration, FAA, reauthorization bill, and that we are a step closer to enacting meaningful legislation that will advance airline safety and improve pilot training. While I strongly support the goals of the bill, I continue to have concerns about the pilot training provision in H.R. 1586, the FAA Air Transportation Modernization and Safety Improvement Act of 2010.

The pilot training provision requires an airline pilot to hold an Airline Transport Pilot, ATP, certificate, which necessitates a minimum of 1,500 flight hours. The new focus on total flight hours rather than the quality of those hours will not provide the increased safety and pilot quality that is the goal of this legislation. It could in practice have the opposite effect, by driving students to undertake low value flying at the expense of high quality directed flight training.

By dramatically increasing the costs of training we will drive our most qualified potential pilots out of accredited flight schools such as the John D. Odegard School of Aerospace Sciences at the University of North Dakota that have produced exceptional pilots for decades. Graduates of these programs receive high quality flight instruction that is much more valuable than a pilot who might just be racking up straight and level flight time that has no increased educational or safety benefits.

I am concerned that these increased costs could encourage pilots to seek less costly training alternatives and potentially be counter to the bill's intended goal of increasing safety. I believe that as this legislation moves forward some consideration must be given to Collegiate Aviation Programs that have been accredited by the Aviation Accreditation Board International, AABI. This will help to increase the focus of these requirements on quality of training rather than quantity of flight hours.

While I will be voting in favor of this legislation in order to move forward the important process of increasing the safety of commercial aviation, I do so with reservations. Before this legislation becomes law I believe that it is important that the bill be modified to recognize the tremendous benefits that our nation's accredited flight schools provide.

Mr. RAHALL. Mr. Speaker, as we all know, aviation is a critical component of our Nation's transportation system. Aviation not only supports the quick and efficient delivery of goods and services it is essential to the health and success of our Nation's commerce.

While moving goods and people is a major aspect of aviation, we must not overlook the role aviation and our airports play in the well-being of our small communities. In many cases, they act as the economic engine that powers our local economies.

Essential Air Services has assisted our small communities in kick starting the promise of economic development. In fact, businesses often cite proximity to air service as one of their top requirements in choosing a location.

Throughout my career I have taken steps to not only ensure increased EAS funding, but to ensure on-time regularly scheduled air service is a priority for small communities, as well as large communities.

My March 8, 2010, letter to the U.S. Government Accountability Office, with signed support from Chairman OBERSTAR and Subcommittee Chairman COSTELLO, requests an investigation into delays and cancellations in small communities. This request initiates the process of narrowing down what changes we can make to increase air service reliability at our rural airports. The FAA Air Transportation Modernization and Safety Improvement Act renews our commitment to the Essential Air Service program.

As the Representative elected nearly 34 years ago by the great people of southern West Virginia, I know just how crucial EAS is to the survival of many rural airports.

The last FAA reauthorization bill made the Small Community Air Service Development, SCASD, Program a permanent program and increased authorized EAS funding to ensure the continuation of air service for rural businesses and residents that otherwise would find local air service too expensive.

This bill today improves our commitment to rural communities, brings stability to rural air service and encourages small communities to build relationships with air carriers that serve them. As importantly, this bill increases the authorized funding level for Essential Air Service, EAS, from $127 million to $200 million per year through FY 2012 and extends the Small Community Air Services Development, SCASD, program through FY 2012 at the current authorized funding level of $35 million per year.

Airports have a vital role in our communities serving as both direct and indirect employers of our citizens—from the aircraft mechanics and airport managers who support the safety and on-time performance of flights, to the cooks and custodians who provide comfort and convenience for weary travelers.

Airports attract business development to communities and ensure local businesses remain robust and have opportunity for growth. For these reasons and more, businesses are drawn to those communities that can boast of a strong local airport.

To stay competitive in an ever-changing global marketplace, airports are constantly faced with pressures to modernize their operations. Often, local communities take it upon themselves to come up with the necessary funds and make improvements themselves. That is a crucial, and often difficult, goal.

Essential Air Service funding can make the difference between a community having access to aviation or not. The program has kept many airports operational and, in many cases, made lasting improvements to the services offered.

We must take it upon ourselves to do more to ensure that local airports, like the ones in my State of West Virginia, can continue to operate and provide much needed air service and jobs.

In closing, I just want to reiterate my strong belief that the EAS program provides rural areas with a vital link to our national air transportation system and promotes business development in our local communities.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the FAA Air Transportation Modernization and Safety Act. This important legislation will modernize our air traffic control systems, improve safety, and protect passenger rights.

This bill will provide historic funding levels to improve airports, streamline operations, and update our air traffic control system to make it safer and more efficient. It strengthens air carrier oversight and revises training requirements to ensure that all the pilots in the cockpit have the most advanced certification. Finally, it provides vital consumer protections to make sure that when there are long delays on the tarmac, passengers have the option to leave the plane.

I hope my colleagues will join me to support this bill and that we move quickly to reconcile differences with the Senate and enact this much-needed legislation.

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

Pursuant to clause 1(c) of rule XIX, further consideration of the motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

EXPRESSING SUPPORT FOR BANGLADESH'S RETURN TO DEMOCRACY

Mr. CROWLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1215) expressing support for Bangladesh's return to democracy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1215

Whereas March 26 is the anniversary of Bangladesh's independence;

Whereas the Constitution of Bangladesh, ratified in 1972 following a war of independence, established a democracy ruled by and for the people of Bangladesh;

Whereas Bangladesh has a population of approximately 160,000,000 people, is the world's fourth most populated Muslim country, and is a moderate and democratic Muslim nation;

Whereas before elections in December 2008, Bangladesh held what the international community viewed as three free and fair elections in 1991, 1996, and 2001, respectively;

Whereas in October 2006, power was handed over to a caretaker government before the January 22, 2007, scheduled election and the caretaker government subsequently imposed a state of emergency on January 11, 2007;

Whereas the United States House of Representatives passed a resolution in September 2008 calling for the return of democracy in Bangladesh;

Whereas the caretaker government of Bangladesh returned the country to democracy through an election held on December 29, 2008;

Whereas the December 29, 2008, election was monitored by numerous international election observers that declared the election credible;

Whereas the United States Department of State welcomed ''the success of Bangladesh's parliamentary elections'' and congratulated the ''Bangladesh Election Commission and the thousands of government officials involved in organizing this successful election'';

Whereas the Awami League, led by former Prime Minister Sheikh Hasina Wajed, won over two-thirds of the 300 seats in Parliament and formed a new government in January 2009;

Whereas President Barack Obama awarded Muhammad Yunus the Presidential Medal of Freedom in August 2009;

Whereas the United States Agency for International Development reports that 49 percent of Bangladeshis live below the poverty line;

Whereas Bangladesh's economy grew at an estimated rate of 5.7 percent in 2009;

Whereas the Anti-Corruption Commission in Bangladesh has commenced serious efforts to address corruption; and

Whereas Bangladesh's long-term political stability and economic progress are critical to the security of the South Asian region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its strong support for the people of Bangladesh;

(2) encourages the strengthening and consolidation of democracy in Bangladesh one year after the election;

(3) urges the Government of Bangladesh to work together with all political leaders to continue and deepen reconciliation;

(4) appreciates the Government of Bangladesh for making progress in meeting the selection criteria of the Millennium Challenge Corporation;

(5) urges the Government of Bangladesh to protect the rights of religious and ethnic minorities in Bangladesh, including the Hindus, Christians, Buddhists, Ahmadis, and non-Muslim tribal peoples;

(6) urges the Anti-Corruption Commission in Bangladesh to continue its efforts to eradicate corruption;

(7) urges the Secretary of State to coordinate with Bangladesh on matters pertaining to security, economic progress, and human rights in South Asia; and

(8) encourages the Secretary of State and the Administrator of the United States Agency for International Development to continue supporting the building of a strong civil society and eradicating poverty in Bangladesh.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

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

There was no objection.

Mr. CROWLEY. I yield myself such time as I may consume.

I rise in strong support of House Resolution 1215, a measure to honor Bangladesh's return to democracy. I'd like to thank the chairman of the House Foreign Relations Committee, Chairman BERMAN, and Ranking Member ROS-LEHTINEN for their support of this resolution. I'd also like to thank the gentleman from California (Mr. ROYCE) for leading this effort with me, along with other members of the House Caucus on Bangladesh.

Just 18 months ago, this House passed a resolution urging a return to democracy in Bangladesh. At the time, we were concerned that Bangladesh was creeping toward totalitarianism and authoritarianism, especially after the ruling caretaker government postponed national elections. The 160 million people of Bangladesh faced an uncertain future.

Instead of succumbing to the temptations of permanent power, the caretaker government ultimately scheduled nationwide elections. They invited international election monitors into the country and created an independent anticorruption commission. The elections were deemed credible by numerous international observers, and, most importantly, by the people of Bangladesh.

Today, the day before Bangladesh celebrates their Independence Day, it is an opportunity for this House to honor the Bangladesh people and their democracy. Bangladesh has made important strides towards reaching the qualification requirements of the Millennium Challenge Corporation. It has taken steps to create a path into government for women, and, not least, the Bangladeshis have worked very hard to fight extremism.

Bangladesh has become an important partner of the United States. Even as it faces challenges with serious poverty, threats from climate change, and extremism, the Bangladeshi people have shown remarkable resilience, creativity, and principle. This is exactly the kind of country the United States ought to work with and do more to support, not because the situation on the ground is perfect, but because by working together we have clearly created a better path forward.

In the coming months, I hope the Bangladeshi authorities will make every possible effort to deepen and strengthen political reconciliation within their country. I also hope the Bangladeshi people and their government will work with us to identify stronger mechanisms to improve assistance and protection for refugees fleeing from neighboring countries. Inside Bangladesh, the protection of minorities must remain a high priority for its government. At the same time, I hope the international community will more quickly wake up to the positive changes Bangladesh has made thus far.

The fact is, Bangladesh is a moderate Muslim nation of 160 million people that wants to work with the United States of America. I hope that our government can find more ways to work alongside Bangladesh to support good governance, human rights, and development. There's clearly much more that we can do to work together.

For today, though, we honor Bangladesh, the Bangladeshi people, and the many hardworking Bangladeshi Americans on their national day, a day that I know that they treasure. As an independent, moderate, and democratic nation, Bangladesh deserves no less.

With that, Mr. Speaker, I wish to reserve the balance of my time.

Mr. BOOZMAN. I yield myself such time as I may consume.

I rise in support of H. Res. 1215, a measure expressing the support of the American people for Bangladesh's return to democracy.

Mr. Speaker, the United States and Bangladesh have been friends for more than a half a century. We have worked together to build a strong and lasting democracy. The United States welcomed the free, fair, and transparent elections that occurred in December 2008. The United States is proud to have supported that effort, and we will continue to support efforts to improve and promote development, democracy, social harmony, and mutual tolerance.

The United States attaches a great importance to South Asia. In this context, the good news coming out of Bangladesh related to democratic development, economic progress, and rejection of violent extremism. All of this is being strongly welcomed in Washington. In this regard, we are all pleased that ties between our two countries continue to deepen. Our two governments are working closely to address global challenges, including climate change, food security, terrorism, and pandemic disease.

I would particularly like to highlight longstanding U.S. efforts to empower women at the grassroots level, including through helping local governments be more transparent and accountable to the Bangladeshi people. Meanwhile, the growing voice of the Bangladeshi American community in Arkansas and elsewhere around the country is helping to strengthen and extend people-to-people ties between our two vibrant societies.

In conclusion, I support the adoption of the resolution.

Having no further speakers, I yield back the balance of our time.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Arkansas for his being here in support of this resolution and the minority for supporting this resolution and the timely manner in which you allowed this to come to the floor. I appreciate it tremendously. I know all the members of the Bangladeshi Caucus appreciate it as well.

Mr. Speaker, I have had the opportunity to visit Bangladesh on several occasions, and I have tremendous respect for the people of Bangladesh. They're hardworking, good people, and they love America. It's amazing the outpouring of affection that I experience when I go to that country.

I also want to say that post-9/11, on my first visit to Bangladesh, the desire for the Bangladeshi people to strengthen the ties between our two nations was palpable then. I know in this new government, the post-caretaker government, it is as strong today as it was after 9/11. And for a country of 160 million Muslim people with a considerable minority population within that population, as well, of Hindu and Christian and other religions, that bond between our nations is as strong as ever. I also recognize that not everything is perfect in Bangladesh and that they're working towards making it a stronger and a better democracy for its people, but also for the region in which Bangladesh lies.

So, Mr. Speaker, with that, I just want to thank, again, the minority for this opportunity to congratulate Bangladesh as they celebrate their Independence Day, and the people of Bangladesh and Bangladeshi Americans who hold very dear March 26 as Bangladeshi Independence Day.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1215, as amended.

The question was taken.

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

Mr. BOOZMAN. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING THE SMALL BUSINESS LOAN GUARANTEE PROGRAM

Mr. SERRANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4938) to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4938

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

SECTION 1. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) AUTHORITY TO USE FUNDS.—Up to $40,000,000 of the amount made available under the heading ''Small Business Administration—Business Loans Program Account'' in title V of division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117) also may be utilized for fee reductions and eliminations under section 501 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for the cost of guaranteed loans under

section 502 of such title. Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''March 28, 2010'' and inserting ''April 30, 2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. SERRANO) and the gentlewoman from Missouri (Mrs. EMERSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

□ 1645

GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4938.

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

There was no objection.

Mr. SERRANO. I yield myself as much time as I may consume.

Mr. Speaker, the bill before us provides for a 1-month extension of the Recovery Act small business lending program and provides an additional $40 million for this program. Through March 12 of this year, the small business lending program has supported nearly $23 billion in small business lending which helped create or retain over 560,000 jobs. The program eliminated the fees that borrowers and certain lenders are normally charged for loans through the Small Business Administration's 7(a) and 504 loan programs. The Recovery Act also increased the government's guarantees on the 7(a) loans from 75 percent to 90 percent.

Mr. Speaker, 7(a) is the SBA's primary program for helping startup and existing small businesses with financing guaranteed for a variety of general business purposes. SBA does not make loans itself but rather guarantees loans made by participating private lending institutions. Like most commercial loans, these loans are typically variable rate.

The 504 program provides growing businesses with long-term, fixed-rate financing for major fixed assets, such as land and buildings, through Certified Development Companies. A Certified Development Company, CDC, is a private, nonprofit corporation set up to contribute to the economic development of the community it serves.

When credit markets froze in late 2008, credit markets that service small businesses froze as well and have continued to be hard hit. These provisions have been working to loosen up the credit market for small businesses so they can stay in business, keep people employed, and make new hires.

As we know, in a very bipartisan way, we have all felt that there is nothing more important we could do right now but to allow for small businesses to thrive as we move to create jobs in our economy. And so I would hope that everybody in a unanimous fashion, Mr. Speaker, can support this bill.

I reserve the balance of my time.

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

All Members, all of us, have been hearing from our constituents that banks are not lending to small businesses. The Financial Services Appropriations Subcommittee has heard testimony that this is the result of banks' unwillingness to take risks or reduce their capital reserves. In addition, bank regulators have increased scrutiny on lending practices. The funding and language included in this bill attempts to address this problem by increasing the SBA loan guarantee to 90 percent for certain small business loans and eliminating, as the chairman said, certain borrower fees associated with SBA's business loans. I greatly appreciate that my chairman, JOSÉ SERRANO, has not increased spending in this bill but is allowing SBA to use other available resources to continue funding these programs.

With unemployment at almost 10 percent, now is not the time to make it harder for small businesses to get credit, and these programs should and must be continued. However, I have to say that I am a bit troubled with the manner in which this bill is being considered. Just yesterday, the House passed the Disaster Relief and Summer Jobs Act that includes funding and language to continue these SBA programs through April. So my question is, which bill does the majority intend the Senate to act on? If yesterday's bill was not so controversial, perhaps today's bill would not be necessary.

Neither the disaster bill nor the SBA bill was marked up by the Appropriations Committee. The majority did not seek input from the minority in either of these bills. We've known since the enactment of the stimulus bill over a year ago that SBA did not have sufficient funding to continue these programs through fiscal year 2010. Yet instead of dealing with it in a more comprehensive manner either in the fiscal year 2010 omnibus or in a committee markup earlier this year, we're now only providing SBA with enough funding to continue these programs for one additional month. We could have marked up a bill in committee that provides SBA with sufficient funding for the rest of the fiscal year and come up with a spending offset that both sides of the aisle could agree to. Instead, we'll continue to create anxiety for small businesses, lenders, and the SBA that borrower fees will increase and guarantees will decrease at the end of April.

I have great, great respect for Chairman SERRANO, and I'm sure he would also like to deal with this problem in a comprehensive manner as opposed to on a month-to-month basis. Mr. Speaker, I support Chairman SERRANO's proposed legislation because of its importance in providing credit to small businesses. However, I am disappointed that we are only temporarily addressing this program. I am also disappointed that we didn't consider this legislation in regular order.

I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, first of all, I want to thank my ranking member, Mrs. JO ANN EMERSON, who is a true partner in the work we do in our committee. We are an example of how to work together. I want to also thank her, Mr. Speaker, for the fact that she noted that I'm not spending one extra dollar here. This is not raising the deficit at all.

Mrs. EMERSON. Will the chairman yield?

Mr. SERRANO. I will yield.

Mrs. EMERSON. I am very proud of you, and I just wanted you to know that.

Mr. SERRANO. Well, I am very happy that you're proud of me. Mr. Speaker, I am very happy that she's proud of me.

Mr. Speaker, I do want to clarify something, and the question that Mrs. EMERSON asked is a very legitimate question: Why are we doing this the way we're doing it? Simply because we have not been able to get the other body, if I'm allowed to refer to them, to accept anything other than these kinds of bills at this point. And in answer to her second question, Which bill will we give the Senate, the one that we passed, or the one hopefully we'll pass today, the answer is, whichever one they'll take to deal with the issue. So that is really the problem here. Hopefully it will be resolved very soon.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Speaker, I would just like to, once again, thank Chairman SERRANO. I know he feels very strongly, as I do, that we have to find a way to make this permanent rather than force people to be anxious on a month-to-month basis. Hopefully in the next few months we'll be able to create some kind of bill or be able to satisfy all of the people who are so desperate to take the risk and become entrepreneurs and really make a difference in putting people back to work. So with that, I thanks the chairman, I thank the Speaker.

I yield back the balance of my time.

Mr. SERRANO. Mr. Speaker, I am in total agreement with my ranking member. It is our desire to make this permanent. We will continue to work on this. In the meantime, this provides the assistance that small businesses need in this country.

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 4938, which extends the Small Business Loan Guarantee Program.

I support this legislation because in these difficult economic times, extending the Small Business Loan Guarantee Program to extend opportunities to 26.8 million small businesses is a critical component of our economic recovery.

H.R. 4938 permits the use of $40 million of the funds provided in the FY 2010 Omnibus

Appropriations Act for fee reductions and eliminations under the Small Business Administration section 7(a) loan program and the section 504 certified development company program, as well as for the cost of guaranteed loans for qualifying small businesses. The measure also extends through April 30 the ability of the SBA to guarantee up to 90 percent of qualifying small business loans originating under the 504 program, and to refinance such loans.

Small businesses employ just over half of all private sector employees, with a payroll of about $175 billion, and create many of the new jobs we need.

In my district, the 37th Congressional District of California, there are approximately 16,300 small businesses.

But in the global economy of the 21st century, small businesses, very much like the banks and the auto industry, need sound fiscal options to remain competitive, especially in difficult economic times for them and their customers.

This is where the Small Business Administration can help.

The SBA exists to aid and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our Nation.

The SBA was established in 1953 by the Federal Government to aid, counsel, assist and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our Nation.

The SBA's Office of Business Development assists firms owned and controlled by economically and socially disadvantaged individuals enter the economic mainstream by providing firm-specific analyses, counseling, management training, professional consulting and monitoring services, and access to business development opportunities under section 8(a) of the Small Business Act.

Much like the loan guarantee program, the Section 8(a) program is well intended. But one of its problems is that too often program participants are "graduated" before they are sufficiently prepared to compete for contracts with large and established companies in the private sector.

This has resulted in a large number of former 8(a) companies failing to remain in business shortly after leaving the development program.

I have introduced legislation that can build upon the loan guarantee program extended by H.R. 493 and which would eliminate the problem of "graduating" Section 8(a) program participants before they are sufficiently prepared to compete for contracts with large and established companies in the private sector.

My legislation, H.R. 4897, the "Not Too Small To Succeed in Business Act," reforms and modernizes the Section 8(a) program to help more small and disadvantaged business enterprises (DBE) remain in business and hire more workers by doing the following:

1. Amending the Small Business Act to increase the net worth limits—to $750,000—used by SBA in determining whether an applicant satisfies the "economically disadvantaged" requirement for admission to the program and increases to $2.25 million the net worth required for early graduation from the program.

2. Extending the Section 8(a) program period to 11 years, from the current 9 years.

3. Granting a one-time 2-year reinstatement in the Section 8(a) program for companies who were graduated from the program at the expiration of the 9 year term.

Mr. Speaker, extending the SBA Loan Guarantee Program and amending the Section 8(a) Small and Disadvantaged Business Enterprise Program are a necessary part of strengthening our SBA programs to help small business succeed and provide jobs for our people. I urge all Members to join me in voting for H.R. 4938.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SERRANO) that the House suspend the rules and pass the bill, H.R. 4938.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Minnesota relating to the Senate amendments to H.R. 1586 will now resume.

Pursuant to House Resolution 1212, the previous question is ordered on the motion.

The question is on the motion by the gentleman from Minnesota.

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

Mrs. EMERSON. 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, this 15-minute vote on adoption of the motion will be followed by 5-minute votes on motions to suspend the rules relating to House Resolution 1125 and H.R. 4360.

The vote was taken by electronic device, and there were—yeas 276, nays 145, not voting 8, as follows:

[Roll No. 190]

YEAS—276

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—145

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cohen
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Dreier
Emerson
Engel
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham

Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (FL)

NOT VOTING—8

Buyer
Davis (AL)
Kaptur
Manzullo
Neal (MA)
Radanovich
Reichert
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1721

Messrs. SIMPSON and TERRY and Mrs. SCHMIDT changed their vote from ''yea'' to ''nay.''

Messrs. WALZ, COLE, and TIAHRT changed their vote from ''nay'' to ''yea.''

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL PUBLIC WORKS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1125, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. PERRIELLO) that the House suspend the rules and agree to the resolution, H. Res. 1125, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 172, not voting 8, as follows:

[Roll No. 191]

YEAS—249

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Boehner
Buyer
Davis (AL)
Manzullo
Radanovich
Reichert
Shadegg
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their votes.

□ 1730

Messrs. JOHNSON of Illinois and PLATTS and Mrs. LUMMIS changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the resolution was not agreed to.

The result of the vote was announced as above recorded.

MAJOR CHARLES R. SOLTES, JR., O.D. DEPARTMENT OF VETERANS AFFAIRS BLIND REHABILITATION CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4360, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 4360.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 12, as follows:

[Roll No. 192]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)

Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bilbray
Boehner
Buyer
Chandler
Davis (AL)
Lynch
Manzullo
Meeks (NY)
Neal (MA)
Owens
Radanovich
Reichert

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1736

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, on Thursday, March 25, 2010, I missed a series of votes because of a health emergency. If I was here, I would have voted "no" on rollcall No. 190, "no" on rollcall No. 191, and "yea" on rollcall No. 192.

NATIONAL PUBLIC WORKS WEEK

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

Mr. OBERSTAR. Mr. Speaker, I rise to express my astonishment and disappointment that the entire Republican Conference voted against H. Res. 1125 for the observance of National Public Works Week. I want to restate the resolved clause: Supports the goals and ideals of National Public Works Week; recognizes and celebrates the 50th anniversary of National Public Works Week.

There were three items in the ''whereas'' clauses that referred to the investment of funds under the Recovery Act. Those are figures drawn from information reported to our committee by the States and reported every 30 days by this committee and distributed to every Member of this House. For some reason, the other side of the aisle chose to vote against that. They didn't like that reference in this resolution. That's the only conclusion I can draw from this unanimous act of voting against Public Works Week.

Tomorrow, our committee will hold the 15th in its series of hearings on the performance under the Recovery Act on the programs under our committee's jurisdiction, and we will show that direct, indirect, and induced jobs reached 1.2 million.

ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1223

Resolved, That the following-named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE: Mr. Latta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 5 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1837

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 6 o'clock and 37 minutes p.m.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 4872, HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–458) on the resolution (H. Res. 1225) providing for consideration of the Senate amendments to the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), which was referred to the House Calendar and ordered to be printed.

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1225 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1225

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 4872) to provide

for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Education and Labor or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Madam Speaker, the rule provides for consideration of the Senate amendments to H.R. 4872. It shall be in order to take from the Speaker's table H.R. 4872, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the Chair of the Education Committee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The rule provides 10 minutes of debate equally divided and controlled by the Chair and the ranking minority member of the Committee on Education and Labor. Finally, the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Madam Speaker, the disturbing atmosphere that we've seen around the Capitol recently is alarming. The rash of ominous threats, voice mails, letters, brick throwing, and other sordid acts of protests is downright despicable and marks a low point in the Nation's history. I say this in part from firsthand experience. As many of you know, my Niagara Falls office was the target of attack last week when someone hurled a brick through the window in the dark of night. Separately, I received a phone call on my campaign office phone line that referenced 16 sniper teams and an attempt that would be made to target the children of Members of Congress who voted for the health care legislation.

Each day my four offices give me a careful log of phone calls and emails from people who have taken the time to share their opinions with me, and I read each of those comments because I value that input and want to hear from everyone, not just the people who agree with me. I daresay there isn't a single elected official in the country who has not had a heated run-in with someone who felt strongly that they had voted the wrong way on an issue. In fact, it is part of this country's great tradition that we not only tolerate dissent but we encourage it.

To speak up and to take part in democracy is a noble and treasured part of the American way. But all that changed last year when suddenly town hall meetings across the country turned into vicious shouting matches. Persons who had taken the time to go to the town meeting to learn about the health care bill were oftentimes harassed and frightened and unable to learn anything except that they felt somewhat under siege. I remember that someone arrived at a meeting with a handgun holstered to his leg, and he could not have been more than 50 yards away from the President of the United States.

Spirited debate has become negative. All of us have noticed that in our offices. As I mentioned, I have four offices. The calls that came in—I thank my staff, and I'm sure all of you do, too, for simply tolerating it. It was all day. One day the calls came in so quickly that not another piece of work could be done in all my offices. We were threatened. We were cajoled. We were told—mostly by people from Texas and Oklahoma—that they would never vote for me again, which would be very unlikely in New York anyway.

But I am happy to tell you that as of Sunday night and the passage of this bill, all of those calls are gone. We were getting up to—I would say totaling in the four offices nearly 100 a day. It's all gone now, and the people who call express sorrow for the trouble that has been put upon me, saying that their America does not do that to anyone, particularly someone that they have put their trust in.

But this week, the leader of the national Republican Party said that Speaker PELOSI should be put ''on the firing line.'' Another Republican leader and former national party candidate placed rifle site targets on a national map showing congressional districts of Democrats who supported health care for all Americans, and that same leader urged her supporters, ''Don't retreat, reload.'' And even worse were the remarks made here by the minority leader, who recently said that one of my colleagues who backed the legislation was politically a ''dead man'' back home. Taken together with the incidents around the country, these episodes might prompt a quick and forceful repudiation of comments that would endorse violence, but instead, we get just the opposite.

□ 1845

When Republican Members went out onto the balcony off the Speaker's lobby Sunday to shout to and encourage rowdy protesters, they were implicitly encouraging a discourse that had already soured. In fact, I was dismayed to learn—not dismayed, dismayed doesn't cover it—I was angry. I was concerned. It terrified me, the thought that we would have to live through any of that again. When I found out that some of my colleagues were the victims of racial epithets, spitting, homophobic slurs, this sort of display is shocking even to someone who has seen some pretty terrible things over the years.

Despite all this, Democrats move forward with hope and optimism. It is my sense that as more Americans learn about the provisions of the health care reform legislation, they will in increasing numbers support the vote over the weekend, and the polls show this already happening.

It is a surprise to me today that with the passage of reconciliation by a 56–43 margin in the Senate, that the other side would continue to try to throw up petty roadblocks or complain that they haven't had time to read the bill.

Do you want to know what we are debating here today? We are debating two sentences. That's it, two sentences. Does it make sense to anyone that the other side is demonizing a bill that has already been approved by both the House and Senate and signed into law? No, instead we should celebrate the incredible accomplishment of finally passing this legislation after a struggle of more than a hundred years.

I won't even bother reciting all of the ways in which ordinary Americans will gain as we shift the balance of power away from insurance companies and back to patients, because they will know very shortly. I have already spoken at length about how under our bill families will no longer feel trapped by their coverage or fearful about children with preexisting conditions. Health care reform, I am happy to say, is now the law of the land. I encourage my colleagues to join me today in quickly adopting these small technical fixes to the legislation so we may move on to more pressing challenges.

I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, this rule is to amend a reconciliation bill that is amending a bill that no longer exists. The bill has been signed into law. Therefore, the references in the reconciliation bill are no longer accurate. Is it possible for us to wait until the bill that has been signed into law has been codified so we can have accurate references in the reconciliation bill? Otherwise wouldn't the House be voting on an inaccurate piece of legislation?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry. The issue he raises is a matter of debate.

Mr. TIAHRT. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry. The issue he raises is a matter for debate.

Mr. TIAHRT. Madam Speaker, I believe this bill will be inaccurate. The reconciliation bill is inaccurate in its current form, and the rule should be withdrawn until proper references can be made because an inaccurate bill will be voted upon.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman has not stated a proper parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, once again, doesn't it require that the legislation presented to the floor of the House has to be accurate in order for us to vote on it?

The SPEAKER pro tempore. The Chair will not interpret the pending resolution.

Mr. TIAHRT. Madam Speaker, parliamentary inquiry. Is it not true that when a bill becomes law it is no longer a bill; therefore, when we amend a nonexisting bill, we cannot vote on an accurate piece of legislation? Is it not in the rules of the House that we have to vote on accurate legislation?

The SPEAKER pro tempore. The gentleman will suspend. The gentleman has not stated a proper parliamentary inquiry. The Chair will not entertain debate under the guise of a parliamentary inquiry at this time.

Mr. TIAHRT. I'm not trying to debate; I'm simply trying to understand the rules. My question was not answered on the parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair recognizes the gentleman from California.

Mr. DREIER. Madam Speaker, let me first extend my appreciation to my good friend from Rochester, New York, Ms. SLAUGHTER, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. DREIER. Madam Speaker, last Sunday when we opened debate here on the rule, I opened by condemning the attacks that have been made on Members of this institution, their families and their staffs. Unfortunately, it is something which all of us who have been privileged to serve in elective office and as Members of Congress in particular have had to face for many years. I will reiterate, Madam Speaker, violence or the threat of violence is simply unconscionable, and we all join together in calling for an immediate end to these types of utterly unacceptable acts.

Madam Speaker, last Sunday I also predicted that we would be back here voting once again on the reconciliation bill. And here we are.

The need for another vote is further demonstration of just how flawed the tactics of the Democrats in charge of Congress have been. It shouldn't surprise anyone, Madam Speaker, that the reconciliation bill was found to violate Senate rules, as traditionally has been the case with the only exception in 1983. No legislation of this magnitude can be slapped together at the last minute and then withstand scrutiny. Our revote today is just further evidence of the perils of the refusal of the Democrats in charge to act in a bipartisan and open way.

We have been debating the issue of health care reform in the Congress for a long period of time. As a Nation, we have been struggling with the very serious issue of increasing access to quality care for many, many, many years. We all want to expand coverage and improve quality for the American people. There are a number of key reforms that enjoy broad bipartisan support that would bring us much, much closer to that goal.

Yet, despite these opportunities for bipartisanship, Madam Speaker, the Democrats in charge insisted on forcing through the most partisan and costly bill possible. And despite all the time that has been spent on this issue, they insisted on forcing through a reconciliation bill that was largely written the night before we voted on it. Again, Madam Speaker, this was written in large part the night before we voted on it. That is why it should be no surprise, and there were those of us last Sunday who predicted that we would be back here.

Less than a week after that vote, serious mistakes in the legislative package have already been discovered, as I have said. Today's underlying package, as I said at the outset, has been returned to the House because it contained provisions that violated Senate rules.

Far more significant, however, are the mistakes that have been uncovered relating to a key provision in the Senate health care bill that is now law, mistakes that will not be fixed today; and I underscore, mistakes that will not be fixed today. One of the centerpieces of that legislation was a provision to ensure that no child is denied coverage for a preexisting condition. This is an issue that again enjoys overwhelming bipartisan support. I believe very passionately in the need to ensure that no one is denied coverage for preexisting conditions.

Madam Speaker, had we taken a responsible, step-by-step approach to reform, this provision dealing with preexisting conditions could have been signed into law months ago; but because the Democrats in charge shunned bipartisan cooperation and an open, transparent process, forcing through a hyper-partisan bill with no opportunity for open debate or any amendment, their $1 trillion bill passed Congress without any real accountability.

The result? They botched the language on preexisting conditions and we now know, Madam Speaker, that children will not get the coverage that they were promised. This is the inevitable result of a closed, partisan process.

Even the good ideas that are put out there that both Democrats and Republicans alike can come to an agreement on are undermined by a lack of scrutiny and transparency. Their bill was certainly filled with a lot of terrible ideas. Spending $1 trillion we don't have and hiring tens of thousands of new IRS agents to investigate hard-working Americans ranks at the very top of that list. But even the provisions like preexisting conditions that had bipartisan support are being undermined by shoddy work.

While the legal experts sort out the mess that was made of the legislative language, job creators are assessing just how much damage has been done to them. Today, The Wall Street Journal pointed out that companies large and small are taking stock of the new taxes that have been imposed and what the impact will be.

Now, we had an exchange upstairs about the fact that we have seen the stock market go up, and we all know that the stock market has gone up. But that does not belie the fact that Caterpillar will face $100 million in new taxes in the first year alone. The medical device company Medtronic fears it may have to lay off 1,000 workers in order to pay the new taxes.

Madam Speaker, with the national unemployment rate as we all know hovering just under 10 percent, this could not be a worse time to impose job-killing tax increases. The prospect of crippling new taxes and further job losses is not acceptable. We should focus on creating, not losing, good private sector jobs.

The process of reforming the so-called reform bill and undoing the damage that has been done will take years, wasting untold taxpayer dollars we cannot afford. Wasting precious time while the American people wait for real reform that actually improves access to quality health care is a waste. It shouldn't be done, and this is a tragically missed opportunity.

To the many Americans who are outraged by this bill and the process by which it was considered, and by the way, we are here under what is known as martial law rule. We just completed our meeting in the Rules Committee a few minutes ago, and without any consideration we have come right down to the House floor. People are outraged with this process. That has played a role in creating the anger that is there. I can only say there are still some Members of Congress, and I am one of them, who believe in bipartisan cooperation—in bipartisan cooperation, and we believe, as was promised in a new direction for America that then-Minority Leader Pelosi put forth for the American people and said she

would have when she took the oath in January of 2007, an open, transparent process. To many Americans who had high hopes for a true reform bill, I will say there are still some Members of Congress who will fight for real reform even if the Democrats in charge will not do that.

We will fight to ensure that all Americans have effective guarantees of coverage despite preexisting conditions. We will fight for meaningful lawsuit abuse reform, and we will work to allow small businesses and States to band together to offer better and more affordable coverage.

We will work to ensure that government bureaucrats never come between patients and doctors. We will make sure that no one will be forced to give up their current coverage if they do not so choose, and that those who have diligently saved in their health savings accounts are not in any way punished.

If we can abandon the failed tactics that the Democrats in charge have put forward and work in an bipartisan and open fashion, these are the kind of real reforms that can be enacted so all Americans will have access to quality, affordable health insurance.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members and staff they should not traffic the well while a Member is under recognition.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, is it within the rules for the majority manager to withdraw a rule at this stage in the debate?

The SPEAKER pro tempore. The gentleman is correct.

Mr. TIAHRT. Is it also true that since the legislation that will be amended is inaccurate and does not have correct references to existing law, that we should not have a vote on it, that the rule should be withdrawn?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. TIAHRT. Madam Speaker, since the bill that is being amended no longer exists, the references are inaccurate. How can we possibly have a vote on an inaccurate bill?

The SPEAKER pro tempore. The gentleman will suspend. The gentleman is engaging in debate and has not stated a proper parliamentary inquiry. The Chair will not entertain debate under the guise of a parliamentary inquiry.

□ 1900

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Madam Speaker, the time is now. On the issue of health insurance reform, just about everything has been said and just about everyone has said it.

On Sunday, this House passed the most meaningful health care bill in over 40 years. We voted to end the most abusive practices of the insurance companies, to provide coverage to millions of hardworking families, to bring down the costs of health care for families and small businesses, and to pass the biggest deficit reduction package in 25 years. That reform is now the law of the land.

Already, we hear from our friends on the other side of the aisle saying that they want to repeal that law. They want to allow insurance companies to once again discriminate against people because of preexisting conditions. They want to take away help for small businesses to purchase insurance for their workers. They want to continue to let families go bankrupt because of their medical bills. That doesn't make much sense to me, Madam Speaker.

The bill before us today provides important improvements to the law by improving affordability for working families. It strengthens provisions to attack waste, fraud, and abuse in Medicare and Medicaid. It strengthens consumer protections, including prohibiting lifetime limits and the practice of dropping people when they get sick. It closes the doughnut hole in Medicare and extends the solvency of that vital program, and it removes the special fixes for Nebraska and Florida.

This has been a contentious debate, and we have spent a lot of time arguing about things that don't matter a whole lot to people in their everyday lives; things like reconciliation and filibuster and CBO and parliamentarians. So I'd like to close by focusing this debate back where it belongs, on the American people.

Last week, a letter to the editor appeared in the Orlando Sentinel, and I'd like to read it. And I quote:

''Three months ago, my wife became pregnant. Two months ago, she miscarried. Today, the insurance company refuses to insure her for at least 5 years because the company classifies a miscarriage as a preexisting condition. This is the only reason insurance is being denied.

''If life is to be truly valued in America, then we must all pull together to make health care available for all our citizens. This is the greatest moral issue facing our Nation today.''

Signed, Blake Harrington, Orlando.

Well, Mr. Harrington, your voice has been heard, and because of this Congress and this President, no family will have to go through what you did.

The time is now, and I urge my colleagues to support this rule and the underlying bill.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 2 minutes to a very hardworking new Member who's an expert on TennCare, an obstetrician from Johnson City, Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Madam Speaker, a recent news article posed a question that gets at the heart of this debate: Will the law as the Democrats have planned spur economic growth by lowering health care costs and allowing companies to expand and hire new employees or, as many business advocates have argued, will the opposite occur? It's a good question. It is a fair question. So let's look at the evidence that we have.

In Massachusetts, they passed a plan with broad mandates and an exchange-like health care marketplace. The plan has resulted in the highest insurance premiums in America, rising faster than anywhere else in America as a percent, and a large number of individuals forego insurance until they get sick, then they show up and get the care and pay a relatively low penalty.

In Tennessee, where we've expanded our State's Medicaid program, we saw employers shift the cost to the public sector and then watch as our program tripled in costs. Now, before any of these expansions go into law, our State's being forced to limit enrollment and ration care.

And nothing in this bill helps control costs like tort reform, and it's nowhere to be seen. And trust me, as an OB–GYN doctor, one of the things you could do for our patients is to work on this very needed bill, apart from this bill, and we could do it separately, and yet we haven't done that.

What's being proposed now is combining the worst part of both State systems, and I think the evidence clearly shows that costs will be higher and with the decreased access and lower quality. The American people deserve to know that this bill flies in the face of real-world experience and it deserves to be defeated.

Another comment, Madam Speaker, I'd like to make is that, in my years of experience, I have not seen a patient's health care denied or a preexisting condition because of a miscarriage. I have personally not seen that, and I'd like to see reference to that if I could.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Rules Committee.

Ms. MATSUI. Madam Speaker, I rise today in support of the rule and underlying legislation.

The health care package that we passed on Sunday and have the opportunity to finalize today represents years and sometimes decades of work put in by many of my colleagues here in the House, and it also represents the hopes and dreams of millions of Americans who live one accident away from bankruptcy, one paycheck short of making ends meet.

I've heard from many of the families and seniors who live in my district who've been terrified as they see their insurance rates go up, and fearful of losing their insurance and high quality of care.

But in between the time this House passed one of the most important legislative initiatives in our lifetime and

today, I have started to hear from many Sacramentans with a simple message: Thank you. Thank you to this Congress for having the courage to stand up for what's right. Thank you to the Speaker for her leadership in delivering this bill to the American public.

And I would like to say thank you back to the millions of Americans who voiced their strong support of the health care bill. You may not have always been the loudest voice in the room, but that doesn't mean we don't hear you.

Thank you to my colleagues for standing up for the American people in the many hearings, markups, town halls, and floor debates we've had on this issue. I look forward to standing with you today as we pass these improvements on the historic legislation passed on Sunday.

I urge my colleagues to support this rule and the underlying legislation as we stand together and ensure the quality health care Americans deserve at a cost they can afford.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume, and I would like to engage in a discussion, if I might, with my good friend from Johnson City, Tennessee, who, as we say, appears to be the only medical doctor here on the House floor at the moment.

He was just discussing his role and many years he's served, worked as an obstetrician, and one of the things that we have found, reports are—and this is before this bill was even considered—that there are many people who are in a position where they are being told, people who are under Medicare, that they are being refused an opportunity to have the kind of physician choice that they want.

We regularly have heard throughout this debate that you'll be able to choose your own doctor. But, Madam Speaker, I ask the question: Will your doctor choose you? What kind of incentive do we have at this juncture for people to get into the medical profession?

And I'd like to yield, if I might, to my friend from Johnson City, if he might respond to this notion of, well, you may be able to choose your doctor, but will your doctor choose you. And I am happy to yield to my friend.

Mr. ROE of Tennessee. In our State right now, let me just give you some real-world experience as to what's going on in our State-run plan, TennCare, which is the State Medicaid plan.

Right now, we're discussing limiting patient visits to eight per year, no matter how many times you may need to go to the doctor.

Number 2, the State's considering paying only $10,000 in total for a patient visit to the hospital, no matter what the cost is, meaning that those costs are going to get shifted to private insurers. And over time, if that occurs, and we expand massively the Medicaid system around the country, you're going to shift more and more cost to the private insurers, and when that happens, eventually they're going to fail. And I think that may be the purpose here.

The other thing is that I had a friend of mine visit this week from home, and right now, to get an orthopedic surgeon to see you, you're going to have to drive 100 miles to see this orthopedic surgeon.

The State of Tennessee, as of the 1st of July of this year, will no longer cover rehabilitative services for a patient who's operated on or any rehabilitative services for an injury. That's what we have now. And we're asking our State to take on more and more cost.

And what concerns me—it's not about the good things that are in this bill, and there are some things I agree with very much. But the other things are how do we pay for it, and how do we then find someone to pay for the care?

The other little caveat is that these plans never pay for the cost of the care. TennCare, right now, pays about 60 percent of the cost and going down. Medicare, as you know, pays about 80 to 90 percent of physician cost.

Mr. DREIER. I thank my friend for his remarks. And let me just say, this notion of you may choose your doctor but your doctor may not choose you, is that a fair assessment?

I'm happy to further yield to my friend.

Mr. ROE of Tennessee. It is a fair assessment. And now, countrywide, 40 percent of our primary care physicians choose not to see a Medicaid patient, and 60 percent of specialists. It's estimated that it will be, when this plan goes into effect, 60 percent of primary care physicians won't see these patients and 80 percent of specialists won't see these patients.

Mr. DREIER. And that's why I was arguing that it is really difficult to imagine why it is that people will pursue the medical profession, as the gentleman has done so ably over the years.

And I am happy to further yield to my friend.

Mr. ROE of Tennessee. Thank you for yielding.

One of the things that is disturbing, and I have taught medical school and taught medical students, only 2 percent of our graduates now are going into primary care. And I'm in a group with 70 primary care doctors. I was in a group until I came to Congress. And we can't get our best and brightest to go into primary care. And it's a real quality issue, because what concerns me about our Medicare plan is this: At the time I came up here, I was having problems finding primary care doctors, internists, family practice to see my patients that I'd operated on.

Mr. DREIER. I thank my friend.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I feel I need to introduce Dr. DONNA CHRISTENSEN, who is a medical doctor from the Virgin Islands, for 15 seconds.

Mrs. CHRISTENSEN. The legislation that we have before us will take insurance companies out of the doctor/patient relationship. There will be more incentives for doctors. There will be more National Health Service Corps positions, more loan repayments to bring doctors into the system, and doctors will go into neighborhoods where they've never gone before because Medicaid will pay more and Medicare will pay more.

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

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER), a member of the Rules Committee.

Mr. PERLMUTTER. Madam Speaker, this morning I was at a meeting, a breakfast of the Epilepsy Foundation of America. I have a daughter who has epilepsy, and she and one of my other daughters and I attended this breakfast.

And the relief that people feel, particularly parents, about us having passed this bill, us working to advance, really, freedom by doing away with the discrimination against people who have prior illnesses was palpable in that room. And as a dad, I can tell you, we have advanced the cause of millions of people across this country.

Everybody in this room has somebody who's close to them. It could be a family member, could be a friend, a neighbor who has a prior illness, has some kind of condition, suffered in some accident, and what we've done is given those people the freedom to have some health care so they can seize the opportunities that this Nation provides.

It's relief. It's freedom. It's civil rights that we passed in this last couple of days. And I know it's been contentious and I know there are strong philosophical differences, but when the rubber hits the road, for parents, for kids, for people who have these kinds of preexisting conditions, we really advanced the ball for them, and we advanced the cause of freedom.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume, and I would like to engage in a discussion, if I might, with my friend and argue that I totally concur. We totally concur with the need to work on this issue of preexisting conditions.

The problem, Madam Speaker, has been that while this was extraordinarily well-intentioned, we've already found that this shoddily put together bill has denied the addressing of preexisting conditions. There are people out there who unfortunately believe, Madam Speaker, that the issue of preexisting conditions has been taken care of. One needs to look at the news reports right now of the problems that exist with our shared bipartisan goal of addressing that issue.

I reserve the balance of my time.

□ 1915

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

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

Mr. STARK. I thank the gentlelady for yielding.

Madam Speaker, since 1985, I have worked for today as we finish our job to enact health care reform in America. This reconciliation bill provides affordability of insurance premiums for low- and middle-income Americans. We've delayed the impact of the Cadillac tax plan on health benefits and ensured that changes are financed in a fair manner.

The reform bill signed into law by President Obama is a historic step for our Nation. These bills provide health security for all families. The people with no coverage are guaranteed affordable coverage. Those who currently have insurance will find that coverage improved and more secure.

I am honored to have helped to get us to this point. I look forward to working with all of my colleagues and the administration as we implement this vital new law. Today, we join all modern countries in providing quality, affordable health care to all. It's a great day for America.

If I didn't think they'd take down my words, I would want to say ''yippie.''

Madam Speaker, the staff of the Committee on Ways and Means, as well as staff from the other Committees, leadership offices and support agencies, logged countless hours to make this legislation a reality. We owe them our thanks for their efforts to bring us to this day.

Current and former staff from my office and from the Committee on Ways and Means who worked on this legislation over the past year include: Janice Mays, John Buckley, Cybele Bjorklund, Debbie Curtis, Chiquita Brooks-LaSure, Jennifer Friedman, Geoff Gerhardt, Tiffany Swygert, Drew Crouch, Marci Harris, Tom Tsang, Drew Dawson, Ruth Brown, John Barkett, Mark Schwartz, Matthew Beck, Lauren Bloomberg, Brian Cook and Cameron Branchley.

Because this legislation was really a product of three committees, I'd like to also recognize the health staff of the Committees on Energy & Commerce and Education & Labor.

We are truly indebted to the staff of the House Office of Legislative Counsel—Ed Grossman, Jessica Shapiro, Megan Renfrew, Henry Christrup, Wade Ballou, Lawrence Johnston and others in the office that I may have missed—who turn our ideas into legislative language.

Finally, I'd like to recognize and thank the very capable analysts at the Congressional Budget Office and Joint Committee on Taxation. Doug Elmendorf, Phil Ellis, Holly Harvey and the rest of the CBO team, as well as Tom Barthold and the JCT professional staff, have worked tirelessly to provide guidance, technical assistance and key analyses of the costs and effects of the various proposals during consideration of health reform legislation over the past 15 months.

On behalf of the Committee on Ways and Means, thank you all.

Mr. DREIER. May I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 14¾ minutes remaining. The gentlewoman from New York has 15½ minutes remaining.

Mr. DREIER. I will reserve the balance of my time, Madam Speaker.

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. This is the last step that we must take to make health insurance reform a reality in this country for millions of Americans. For far too long, the Federal Government has allowed insurance companies to get away with the most abusive practices that prevent people from getting the medical treatment that they need to be healthy.

Earlier this week, we said ''no more.'' Just as the leaders of the civil rights movement did before us, this House took the courageous step to put an end to the blatant discrimination that millions of Americans suffer from every year at the hands of insurance companies. We said that we aren't going to let insurance companies put profits before people anymore. We've said that we're going to put patients and their doctors back in charge.

I know already I'm hearing from the other side of the aisle, Let's repeal and replace this bill. What I want to know is what do they want to repeal first? Closing the doughnut hole in Medicare so that seniors can afford their medicines? Or stopping insurance companies from dropping people's health insurance when they get sick and need it most? Or letting dependents stay on their parents' health care policy until the age of 26, especially amid a recession when it's hard for people to even find a job? Or maybe even providing small businesses with tax credits to help them afford health insurance for their employees.

Madam Speaker, in the last few days I have heard from so many people here in Washington as well as at home about how important this bill is and makes a difference in their lives on a daily basis and is going to be good for them and their families.

We've already taken a great step forward on behalf of the American people. Republicans shouldn't let us take it back. We can't let that happen. Let's just keep moving forward. Let's take this last step. Let's finish the job and pass this bill on behalf of America's families. Vote ''yes.''

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1½ minutes to a very hardworking member of the Committee on Rules, the latest recipient of the Ronald Reagan award, our friend from Grandfather Community, North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from California for yielding time.

I want to say that it has been said over and over again that Republicans want to block health care reform. We don't want to block health care reform. We want commonsense health care reform—not an overhaul of the system that is a government takeover of health insurance and health care in our country.

One of the things that people tell me they dislike the most about the way the Congress operates is when the Democrats put together two bills that are totally unrelated because one of those bills cannot get passed on its own. That is what happened in the reconciliation bill, a bill totally unrelated to health care where the government is going to take over the student loan program in this country making the Federal Government the fifth largest bank. That is reprehensible to the people of this country. We shouldn't have done that.

I offered an amendment in the Rules Committee to separate those two. The bill on student loans should have stood on its own but it can't and so it got attached to this bill. These are minor technical amendments, but we were denied major amendments. One hundred nine amendments were offered in the Rules Committee on Saturday. We had 13 hours of debate. Some of our amendments were excellent amendments and should have been accepted.

We want reform. Republicans want to change many things. We want to take care of preexisting conditions; we want to lower the cost. The problem with this bill is it doesn't lower costs; it makes them larger.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, earlier this week history was made with the enactment into law of the comprehensive access to quality affordable health insurance for all Americans. Tonight we complete action on this legislation and cement for all Americans their sense of security that they will always be able to afford and access health care for themselves and their families.

Since our passage of the underlying legislation last weekend, the American people are beginning to fully appreciate the benefits that we have written into law. When fully implemented, reform will bring 32 million uninsured Americans into the health insurance system, seniors will see immediate help with the cost of their prescription drugs, and people who have preexisting medical conditions will not be denied health insurance or charged more for that insurance. If you lose your job, you will not lose access to health care.

Our vote tonight improves on what President Obama signed into law on Tuesday. This includes closing the gap in Medicare prescription drug coverage, including the rebate this year to eligible seniors; improving affordability for those with income up to 400 percent of the poverty level; eliminating the special Medicaid deal for Nebraska; and increasing matching rates to States for the costs of services to newly eligible individuals to 100 percent for the first 3 years of coverage expansions.

Increasing Medicaid payments. The rates will be increased for primary care physicians so that new Medicaid beneficiaries will have access to primary

care and a greater investment into community health centers. These initiatives are fully funded and paid for.

The reconciliation bill reduces the deficit by more than $1 trillion over the next two decades.

Health security is a fundamental right for every American, and we remain faithfully committed to that objective.

I want to use my time here to give special thanks to our health team on our staff. First of all I want to single out Karen Nelsen, who has been director of the health staff going back to the time I was chairman of the Health and Environment Subcommittee and during the time we were over at the Oversight and Government Reform Committee. With her able assistance, we have Jack Ebeler, Tim Gronniger, Andy Schneider, Purvee Kempf, Brian Cohen, Ruth Katz, Anne Morris, Tim Westmoreland, Stephen Cha, Virgil Miller, Katie Campbell, Bobbie Clark, Sarah Dupres and Naomi Seiler.

I want to just close by saying I wish the Republicans would have worked with us instead of fighting this bill every step of the way. They're complaining now they didn't get amendments, but when we called on them to help us, they said no. They wouldn't work with us on the stimulus bill, they wouldn't work with us on the energy bill, they wouldn't work with us on the health bill, but we got it done anyway.

Mr. Speaker, the bill is to be commended as a model of cooperative federalism. Under the new law, ''a State is free to establish a health insurance exchange if it so chooses. But if it declines, the Secretary will establish an exchange.'' This is a strong example of what the Supreme Court has recognized as an appropriate exercise of federal power to encourage State participation in important federal programs. ''[W]here Congress has the authority to regulate private activity under the Commerce Clause, we have recognized Congress' power to offer States the choice of regulating that activity according to federal standards or having state law pre-empted by federal regulation. *Hodel* v. *Virginia Surface Mining & Reclamation Assn., Inc.*, supra, 452 U.S., at 288, 101 S.Ct., at 2366. See also *FERC* v. *Mississippi*, supra, 456 U.S., at 764–765, 102 S.Ct., at 2140. This arrangement, which has been termed ''a program of cooperative federalism,'' Hodel, supra, 452 U.S., at 289, 101 S.Ct., at 2366, is replicated in numerous federal statutory schemes.'' *New York* v. *United States*, 505 U.S. 144, 165 (1992).

INDIVIDUAL RESPONSIBILITY

The individual responsibility requirement requires individuals to pay a tax on their individual tax filings or provide information documenting they fulfill the requirements for having essential minimum coverage over the past year. Congress makes the following findings to support this requirement, these are in addition to those made on Sunday, March 21, 2010:

(1) The requirement is necessary to achieve near-universal coverage while maintaining the current private-public system. It builds upon and strengthens private employer-based health insurance, which covers 176,000,000 Americans nationwide. In Massachusetts, a similar requirement has strengthened employer-based coverage: despite the economic downturn, the number of workers offered employer-based coverage has actually increased. Sharon K. Long and Karen Stockley, Massachusetts Health Reform: Employer Coverage from Employees' Perspective, Health Affairs, October 1, 2009.

(2) Under the Patient Protection and Affordable Care Act, if there were no requirement, many individuals would wait to purchase health insurance until they needed care. Those individuals would then get the benefit of the lower premiums that are a direct result of the Act's reforms, even though those lower premiums result in part from the fact that other younger and healthier people bought insurance at an earlier point. Higher-risk individuals would be more likely to enroll in coverage, increasing premiums and costs to the government. The Urban Institute, January 2008. The requirement will broaden the private health insurance risk pool to include healthy individuals, which will spread risk, stabilize the market, and lower premiums. Congressional Budget Office, An Analysis of Health Insurance Premiums Under the Patient Protection and Affordable Care Act, November 30, 2009. It is necessary to create effective private health insurance markets throughout the country in which improved health insurance products that are guaranteed issue and do not exclude coverage of pre-existing conditions can be sold.

(3) Administrative costs for private health insurance, which were $90,000,000,000 in 2006, are 26 to 30 percent of premiums in the current individual and small group markets. Congressional Budget Office, December 2008. The requirement is necessary to create effective private health insurance markets throughout the country that do not require underwriting, eliminating its associated administrative costs. By significantly increasing health insurance coverage and the size of purchasing pools, which will increase economies of scale, the requirement, together with the other provisions of the Patient Protection and Affordable Care Act, will significantly reduce administrative costs and lower health insurance premiums.

(4) Health insurance and health care services are a substantial part of the national economy. National health spending is projected to increase from $2,500,000,000,000, or 17.6 percent of the economy, in 2009 to $4,700,000,000,000 in 2019. Centers for Medicare & Medicaid Services, Office of the Actuary, National Health Expenditure Projections, 2008–2018. Private health insurance spending is projected to be $854,000,000,000 in 2009, and pays for medical supplies, drugs, and equipment that are shipped in interstate commerce. Centers for Medicare & Medicaid Services, Office of the Actuary. Since most health insurance is sold by national or regional health insurance companies, health insurance is sold in interstate commerce and claims payments flow through interstate commerce.

(5) The requirement, together with the other provisions of the Patient Protection and Affordable Care Act, will add more than 30,000,000 consumers to the health insurance market. Congressional Budget Office, Patient Protection and Affordable Care Act, Incorporating the Manager's Amendment, December 19, 2009. In doing so, it will increase the demand for, and the supply of, health care services. According to one estimate, the use of health care by the currently uninsured could increase by 25 to 60 percent. Congressional Budget Office, December 2008.

(6) Under the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Patient Protection and Affordable Care Act, the Federal Government has a significant role in regulating health insurance. The requirement is an essential part of this larger regulation of economic activity, and the absence of the requirement would undercut Federal regulation of the health insurance market.

(7) Payments collected from individuals who fail to maintain minimum essential coverage will contribute revenue that will help the Federal government finance a reformed health insurance system that ensures the availability of health insurance to all Americans.

The preceding 7 points cite numerous studies and papers which illustrate the extensive evidence that the Patient Protection and Affordable Care Act, as amended by Section 1002 of the Health Care and Education Reconciliation Act, substantially affects interstate commerce. These citations are included as hyperlinks or in their written entirety for the record.

Mr. DREIER. Mr. Speaker, it's nice to see you, but I should say for the record I did enjoy seeing Ms. EDWARDS in the chair more than I am enjoying seeing you here. But it's always good to see you.

The SPEAKER pro tempore (Mr. OBEY). The Chair thanks the gentleman.

Mr. DREIER. With that, I would like to yield 1½ minutes to our very hard-working colleague from Bainbridge Township, Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

Mr. Speaker, I served 14 years on the Transportation and Infrastructure Committee and was proud of the wastewater treatment plants that we were able to install in my district. But I have to tell you on a busy Friday night, I saw less sewage go through those facilities than I've heard here this evening.

The President invited people down to this big powwow down at Blair House. It reminded me of my favorite movie, ''Braveheart,'' where the king has all the Scottish nobles down and gonna talk peace, and winds up hanging them all in the barn. The takeaway from that meeting, however, was the President said, These are the things that I agree with you Republicans on.

So it really surprises me to hear my friend from California say that the Republicans didn't want to work together.

One of the things the President said he thought was horrendous were the special deals in this bill. I've heard my friends proudly talk about Florida and Nebraska. Unless I am misunderstanding it, Connecticut, still a hundred million dollars for a hospital; Montana miners are treated differently than everybody else; North Dakota frontier counties get an enhanced physician payment; Massachusetts and Vermont get higher Medicaid reimbursement rates; and Nebraska and

Michigan—I thought the health care insurance companies were evil around here—they don't have to pay the tax. And the pharmaceutical companies, I thought they were bad, but if they're in New Jersey, they get a billion dollars.

Mr. Speaker, I'd like to take the gentleman from California at his word. I want to work together, and I would like to offer an amendment to this bill.

So I would ask the distinguished chairwoman of the Rules Committee if she would yield to me for the purposes of a unanimous consent request so that I could offer an amendment.

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

Mr. DREIER. I yield my friend an additional 15 seconds.

Mr. LATOURETTE. I would ask the gentlelady from New York, would you yield to me for the purposes of a unanimous consent request so I could amend this bill simply by keeping the President's word to remove these special deals.

Ms. SLAUGHTER. I cannot yield for that purpose.

Mr. LATOURETTE. You can't or you won't? Of course you can.

Ms. SLAUGHTER. I cannot.

Mr. LATOURETTE. You will not.

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

Ms. SLAUGHTER. I am happy to yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank the gentlewoman for yielding.

Mr. Speaker, the reconciliation bill before us does more than advance the cause of health care. It makes a landmark investment in education, one that will make college more affordable for millions of students, and all without adding a dime to the deficit.

Under this bill, Federal student loans will now be made through the Direct Loan Program. That means the elimination of $61 billion in bank subsidies over the next 10 years. This bill then takes that $61 billion and reinvests $36 billion out of it in Pell Grants, raising the value of Pell Grants and making college a reality, a possibility, for more than 8 million students.

The bill takes other steps to improve access to college and helps students graduate from college. For example, it includes more than $2 billion for historically black colleges and universities, and it invests $2 billion in community colleges which are increasingly important in our economy as well as in our educational system because our economy more and more demands skilled and educated workers. Finally, it helps students after they graduate by lowering the amount they will have to repay.

As we switch to making student loans through the less costly Direct Loan Program, I am pleased to see that this bill doesn't try to fix what ain't broke. It leaves the current Perkins Loan Program by which colleges provide low-interest loans from a revolving fund to low-income students, and it makes it easier for colleges to pursue public service by canceling loans, the debt incrementally, if they're employed in public service.

Mr. Speaker, a productive economy demands an educated workforce, and this reconciliation bill moves us towards that goal at no additional cost to the American taxpayer and no impact on the deficit. It's a win-win solution.

I urge support for this bill.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 2 minutes to the gentleman from Ennis, Texas (Mr. BARTON), the hardworking ranking minority member on the Committee of Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I think it's time for us to take a deep breath, take a timeout and go home and listen, Mr. Speaker. So I asked the Rules Committee this evening to not move this package tonight, but let us go home for the next 2 weeks and then come back week after next or week after 2 weeks and actually fix what needs to be fixed.

I listened when my chairman, Mr. WAXMAN of California, talked about the reconciliation package before us fixes the Nebraska problem. Well, the way they fix it, Mr. Speaker, is by giving every other State the same sweet deal they gave to Nebraska but only for 4 years.

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After 2014, that deal goes away for Nebraska and every other State. I don't think that's much of a fix.

No one on the majority side, Mr. Speaker, has talked about the Medicaid trap. When this fully kicks in in 2014, everybody that's eligible for Medicaid in the country, that is below 133 percent of poverty, has to be in Medicaid and that's their only choice. They cannot be in a private sector plan. And obviously we all know they don't have the option of not taking the coverage.

Some of us think that that may be unconstitutional. Even if it's not unconstitutional, I don't think it's fair to our low-income Americans to say that the only health insurance plan you can have is Medicaid.

We have talked about the preexisting conditions, Mr. Speaker. This bill does require that preexisting conditions be covered. That's a good thing, not a bad thing. But it's not funded. They have only got $5 billion in this bill for 4 years. That's a little over a billion dollars a year. You can't cover 8 to 10 million Americans that have preexisting conditions and no insurance today for $1.25 billion a year. I call that the preexisting short sheet.

And, finally, this reconciliation package doesn't do anything to prevent the requirement in the original Senate bill that's now the law that elective funding of abortion be offered in at least one plan in each State. I really believe if there was an up-or-down vote on that again in this body, that that would be voted down.

Please vote against this reconciliation package rule. Let us go home and listen to our constituents.

"Unorthodox Process": My friend from California Mr. DREIER coined the process and procedure that has been forced upon as "at best, unorthodox." But it doesn't have to be that way, Mr. Speaker. There is no deadline that says we need to push this through tonight. Let's do it right.

Hoping for similar luck to have I had last Saturday when I asked that Rules drop the "deem and pass" scheme and they did, I asked this afternoon in the Rules Committee for an extension on this reconciliation vote until after the two-week recess. We could talk to our constituents, hear their thoughts. We could look for more issues that will need fixing and then fix them. There is no deadline that says we need to push this through tonight. Let's do it right.

The new version of the reconciliation package that we vote on today reflects two relatively minor changes made by the Senate to education program provisions in the bill. We had to strike these provisions because they violated the Byrd Rule that governs budget reconciliation bills in the Senate. But that's the point, Mr. Speaker. We rushed, rushed, rushed and made mistakes. I shudder at the thought of the additional mistakes we'll need to fix as we finally have time to digest this massive law.

My Democrat colleagues insist that the Senate bill is law, signed by the President, and that there should be no more debate on the policy. But just because it received an entirely partisan majority, and just because it was signed by the President, doesn't mean it's good law. This was a partisan process, a partisan bill, with bipartisan opposition.

This Act increases the penalty on individuals who fail to comply with the new requirement to maintain Washington-bureaucrat-approved insurance coverage:

Modifies the individual mandate penalty in three ways: (1) exempts income below the filing threshold from the calculation of the penalty, (2) lowers the flat dollar penalty from $495 to $325 in 2015, and from $750 to $695 in 2016, and (3) for individuals paying a penalty based on family income, changes the penalty from 0.5% to 1.0% of family income in 2014, from 1.0% to 2.0% of family income in 2015, and from 2.0% to 2.5% of family income for 2016 and later years.

This Act increases the penalty on employers who fail to comply with the new requirement to buy their employees Washington-bureaucrat-approved insurance coverage:

Increases the annual per-employer penalty from $750 per employee to $2,000 per employee, and subtracts 30 full-time employees from the penalty calculation (e.g., a firm with 100 employees would have to pay the $2,000 annual penalty on 70 employees; (100 − 30) x $2,000 = $140,000 total annual penalty).

This Act adds even more federal-mandates on all insurance plans:

Makes health insurance more expensive by requiring grandfathered health insurance plans—those in existence today—to (1) eliminate lifetime limits on benefits; (2) restrict annual limits on benefits within six months of enactment; and (3) cover certain married and unmarried adult "children" up to age 26. Group

plans may no longer exclude coverage for a pre-existing condition for any child under 19.

This Act traps 90 million people into Medicaid, a broken welfare program that half of doctors refuse to accept:

Increases federal outlays on the Medicaid program by $434 billion during 2010–2019, $48 billion more than the enacted bill. The bill eliminates the ''Cornhusker Kickback,'' (permanent 100% federal financing for Nebraska's newly eligible Medicaid populations) but it still includes the ''Louisiana Purchase'' (increased federal funding for the State of Louisiana) and other special deals for certain states.

Ms. SLAUGHTER. I yield 1 minute to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, it has now been just 2 days since President Obama signed historic health care legislation into law, and it is already evident that the massive effort to frighten and mislead the American people is losing steam. Just since the bill passed, new polls indicate Americans see through the scare tactics and doomsday rhetoric and are growing in their enthusiasm about health care reform.

Had reform been the economic disaster it was portrayed to be, why then did the stock market climb nearly 200 points in the day since the law was enacted? In a town hall meeting I held on Monday, it was evident that my constituents are rejecting the misinformation campaigns that have surrounded our efforts for reform and are instead focusing on what the bill will do for them both in the short term and the long term.

The bill before us today is a huge step towards ensuring that Americans who get sick or injured can focus on their recovery rather than worrying about their coverage. Because of this legislation, my constituents are assured that they are in control of their own health care, not a government agency or a faceless insurance agency representative.

Mr. Speaker, I commend the Senate for acting so quickly on this vital legislation. I urge my colleagues to support this rule and the underlying legislation.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 1 minute to our hardworking colleague from Indianapolis, Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

My wife's a doctor, and she and a lot of her colleagues have been talking, and they have seen these statistics that show that almost half of the doctors say they will leave their practices if this bill becomes law. Now let's just say that only 10 percent of that is accurate. That would be 5 percent of the doctors.

And with 32 million people that you are adding to the rolls, how in the world can you say that you are going to save a trillion dollars over the next couple of decades? I mean, come on, nobody in America is going to believe that. You are adding 32 million people, you are going to have fewer doctors, and we are already short on doctors, and the cost is going to go down, and you are going to save money, and you are going to save a trillion dollars. Nobody in America believes it.

And Medicaid, in the State of Indiana, we are going to pick up 500,000 new people on Medicaid, and you are going to shift the burden to Indiana for 500,000 people? It's going to cost an arm and a leg. We are going to have to raise taxes there. You are going to have to end up raising a lot of taxes here. There is no question about it. You can't do what you say you are going to do, and the American people know it.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, it has been 2 days since President Obama signed this bill into law. And after all the overheated, over-the-top rhetoric about government takeover, you would expect that the health insurance industry would have collapsed in the wake of that act.

Well, what have we seen from the stock market in the last few days? Aetna's stock is up, CIGNA's stock is up, United Health Care stock is flat. The fact of the matter is is what we have done is tried to reshape a private health insurance market so that people will have a coherent, understandable benefit that has a minimum level of consumer protection in a provision to make it affordable for working Americans, which will be a healthy, prosperous future for our health insurance industry, which the minority side indicates that that is something that they care about.

All they have to do is look at their own benefits, their own purchasing exchange, which, as Members of Congress, they participate in, with a choice of private health insurance plans, comprehensive benefits, no rescissions, no lifetime limits, no annual limits. That's what we are giving to the American people, what Members of Congress have. It's time to move forward and create an end to the days of have and have not.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Athens, Georgia (Mr. BROUN), another one of our very able medical doctors.

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

This bill, as well as the underlying bill is a farce, just two big farces. Let me tell you a couple of things that they won't do and some things that they will do.

The first thing that it will do is it's going to drive millions of people out of work. Also, besides that, it's going to drive many doctors out of business, as Mr. BURTON was just talking about. When people have that free health care insurance card issued by the Federal Government in their pocket, it's going to be about as worthless as the Confederate dollar was after the Civil War because you are not going to find any doctors who are going to be willing to take the government insurance card.

So access is going to be worse. It's going to be worse for the people who can least afford it to be, and that's the poor people in this country as well as senior citizens.

We need to repeal this bill. We need to stop this reconciliation process farce tonight. We need to repeal ObamaCare, and we need to replace it with policy that will create more access, create jobs, which will lower the cost of health care and not be a government takeover of the health care system.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentlewoman for yielding.

Mr. Speaker, critics are still screaming at the top of their lungs that this health reform is tyranny, an end to private hospitals and doctors, as we just heard, a government takeover of health care. These attacks are drowning out the truth, and I would like to set the record straight.

Nothing in this law, not even that dreaded Washington bureaucrat, will come between you and your doctor. The law does keep insurance company bureaucrats from denying you care. Secondly, we are actually increasing access to private health insurance. In return for those millions of new customers, however, insurance companies must end abusive practices like dropping you when you get sick.

Finally, since this bill has been passed, not one hospital or doctor's office has been taken over by the government, and I doubt that one will. There is nothing to suggest that that will happen. That is overblown rhetoric, deceptive and wrong. It is time to start telling the truth and stop spreading fear. I urge my colleagues to support the rule and pass the final piece of health reform.

Mr. DREIER. Mr. Speaker, I yield 1 minute to our friend from Goddard, Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman for yielding.

Mr. Speaker, this rule should be withdrawn. The Senate bill is now law, and it's the greatest intrusion into our private lives that we have seen under this Congress. It's going to hurt our economy, it's going to cost us jobs. Plus, there are special provisions within the bill that's been signed into law that should have been corrected in the reconciliation bill, but this rule fails to address those corrections that need to be taken.

The Louisiana purchase is still law today. It should have been corrected. The University of Connecticut hospital that received the earmark should have been corrected by this underlying legislation. The Hawaiian disproportionate share hospital program is exempt from cuts. Other States aren't.

Tennessee is also exempt from the DSH. The frontier funding in counties in some rural areas is exempt and

other rural areas are not. Montana received special benefits for asbestos, those workers who were exposed to asbestos. What about the other 49 States?

Connecticut and Michigan have got a handful of hospitals that are going to get higher Medicare payments because of the legislation, and this rule fails to address it and change the underlying bill so that we can correct these improper measures.

So I would request that we withdraw the rule and get a proper bill before us.

Ms. SLAUGHTER. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentlewoman from New York has 5½ minutes remaining, and the gentleman from California has 6½ minutes remaining.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, may I inquire of my friend how many speakers she has remaining?

Ms. SLAUGHTER. Yes, I have three.

Mr. DREIER. We don't have that many.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in support of this rule and the underlying legislation on health and higher education. I thank my colleagues in the Senate for their courage in passing this historic legislation this afternoon by making the single largest investment in financial aid in history.

Our Nation is taking bold steps to ensure accessibility and affordability in higher education for years to come and lead us to prosperity, more affordable student loans, and investments of $36 billion in Pell Grants, scholarships which will help students and families pay for college. I am proud that the investments of $2 billion in community colleges and $2.55 billion in minority-serving institutions will move us closer to building a world-class higher education system for all students.

Over the next 10 years, it is estimated that Texas will receive at least $2.4 billion in Pell Grants and a total of at least $2.8 billion from the higher education programs funded in this reconciliation package.

HBCUs and HSIs such as the University of Texas-Pan American, South Texas College, and Texas Southern University will greatly benefit from this legislation.

This Federal funding will prepare a new generation of minority scientists, mathematicians, and innovators in Texas and across our Nation.

I urge my colleagues to vote in favor of the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, at this time I yield 3 minutes to my very good friend, another medical doctor who is with us here, the gentleman from Lewisville, Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for the recognition.

You know, it's ironic, isn't it? Two days ago a bill was signed that is going to fundamentally change the way health care is delivered in this country for the next three generations, and 48 hours later we are back on the floor of this House trying to fix the problems in this bill because, Mr. Speaker, we all know when the Senate passed this bill Christmas Eve, they didn't intend for this bill to become law. This was never the vehicle that was intended to be passed through this House.

This was a bill that was passed to get the Senate out of town before a snowstorm on Christmas Eve. They always planned to come back and fix it in conference, but because of an election in Massachusetts those plans went by the wayside.

The Speaker of the House said in January, I don't have a hundred Members who will vote for this bill and yet, somehow, the line being the shortest distance between two points, we ended up passing this bill on Sunday night when we hoped, we hoped the American people were not looking at us.

But we did pass it, and now we have got to come back tonight and fix the problems. We will be back next week. We will be back the week after that. This bill is going to require significant fixes, probably for the remainder of my lifetime on this Earth. This was probably the worst product we could have put out there for the American people.

And what about the insurance companies, their stock prices going up? Of course they went up. They got everything they wanted. What did they want when this year started? They wanted an individual mandate and no public option.

Guess what, ladies and gentlemen, that's exactly what they got. Who is standing on the side of the insurance companies? Who is standing on the side of the people? I think you have got that wrong.

What about PhRMA? They got everything they want. Yeah, you can close the doughnut hole but you have got to buy brand-name drugs, and, oh, yeah, you can't import drugs from overseas.

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They got exactly what they want and their stock prices have gone up this week. Let's not kid ourselves about who is fooling who here.

I have asked for the White House to give me information on these special deals that were cut down at the White House, but we can't get that information. We get copies of press releases; we get copies of Web pages. The White House has no interest in being transparent in this process because they have so much to hide about this bill. This is a bad bill for America, it's a bad bill for medicine, it's a bad bill for patients. We should do the right thing, come back and try to fix these problems in a real way.

And don't tell me Republicans didn't try, weren't there to help. I reached out my hand to the transition team and got it slapped. I reached out my hand to my committee chairman and got it slapped. We were there and ready to work, but you weren't interested in working with us.

What was the bipartisan nature of this bill? We'll throw it over the transom on July 15. Read it quick, because we've got a markup in full committee the next day.

This bill was never intended to pass this House. The Senate passed this bill as a last-ditch effort on Christmas Eve to get out of town. And what have we done? What have we done? We delivered this bill as the law of the land to the American people, and they are correctly outraged by what they see.

You know, you had some experience back in 1988 or 1989; you passed a very bad catastrophic care bill. Seniors across this country said this will not stand. The former chairman of the Ways and Means got run out of his town hall. And we had to repeal that bill. I think we should follow that same trajectory here.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I have good news, and I thank the gentlewoman from New York. While my colleagues are talking about process, which has been approved by our Parliamentarians, and while profanity reigns on our phones, we are saving lives: 45,000 who have died every year because they have not had insurance.

No doctors' offices have closed. The hospitals are open. And the attorney generals are filing frivolous lawsuits, because if they would look at what the bill stands for and the present bill, they will know that the seniors' doughnut hole will be closed, that the special deals have been taken out, that community health centers that will allow you to come out of your house, walk down the street, and go to a physician's office is expanded by $11 billion.

They will understand that Medicaid has been expanded and right now individuals, 133 percent or 400 percent of poverty, can actually go and see a doctor. Maybe the mother who has insurance that only covers the emergency rooms can now get her children preventative care. Vote for this reconciliation bill to save lives.

Mr. DREIER. Mr. Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore. Both sides have 3½ minutes remaining.

Mr. DREIER. May I inquire of the distinguished Chair of the Committee on Rules how many speakers she has remaining.

Ms. SLAUGHTER. I have one more speaker.

Mr. DREIER. And then you plan to close?

Ms. SLAUGHTER. As soon as you have.

Mr. DREIER. So then no more speakers other than your close. Is that it?

Ms. SLAUGHTER. I have one more speaker, then I hope that you will close and then I will close.

Mr. DREIER. I reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to 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. I thank the Speaker. I thank the gentlelady.

The American people very clearly want bipartisanship, but equally clearly they don't want paralysis. They have had 40 years of talk about solving this problem, and now they want it solved.

At the Blair House summit, the minority said it would be a good idea to have new ways to cut back on fraud and abuse in Medicare, so it's in the law the President signed on Monday and in this underlying bill as well.

The minority said that they would like a way for small businesses to pool together and make it easier to buy health insurance, so it's in the law the President signed on Tuesday and it's in the bill tonight.

The minority said that they would like to find a way that people could buy insurance across State lines, so the bill tonight says that the exchanges that are created can be regional across State lines so people can buy and sell that way.

The minority said they would like to see a way to cut back on nuisance lawsuits, so it's in the bill the President signed on Tuesday.

There are many good ideas from both sides in this bill and on the law signed on Tuesday, but the best idea is to finally act. After 40 years of promises, 40 years of politics, 40 years of paralysis, 40 years of inaction, isn't it time that people can't get turned away because they have preexisting conditions? Isn't it time that hardworking Americans can afford health insurance? Isn't it time that seniors can finally get the prescription drug coverage?

The question tonight is, Whose time is it? It's time for the working families and seniors of America. It is time to end the paralysis, end the politics and vote ''yes.''

Ms. SLAUGHTER. I did misspeak. Mr. RANGEL has come in, and I would like to give him 1½ minutes.

Mr. DREIER. I reserve the balance of my time.

Ms. SLAUGHTER. Let me yield 1 minute to Mr. RANGEL, the gentleman from New York.

Mr. RANGEL. Thank you, Madam Chairperson. And on this historic occasion, I guess those of us who have served so long in the Congress hope and prayed that this day, this night will come. And, of course, a lot of us are concerned how we will be remembered. When you reach my age, that seems to be a little more important.

And on this bill, when you just talk about health care and health reform, it seems to me that now is an opportunity even for those who fought this concept over the years and fought all the concepts such as Medicare and Social Security, to think about how they would like to be remembered. And I hope that that memory would be that even though the bill was not as perfect as they would want it to be, that they did vote for health reform, because that means Congresses that follow us, the same way we followed those that created Social Security, those that created Medicare, will have the opportunity to improve upon it.

So we are not saying that this is the best legislation ever. We are saying this is the best and only opportunity that we have now.

So I do hope that when the final vote is taken, that we will have it as a bipartisan vote.

Mr. DREIER. Mr. Speaker, now may I inquire of the distinguished Chair of the Committee on Rules if she has three or four more speakers? I don't know, Mr. Speaker, if the distinguished Chair on the Committee on Rules has anymore speakers.

Ms. SLAUGHTER. I have no further speakers.

Mr. DREIER. I just wanted to clarify that.

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

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. DREIER. Mr. Speaker, I am going to close the debate as I had begun, by denouncing the charges and smears that we have seen over the past several weeks. Tragically, those of us who serve as Members of Congress for years have dealt with that. It is unacceptable and outrageous, and we all join together in decrying the things that we have seen.

Mr. Speaker, there is a high level of frustration over the process through which we have gone, and there is an understandable outrage from people all across this country for the final work product that we have.

The process has been, at very best—I am trying to be generous—unorthodox. The notion of utilizing reconciliation, which is designed to reconcile budget discrepancies, for this, is not the right thing to do. And it has never, ever, since passage of the 1974 Budget Entitlement Act, been used for such a monumental piece of legislation.

We have tried desperately to work in a bipartisan way, and everyone talks about this. But, Mr. Speaker, we have reached out, as Mr. BURGESS said, time and time again, and we have been rebuffed. The only thing bipartisan about this legislation and the vote that we will see tonight, Mr. Speaker, is not the support for it but the opposition to it.

Our colleagues on the other side of the aisle have a 70-seat majority, and yet many of their Members will be joining us, as they did last Sunday night, in opposing this. Why? Because they know that this is badly flawed legislation. It's badly flawed legislation, because, as we listened to so many medical doctors point out, we are told that you can choose your own doctor. We constantly hear that refrain from the President and others. But the question is, With the decrease in the numbers of doctors out there, will your doctor choose you?

And then, Mr. Speaker, we get to the question of, Will we or will we not be able to pay for this? Well, $1 trillion, 569.2 billion in tax increases, and tremendous uncertainty is not going to adequately address the challenges that we have.

We all want to ensure that no one is denied access to health care because of preexisting conditions. We can do that in a bipartisan way. But, Mr. Speaker, unfortunately, this bill doesn't do that.

There are people out there who today believe that they will not be denied access to insurance because of preexisting conditions. But, guess what? Because this bill was so poorly put together, right now they are denied access. We want to make sure, and we are happy to work in a bipartisan way, to address that concern.

As we look at the fact that we are back here tonight because of those two amendments that were problems in the Senate, the fact that we already have announced problems with the goal of ensuring that everyone has access, is not denied access because of preexisting conditions, and when we look at the challenges that have been put forward time and time again, we simply ask our colleagues: When we work to clean this up, Mr. Speaker, I hope very much we will be able to work in a bipartisan way.

I urge a ''no'' vote.

The SPEAKER pro tempore. The gentleman's time is expired.

The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 30 seconds.

Ms. SLAUGHTER. Mr. Speaker, let me just remind us that we have been all this time debating about three lines in the bill. If you want to take the nastiness out of the Senate bill, this is the bill you have to vote for.

I ask a ''yes'' vote from all my colleagues on both the previous question and on the rule.

I move the previous question and the resolution.

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 199, not voting 5, as follows:

[Roll No. 193]

YEAS—225

Ackerman	Bean	Bishop (GA)
Andrews	Becerra	Bishop (NY)
Baca	Berkley	Blumenauer
Baird	Berman	Boccieri
Baldwin	Berry	Boswell

Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—199

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Brady (TX)
Buyer
Davis (AL)
Reichert
Space

□ 2023

Mr. ALTMIRE changed his vote from ''yea'' to ''nay.''

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.

Stated against:

Mr. SPACE. Mr. Speaker, during the recorded vote on H. Res. 1255, a resolution providing for the consideration of Senate amendments to the bill (H.R. 4872), I attempted to cast a vote in opposition. Due to a malfunction of my voting card, my vote was not recorded. I wish to express that my intention was to vote in opposition to the resolution.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1225, I call up the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CAPUANO). The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

On page 118, strike lines 15 through 25 (and redesignate subsequent subsections accordingly).

On page 120, strike lines 3 through 5.

MOTION TO CONCUR

Mr. GEORGE MILLER of California. Mr. Speaker, I have a motion at the desk.

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

The text of the motion is as follows:

Motion offered by Mr. GEORGE MILLER of California:

Mr. George Miller of California moves that the House concur in the Senate amendments.

The SPEAKER pro tempore. Pursuant to House Resolution 1225, the motion shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4872.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, at this time 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, I thank my chairman for yielding.

When you take your son or daughter to the emergency room, and you're sitting and waiting in the emergency room, you have a lump in your throat, and you're hoping and praying that when the doctor comes back, the news will be that it's just food poisoning and not a malignancy in your son or daughter's stomach. For many Americans, that joyous moment is followed by another lump in their throat, because even though you've got the joyous news that your child is okay, you can't pay her bill because you have no health insurance. And so many of those Americans for so very long, since the days of Theodore Roosevelt, have looked for the answer. What the President signed on Tuesday and what we do tonight will finally give them that answer.

We will finally say that Americans who wait on tables and pump gas and clean our offices at night will finally have the ability to go home and not only thank God for the fact that their child is better but be thankful for the fact that they live in this country where every American finally has affordable access to health insurance. That is our mission here tonight. Vote ''yes.''

Mr. GEORGE MILLER of California. I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, at this time I yield myself 2 minutes.

It has been suggested that today's action will be the final word on the health care debate that has consumed the attention of Washington and America for more than a year. I would suggest instead that much remains to be said and seen. The ink is hardly dry on the Democrats' government takeover of health care, but already we are seeing its devastating real-life consequences.

We discovered a loophole that leaves many young adults out of the reach of their parents' insurance coverage, despite the President's pledge that they will receive care today. We learned there is a gap in the law that allows insurance companies to continue denying care to children with preexisting conditions. Again, despite the President's claim to the contrary. And reports continue to document what this legislation has in store for workers at companies like Caterpillar, John Deere, Verizon, and many others. Here's what they're telling us to expect: $100 million or more in compliance costs this year alone for just one of these companies, major changes to workers' current health care coverage, and higher taxes, which will mean higher costs for consumers.

These announcements arrived just days after the President signed his health care plan into law. We can only imagine what's in store for the American people as the weeks and months unfold and we begin to experience the full impact of the government control over one-sixth of our economy. These revelations are the obvious consequences of jamming a flawed bill through a flawed process. Mr. Speaker, a flawed bill jammed through a flawed process guarantees the health care debate will go on.

□ 2030

The American people have rejected a government takeover of health care, so let's reject this latest fix of the bill. Let's show the American people we will not accept even more job-killing tax hikes at a time when almost 15 million Americans, 15 million Americans are looking for work.

Let's show the American people we will not accept even steeper cuts to Medicare that will leave millions of seniors less secure.

Let's show the American people we will not exploit this economic crisis to launch a government takeover of student loans or take $9 billion from students to help fund government-run health care.

Let's show the American people we're ready to do better. Let's vote ''no.''

And now, Mr. Speaker, I am pleased to yield 2 minutes to the Chair of the Republican Conference, the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Well, here we go again. Last Sunday, defying the will of a majority of the American people, House Democrats rammed their health care bill through the Congress chock full of Big Government spending mandates and backroom deals. Now we're being asked to fix the bill by passing some sort of reconciliation measure.

But, Mr. Speaker, the bill before us tonight doesn't fix anything. It doesn't fix the fact that this is a government takeover of health care that's going to mandate that every American buy health insurance whether they want it or need it or not. It doesn't fix the fact that it includes about $600 billion in job-killing tax increases in the worst economy in 30 years. It doesn't fix the fact this bill provides public funding for elective abortion for the first time in American history.

Mr. Speaker, the American people know there's no fix for ObamaCare. We need to repeal this law and start over. If we repeal ObamaCare, we can start over with commonsense solutions at a lower cost and create jobs. If we repeal ObamaCare, we can enact medical malpractice reform, use the savings to cover Americans with preexisting conditions, and promote pro-life protections in the law. If we repeal ObamaCare, we can reform health care in this country without putting our Nation on a pathway towards socialized medicine.

I urge my colleagues in both parties, heed the voice of the American people. Reject this attempt to fix a government takeover of health care. Work with us to repeal and start over on health care reform that reflects the common sense and the common values of the American people.

Mr GEORGE MILLER of California. Mr. Speaker, I continue to reserve.

Mr. KLINE of Minnesota. Mr. Speaker, before I yield to the distinguished Republican leader, can I ask the chairman of the committee to confirm that he is the last speaker and will be closing? All right.

Then, at this time, I am very pleased to yield the remainder of our time to the distinguished Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, the American people are asking: Where are the jobs? But as we see today, the issue of government-run health care will continue to be the focus of this body. It will remain the focus of this body because of the unilateral, secretive, rushed process that's been used to force this bill on the American people.

Today we're passing legislation to correct major errors in the massive bill that was signed less than 72 hours ago. It removes some, just some of the special interest deals that were loaded into that bill as it moved through Congress.

And to meet the majority's targets for deficit reduction, it adds more tax hikes on the American people and cuts more money from Medicare to pay for a new entitlement program. We could have given the American people a more commonsense bill that lowers the cost of health insurance in America without all of this mess.

If you had wanted to pass reforms to ensure coverage for Americans with preexisting conditions and ensure that parents can keep their children on their health plans through age 25, you could have done so in a bipartisan fashion. Instead, you decided to jam through more than the system could handle, leaving us a sloppy mess that the majority of the American people believe should be repealed and replaced.

And mark my word, we will be back to this bill over and over again in the next 6 months. You all know what's going to happen. We'll be back here to correct the mistakes that we didn't do right the first time because of the rush that we were in to approve this massive spending bill that was hidden from the original bill.

And I'll guarantee you, you all know we'll be back here to do a ''doc fix'' that will cost $250 to $300 billion. And the question is: Will we find the money to pay for it?

We'll be back here to appropriate money for a new IRS group of individuals that we're going to need to hire to enforce this law on the American people.

We'll be back to borrow money to lend to the States to pay for increased costs as their Medicaid rolls begin to swell.

And then we're going to find the empty promises that were made to the American people, because most doctors don't take Medicaid patients. And so we're going to put all these new people on Medicaid, yet, how are they ever going to find a doctor?

We'll be back to fix the protections for TRICARE benefits for active duty and retired servicemembers, veterans and their families that somehow got left on the cutting floor.

And we'll be back to deal with the unintended, but certainly anticipated, consequences of people losing their health care because this bill makes it too expensive for employers to keep employees on their health plan.

Several weeks ago, more than 130 economists signed a letter to President Obama warning that the health care bill that was being pushed through Congress would cost Americans jobs, and sadly, we're already seeing evidence that those economists were right.

In just the last 3 days, we've seen the stories. Major employers like Caterpillar and John Deere talking about increases of $250 million in their health care costs. Medical device companies in Massachusetts talking about thousands of jobs being wiped out. The tourism industry in New Hampshire facing millions of dollars of fines because it hires seasonal workers.

We're going to have to come back and fix this bill time and time again in the coming weeks and months to correct all the flaws and all of the mistakes.

What we should be doing is working together to create a better environment for America's small businesses to invest, to save, and to rehire American workers. But, no, instead we're going to keep coming back here fixing the flaws in this very flawed bill.

Mr. Speaker, when are we going to address the number one issue on the minds of our fellow citizens, and that is the question of where are the jobs? When are we going to focus on the economy and getting people back to work instead of all of the job-killing policies that we're seeing move through this Congress? When are we going to begin to listen, once again, to the American people who sent us here to do their work?

Because the American people are asking the question: Where are the jobs?

Mr GEORGE MILLER of California. I yield myself the balance of my time.

Mr. Speaker, I rise today in support of this legislation, the last leg of a long journey to bring historic health insurance and student loan reforms to the American people.

Two days ago President Obama made our first piece of groundbreaking health reforms the law of the land, a remarkable moment that will benefit millions of American families and small businesses. Our health insurance reforms and student loan reforms are truly historic.

But the benefits for Americans start right now. And with this law, we make college more affordable and health care available to all Americans. That's what we promised we would do, and that's what we did.

We voted to do what's right for the American people, not for the insurance companies. Our reforms responded directly to what we have been hearing from families and small businesses who are getting crushed by today's broken and unsustainable health insurance system.

Our reforms respond to what we've been hearing from millions of students and families, working very, very hard to try and pay for college. And that's what we're voting on today. We're voting to make student loan payments more manageable for new borrowers, to strengthen community colleges, to invest in minority-serving institutions, to embolden the programs to help students succeed at gaining a college degree, and to reduce the deficit by $10 billion.

We're voting to restore faith in the American Dream, to ensure quality affordable insurance for all Americans, and to invest in students and in our economy's future strength. That's what Democrats in Congress and President Obama are doing for the American people this year.

I want to thank Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, and our entire leadership team for their tremendous work on this matter.

I want to thank Chairmen WAXMAN, LEVIN, and SLAUGHTER; the Dean of the House, JOHN DINGELL; Representatives RANGEL, ANDREWS, PALLONE, and STARK for their outstanding contributions to this effort. And I want to thank my counterpart in the Senate, Senator TOM HARKIN, for joining me on insisting on doing what's right for our families and our students.

Tonight we have the ability to put in the hands of every American family health security and a more affordable opportunity to have their children achieve a college education. That's the road to prosperity. That's the road to freedom for America's families, for our students, for our economy, and for the future of this country.

Join me tonight to vote ''aye'' for our families, for our small businesses, and for America. Vote ''aye'' tonight.

Mr. CONAWAY. Madam Speaker, today may well mark a great victory for President Obama and the Democratic Leadership of Congress. After months of bitterly partisan debates, massive protests, and wrenching arguments, it appears as though they finally have the votes to bend an unyielding electorate to their will and pass the most massive expansion of the Federal Government in two generations. Yet, a victory today would be a pyrrhic victory; the costs of implementing their vision for the future of American health care will bankrupt our treasury and rob us of our liberty.

Make no mistake, the Democrat's plan pushes our Nation down a path from which there is no easy retreat. The changes imposed by this plan fundamentally renegotiate the relationship between the Federal Government and the citizens of our country, making Americans look first to Washington to secure their health care. This bill is sweeping in law, but revolutionary in spirit. I believe that this legislation will be the beginning of the end of our grand American Experiment.

Many of my colleagues and I have discussed the staggering costs imposed by this legislation. In fact, it might be the single most expensive piece of legislation ever passed in the history of our country. Although supporters like to point out that the Congressional Budget Office scores this bill as one that reduces the deficit, more realistic Members will note that CB0 does not have particularly good marks in predicting the cost of legislation. Most recently, the CB0 was off by almost 10% on the final cost of the Stimulus bill, underestimating its final cost by some $80 billion.

This bill, like Social Security, Medicare, and Medicaid before it, creates yet another massive expansion of government without a definitive price tag. One need not do complex arithmetic to see how underestimating the cost of this bill by 10% would cost us at least an extra $100 billion over ten years. Unfortunately, by the time we discover our error, it will be too late: the promises will have been made, the money will have been borrowed, and the checks will have been drawn.

It should come as a surprise to no one that we will pay for this bill by borrowing. With massive deficits projected far into the future, the cupboard is bare. We have no money to pay for this spending. We will borrow it and continue to help ourselves to the fruits of our children's future.

Yet, even the vast scale at which this bill borrows money and transfers wealth, this pales in comparison to the rate at which this legislation borrows our liberties and transfers authority to Washington. With each new board, commission, mandate, and tax, we surrender a small part of the authority we each hold over our own affairs to Washington.

The Majority's bill will raise taxes, hand down mandates, and further our culture of dependency on Washington. Granting ever more authority to the Federal Government will continue to sever the community bonds that hold America together. Each time we make Washington responsible for part of our welfare, we become just a little less concerned about the plight of our neighbors. Their trials and tribulations become something someone in the Federal Government should do something about. Unfortunately, it turns out that in Washington someone and something too often means no one and nothing.

My constituents understand that a full accounting of the costs of this bill cannot be made unless we include the intangible costs. While many before me have recounted the massive financial charge this bill will toll, our freedoms and our liberty will also be diminished by this bill.

The Majority's plan offers a pathologically Washington-centered vision of America and its passage forces us to look not first to ourselves, our families, and our communities for support, but rather to the Federal bureaucracy. This bill will force Americans to lobby the Federal Government on every aspect of their health care. We will lobby in Washington for access to medicine, procedures, and tests; our doctors will lobby in Washington for better payments for services rendered; our insurance companies will lobby in Washington for the right to charge higher rates; and our families will beg in Washington for more subsidies.

No one on my side of the aisle disputes that individuals have a moral obligation to help those around who are less fortunate than they are. In fact in 2008, private individuals and American companies gave over $300 billion dollars—over 2% of GDP—to charitable causes, $21 billion of which went to organizations involved in health care. This personal, private giving is one of the hallmarks of our unique American ethos—we take care of our own.

The Democrat's sweeping health care plan will destroy this core American value and replace it with one of subservience and deference to the governing elites. This bill goes well beyond simply assisting the poor among us. It subsidizes middle class families with billions of their own tax dollars. It is a vast engine of good intentions that transfers wealth from one pocket to the other, all while binding us ever tighter to a bureaucracy that will care for itself before the American People.

Undoing the wrongs unleashed by this legislation will consume the American People and this body far into the future. This November, each Member of this House will appear before their constituents to be judged on how well they have represented their constituents over the past two years. Without a doubt, this health care vote will be forefront in their minds. Some of my Democratic colleagues have said they relish the idea of being judged on their support for this legislation. I suspect that the American people will be all too happy to oblige them.

Mrs. CHRISTENSEN. Mr. Speaker, this is the last leg of the health care triathlon—three committees over here; our bill, the Senate bill

and the White House plan; our passing ours, the senate theirs and here we are for the finish.

And for me this is a very important part.

The Senate bill has many important provisions, some like no exclusion for preexisting disease for children, building our health care workforce and its diversity, expanding community health centers and community health workers, a strong CER provision, and very importantly the expansion of the Office of Minority Health, and the elevation of the Center on Minority Health and Health Disparity Research to an Institute at NIH.

But it is here that Medicaid is expanded, the exchange is set up and the subsidies provided. It is here that we really begin to close the donut hole and that all of the insurance reforms are finalized.

Very importantly for me and my constituents and all of the Territorial Americans, this is where our Medicaid cap is greatly and finally lifted, and that we are given access to the exchange.

This is not full parity but it is a major step forward towards inclusion of loyal American citizens who live in the off shore areas that are an integral part of the United States. It will give access to many more of our constituents and enable us to provide prevention and services that we intend to use to create a healthier community and a better quality of life.

Thank you again to our President, Speaker PELOSI, Leader HOYER, Whip CLYBURN and chairmen RANGEL, WAXMAN and MILLER, as well as my fellow territorial delegates who all worked so hard and together to make this day a reality.

As has been said, this bill is not perfect, and this is a major step but just a first step in all that has to be done to create equity and justice in our health care system. We ask our colleagues to give the reconciliation bill a big yea vote, and begin a new, better day for our citizens and our country.

Mr. HASTINGS of Florida. Madam Speaker, when President Harry Truman first lobbied for health care reform, he could not have envisioned that it would take six decades for Congress to finally have the courage to make health care reform more than a cliché in the American lexicon.

If this bill passes, it will mean that the 46 million Americans who have zero health care or who cannot afford what they do have, or who suffer at the mercy of chronic illnesses like diabetes, will finally be able to see a doctor. The over 30 percent of my constituents in South Florida who have no health insurance will no longer have to choose between buying food and purchasing their medicine.

This historic legislation will mean improving Medicare benefits with lower prescription drug costs for those in the ''donut hole;'' providing better chronic care and free preventive care—including prenatal care for working mothers; making significant new investments in comparative effectiveness research and health information technology; and reducing the deficit by $138 billion over the next ten years.

In the words of Dave Snow, CEO of Medco, whose subsidiary Liberty Medical, a health care company near my district that helps Americans manage their diabetes, so eloquently stated: ''Forty-six million Americans live every day without the security and peace-of-mind that come with having health insurance.'' This bill ends that now.

Mr. Speaker, after months of discussion and indecision, the moment that matters is now. I applaud my colleagues who refuse to yield to the fear-mongering tactics that many have used to scare us out of doing the right thing at the right time.

Mr. LANGEVIN. Mr. Speaker, I rise in support of the Patient Protection and Affordable Health Care Act (H.R. 3590), with the accompanying changes in the reconciliation bill. This Congress is being given a once-in-a-lifetime opportunity to fix a broken health care system that has left millions of families without the coverage and care they deserve.

If we seize this opportunity tonight, we can ensure that tomorrow, a working mom in West Warwick will wake up knowing she can afford her family's health coverage; a dad in Providence will wake up knowing he can take his daughter to the doctor when she is sick; a small business owner in Westerly will wake up knowing he can finally give his employees the coverage he always intended; and a cancer survivor in Narragansett will wake up knowing she won't lose her insurance because of a pre-existing condition or a lifetime cap.

Since coming to Congress in 2001, I have tirelessly advocated for fundamental changes to our health care system, and my constituents have demanded solutions. I have heard from Rhode Islanders who are struggling to pay their health care premiums, and from small business owners that can no longer afford to cover their employees. Families who are fortunate enough to have access to health insurance continue to face ever-increasing costs, while many of them are afraid they will lose their benefits altogether.

Tonight, we begin to institute the changes necessary to provide security and stability to Rhode Islanders who have health insurance, guarantee coverage to the thousands who don't, and lower health care costs for our families, businesses and taxpayers.

Beginning immediately in 2010, this landmark legislation will end abusive health insurance practices that prevent people from purchasing and maintaining their coverage when they are sick; it will ban yearly and lifetime insurance caps, so individuals with chronic, disabling conditions don't lose coverage and end up in bankruptcy; and it will require all insurers to reinvest more of our premiums back into health coverage through a ''medical loss ratio'' of at least 80 percent, ensuring that no more than 20 percent of our premiums go toward administrative expenses and windfall profits for insurance executives.

After this bill is signed into law, it will strengthen coverage for young people by allowing them to remain on their parents' insurance policy until they are 26 years old. It will help our seniors by starting to close the Medicare prescription drug ''donut hole'' so they can afford their medications. It will also provide immediate tax credits for small businesses to make optional employee coverage more affordable. These are only some of the changes that will take effect this year to make insurance coverage more accessible and affordable for everyone.

Over the longer term, this legislation will build on the strengths of our current employer-based system by offering tax benefits to small employers and encouraging businesses who offer their own coverage to continue doing so. Rhode Islanders who don't have coverage through their employer will be able to shop for their choice of a health plan through a new ''health insurance exchange,'' modeled after the tried and true Federal Employees Health Benefits Program, which has successfully provided coverage for over 9 million federal employees, retirees and their dependents, including members of Congress.

Unlike the limited options that are available to most consumers today, the exchange will provide a more convenient, transparent and affordable way to choose among a variety of health plans that meets individual needs. People who cannot afford to purchase coverage within the exchange will receive financial assistance to ensure that they can obtain the coverage that meets their needs.

Small business owners will reap significant benefits from this measure, both through immediate tax relief and the insurance exchange, which will allow them to band together and get the same lower rates as big companies. Small businesses are the back bone of the Rhode Island economy, and preventing triple-digit rate hikes is important to jumpstarting employment in our state.

Improving access to coverage will also require investments in our health care workforce. Currently, our system is strained by a lack of nurses and primary care physicians, particularly in underserved areas. That is why this bill strengthens important workforce development initiatives like new scholarships and loan repayment programs, increased reimbursements and grant programs for primary care training, as well as immediate financial support for community health centers. These new programs and resources will allow us to build the network of nurses, doctors and other health care professionals necessary to meet the increased demand for services.

Since the cost of medical malpractice is a longstanding concern for both doctors and patients, this bill establishes new grant programs designed to encourage states to implement alternatives to traditional medical malpractice litigation with the goal of reducing frivolous lawsuits while allowing legitimate cases to be heard.

But this debate is not just about expanding coverage and reducing costs for families and employers; it is also about putting our country on a fiscally sustainable path. This bill, which is completely paid for, will reduce our nation's deficit by $138 billion over the next 10 years and $1.2 trillion over the following decade—the largest deficit reduction in 17 years. I cannot overlook the impact that these numbers have on our communities, and how critical they are to moving our state forward.

Finally, I have stated from the beginning that I would not support a bill that funds taxpayer-subsidized abortions. I have worked tirelessly with my friends and colleagues—both Democrat and Republican, pro-life and pro-choice—to reach a common ground on this issue. After much dialogue, counsel, reflection and prayer, I have concluded that the Senate language does meet the longstanding Hyde standard of prohibiting federal funding of abortion. This position is reaffirmed by the Catholic Health Association, and many of my pro-life colleagues in Congress who support this bill.

Furthermore, I remain mindful that we must not lose sight of the big picture. Being pro-life means more than being anti-abortion. It also means protecting the 45,000 people who die every year because they lack proper health care. Nothing could be more pro-life than ensuring access to lifesaving and life-improving

treatments for every American, not just those who can afford it. That is what this bill begins to accomplish.

Mr. Speaker, after an injury left me paralyzed nearly thirty years ago, the members of my community rallied behind me and my family when we needed them the most. That support and encouragement changed my life forever. I made myself a promise that I would devote my life to public service so I could give back to them all that they gave to me. Tonight, I know that by passing this legislation, which makes health care a right, not a privilege, I am fulfilling that promise.

Mr. VAN HOLLEN. Mr. Speaker, once again the House is voting on legislation that strengthens the new health care reform law that was enacted earlier this week which will bring quality, affordable, and accessible health care for all Americans.

Tonight, we bring this exhaustive, year-long process to a close. The new health reform law will bring down health care costs for American families and small businesses, expand health coverage to an additional 32 million Americans, and end the abusive practices of insurance companies. By the end of this year, children with pre-existing conditions will no longer be denied coverage, health plans will be prohibited from placing lifetime caps on coverage, young people will be able to remain on their parents' health insurance policies up to their 26th birthday, small businesses will get tax credits so that they can provide affordable health coverage to their employees, and seniors will get help in paying for their high prescription drug costs.

Mr. Speaker, I'm glad we finally got the job done on a very important issue that so many people have fighting for over so many decades.

Mr. REYES. Mr. Speaker, today's historic passage of health care reform legislation marks a great victory for the El Paso community. This landmark legislation will significantly improve the quality of life for so many residents by providing access to affordable health care coverage to those who currently have none. It will also provide peace of mind to those families with insurance, who will no longer have to worry about the prospect of financial ruin due to a catastrophic illness or accident.

Every day, thousands of families are being forced to forgo health insurance due to rising costs, and now more than 46 million people lack basic health coverage. This disturbing trend is particularly evident in Texas, a state with the highest percentage of children and adults without insurance. More than 6.1 million adults and 1.4 million children are without basic coverage.

Sadly, Texas border communities fare even worse, and all of Texas' congressional districts along the border rank among the top 20 districts in the nation with the highest percentage without coverage. In El Paso alone, 230,000—1 in 3—people are without coverage.

Unfortunately, when it comes to meeting the health care needs of predominately Hispanic communities along the border, our state has failed. Our Governor would rather waste millions on cameras and helicopters than on health care for border communities that need it most.

The health care reform legislation that passed today is expected to provide coverage to 95 percent of Americans, while lowering health care costs over the long term. For the first time in history, insurance companies will be prohibited from denying health coverage due to pre-existing conditions, health status, and gender.

This legislation will provide tax credits to help individuals and small businesses purchase private health insurance. It also sets caps on out-of-pocket expenses for the first time ever, so families will never have to experience financial ruin due to a serious illness. Without these reforms, health care costs will continue to consume more of Americans' paychecks in the years ahead. The annual average cost of family coverage more than doubled between 1999 and 2009, from $5,800 to $13,400, and is expected to double again over the next decade without reform. Meanwhile, insurance companies are raising out-of-pocket expenses for families, and covering less in health care costs.

America now spends $2.2 trillion on health care annually, more than twice the amount per person than other nations, yet Americans aren't any healthier for it. Without action, health care costs will consume over 20 percent of the American economy in the next decade. This landmark bill will significantly reduce health care costs over the long term and will decrease the federal deficit by $143 billion over the next 10 years and an additional $1.2 trillion in deficit reduction in the following 10 years.

Many Americans living in the U.S.-Mexico border region used to depend on Mexico to access cheaper medical care and prescription drugs. For decades, El Pasoans have sought cheaper health care and prescription drugs across the border in Ciudad Juárez, Chihuahua. A recent study concluded that 1 in 3 people traveled to Mexico for prescription drugs, and 7 percent sought health care in Juárez. But the devastating drug-related violence that has ravaged Mexico for two years has prevented many families without insurance from accessing care across the border.

While our community is spending a greater share of property taxes to pay for individuals without health coverage, insurance companies have continued to engage in practices that protect their bottom lines. For too long, insurers have been the gatekeepers to our health care system, with the power to dictate who receives health coverage and who does not. Americans with preexisting conditions and serious illnesses are too often denied coverage or are dropped from their existing insurance plans for developing a serious illness or reaching their cap on coverage, and are denied access to the medical care they need.

When people lack access to quality affordable preventative care, they end up in our emergency rooms for ailments that could have been treated by a family doctor or seek treatment for conditions that should have been diagnosed earlier. When these patients fail to pay their medical bills from publicly-financed hospitals such as University Medical Center, local property taxes are used to cover these expenses. Since 1998, El Paso property tax payers have spent over $400 million to pay for treatment and services for those patients who could not afford to pay their medical bills.

As Congress debated this legislation last summer, I heard from many El Pasoans who shared their struggles under the current broken health insurance system. One of the stories that had the greatest impact on me was that of Mr. and Mrs. Jacob Lopez. Their lives were forever changed when their daughter, Danika, was born with a long list of ailments and birth defects that required over 80 days of intensive care treatment.

While the Lopez's had insurance through their employer, the co-pay for their daughter's treatment was more than the mortgage on their home. They exceeded their insurer's coverage limits, and were left with no other way to cover their daughter's medical expenses. No other insurance company wanted to insure the Lopez family due to Danika's pre-existing conditions. In desperation, the Lopez's had to quit their jobs to fall into poverty so their daughter could receive the treatment she needed under Medicaid. Last week, Mr. Lopez called my office to tell me that his family was forced into bankruptcy.

As a grandfather, I would never want my grandchildren to endure the hardships that Danika and her family have endured. It is for children like Danika, and my grandchildren, Amelia, Mateo, Julian, and Orlando, that I am proud to vote in favor of this bill.

Our local community leaders have expressed their support for health insurance reform, and both the City and the County have passed unanimous resolutions in support of reform. The Patient Protection and Affordable Care Act is endorsed by over 325 national organizations and associations, including the AARP, the American Medical Association, the American Cancer Society, the American Heart Association, the Consumers Union, the Catholic Health Association, the National Association of Public Hospitals and Health Systems, the American Nurses Association, and many other medical professional organizations.

The passage of this landmark legislation by the House of Representatives is an historic achievement and reflects the commitment and determined leadership of President Obama, Speaker PELOSI, and the Democratic Congress to follow through on a key promise to help middle class families, who have endured years of rising medical costs. I commend my colleagues for their determination to pass this truly historic legislation that will lower health care costs for all Americans, and strengthen our country's financial future.

Mr. SERRANO. Mr. Speaker, I want to raise an important issue that is affecting millions of people on the island of Puerto Rico. This issue deserves attention; the four million residents of the Island are U.S. citizens that pay Social Security and Medicare taxes.

However, despite this fact, senior citizens living in Puerto Rico are not treated fairly and do not have the same benefits that a senior living in New York, Florida, California, or any of the other States enjoy. Under Medicare in Puerto Rico, senior citizens are not automatically enrolled in Medicare Part B. As a result, it is more beneficial for seniors to enroll in a Medicare Advantage plan to receive all of their Medicare services. Compared to the 50 States where the Medicare Advantage participation plan is 25 percent, in Puerto Rico approximately 83 percent of eligible senior citizens opt for Medicare Advantage.

However, the fee-for-service, FFS, cost calculation for Puerto Rico is troubling. In fact, the Medicare Payment Advisory Commission, MedPAC, reported to Congress that the Centers for Medicare & Medicaid Services (CMS) "should expeditiously use its authority to employ an alternative calculation method . . ."

I couldn't agree more with that statement or the report language included in the House Report for H.R. 4872, the Health Care and Education Reconciliation Act of 2010. The language clearly stated:

The county FFS expenditures calculated by the Secretary are artificially low and unstable from year-to-year. Therefore, the Committee expects that when calculating county FFS rates for Puerto Rico, the Secretary will use utilization and expenditure data from MA plans under current authority and adjust these rates and risk scores appropriately.

Mr. Speaker, I support the House Report language because the senior citizens of Puerto Rico deserve nothing less than fair and equitable treatment in Medicare.

Mr. CUMMINGS. Mr. Speaker, this week, I had the honor and privilege of joining my Democratic colleagues at the White House, to witness President Barack Obama sign into law, the Patient Protection and Affordable Care Act (H.R. 3590)—the most significant piece of health care legislation since the enactment of Medicare in 1965.

This legislation fulfills one of the most basic tenets of the Declaration of Independence—the provision of our natural unalienable rights of life, liberty and the pursuit of happiness. H.R. 3590 secures these rights for every American by ensuring them access to quality, affordable healthcare.

While waiting for President Obama to sign the legislation, I thought about the thousands of families and friends who have lost loved ones because they lacked access to basic health care coverage.

I also thought about the generations of activists and policy makers who fought to make this monumental achievement a reality.

I have always been proud to be a Member of Congress but voting in favor H.R. 3590 and being present at the signing ceremony was by far my proudest moment.

By signing this legislation into law, President Obama ensured that the United States remains a leader among industrialized nations, and that the American people can now take comfort in knowing that an illness will no longer wipeout their life savings and lead to bankruptcy.

Although the idea of providing people with access to quality, affordable health care has been around since the early 1900s, it was the Democratic-led 111th Congress that made the historic statement that healthcare is in fact a right, not a privilege.

We affirmed to millions of Americans that we are aware of their struggles and that we are willing to fight for them and do what is morally and fundamentally right.

During the November 2008 election, Americans overwhelmingly voted for change.

They demanded a government willing to stand up to big business, and that is transparent in its actions.

But above all else, people demanded a government that is willing to be responsive to their needs—and we affirmed their trust in us by passing this legislation.

Is the legislation perfect? No!

I still favor a single payer system and I was a strong supporter of the public option.

That being said, H.R. 3590 is 100 percent better than what was previously available in this nation.

Prior to the enactment of this legislation:

Over 47 million Americans were uninsured. In 2008, 23 million uninsured were employed adults and 7.3 million were children;

Nearly 41 thousand people died each year because they lacked access to quality, affordable healthcare insurance; and

Every minute, 8 people were denied coverage, charged a higher rate, or otherwise discriminated against because of a pre-existing condition.

If Congress had not successfully passed this legislation:

Employers would be unable to afford rising health care costs, and an additional 3.5 million people would be unemployed and without benefits in the next 4 years.

Small businesses would lose $52.1 billion in profits to high health care costs over the next ten years; and

By 2019, national health care expenditures would reach $4.5 trillion—more than double 2007 spending.

The American people have waited for over 100 years for this legislation and this is what they will get immediately:

We provide tax credits to small businesses to make employee coverage more affordable;

$250 will be provided to Medicare beneficiaries who hit the ''donut hole'' in 2010;

Within 90 days, Americans who are uninsured because of a pre-existing condition will be able to obtain insurance through a temporary high-risk pool;

Within 6 months, insurance companies will be prohibited from denying coverage to children with pre-existing conditions;

Health plans will be required to allow young people up to their 26th birthday to remain on their parents' insurance policy;

Health plans will be prohibited from dropping people from coverage when they get sick;

Health plans will be prohibited from placing lifetime caps on coverage; and

Beginning January 2011, preventive services under Medicare will be free.

To put it simply, Congress met its moral obligation in passing healthcare reform. With our historic vote, we told future generations that no American will suffer and die because of a lack of insurance.

We told insurance companies that, while they are a valuable part of our nation, they will be held accountable for delivering on their promises.

We told our elderly that our commitment to them remains strong, and that the programs they have come to trust will continue to be deserving of that trust.

The reform we passed will help millions of Americans.

In addition to providing access to health care coverage, H.R. 3590 goes far in addressing health care disparities in our nation's minority communities.

Specifically, it includes language that I introduced with Representative JESSE JACKSON, Jr., (D-Ill.) H.R. 2778, the Health Equity and Accountability Through Research Act.

This legislation sought to elevate the National Center on Minority Health and Health Disparities (NCMHD) to the level of Institute, giving it the authority to better address the appalling health disparities that are plaguing our nation's minority communities.

NCMHD was created to promote minority health and to lead, coordinate, and assess the efforts of the National Institutes of Health (NIH) in reducing and to ultimately eliminate health disparities.

Unfortunately, the previous structure of NCMHD created confusion regarding who has the responsibility for the coordinated minority health disparities research conducted or supported by NIH.

Additionally, NCMHD lacked real input into and authority over all NIH-supported health disparities activities and funds.

H.R. 3590 addressed these concerns by elevating the Center to the level of Institute, and clarifies the role of the Director as coordinator and manager of the NIH-wide minority health and health disparities portfolio.

The bill also provides the new Institute with professional judgment over NIH-wide minority health and health disparities budgets as well as management over NIH-wide minority health and health disparities allocations.

However, this is not the only improvement that minority and underserved communities will see.

This comprehensive healthcare package also includes $11 billion for community health centers, which offer comprehensive primary care and mental health services to underserved populations. These health centers are a critical stopgap, allowing better care for chronic conditions, while preventing unnecessary trips to the emergency room.

Last but certainly not least, H.R. 3590 honors the life of Deamonte Driver—a 12-year-old boy from Maryland whose life was cut drastically short three years ago when an untreated tooth infection spread to his brain.

Deamonte's tragic death haunts me to this day. Eighty dollars worth of dental care might have saved his life, but he never got that care because he lacked access to a dentist.

The health care bill that we passed will prevent others from dying in such a tragic fashion. Under the new law:

Pediatric dentistry is covered as an essential health benefit;

Funds will be provided to launch a dental campaign to new parents and traditionally underserved areas;

Workforce Training Grants will be available to provide technical assistance to pediatric training programs in developing and implementing instruction regarding the oral health status, dental care needs, and risk-based clinical disease management of all pediatric populations with an emphasis on underserved children; and

H.R. 3590 also includes a loan repayment program with preference given to qualified applicants who have a record of training individuals who are from a rural or disadvantaged background.

However, minorities and underserved communities will not be the only populations that will benefit from our actions. Millions will be touched by healthcare reform in their daily lives in marked, measurable ways.

Thirty-one million Americans will have the opportunity to protect themselves from the fear that a small injury could lead to bankruptcy; and

147,000 families and 14,000 small businesses in my District will receive tax credits to help cover their employees with health insurance; and 56,000 young people in my District will be able to get insurance, at fair prices, through policies currently owned by their parents.

To quote the great poet Virgil, ''The greatest wealth is health.''

By passing and signing this legislation, Congress and President Obama have provided the citizens of this nation with immeasurable wealth, comfort and security.

We have firmly put the power back into the hands of the people, and this is an experience that I will cherish long after I leave Congress.

Mr. HASTINGS of Washington. Mr. Speaker, it's past time for this Congress to stop jamming through massive expansions of the federal government and instead support commonsense reforms that will lower health care costs and increase choices for all Americans.

A bipartisan coalition in Congress and a vast majority of the American people today rejected the premise that government knows best how to run our American health care system. While it was impossible to stop the liberal majority from pushing through their government takeover of health care, House Republicans will lead the effort to repeal this legislation and replace it with real solutions to improve our health care system, without driving our nation deeper into debt.

House Democrats today went around the regular lawmaking process and pushed through their government takeover of health care using a closed approach that blocked consideration of any Republican amendments.

Improvements must be made to our health care system, but I reject the premise of this bill that government knows best how to run our health care.

I am disappointed that House Democrats voted for the very backroom deals and political payoffs that the American people are so tired of and for a massive health care plan that most Americans simply don't want.

This bill is about more spending, higher taxes, and more government control, all without lowering health care costs. This Congress is going in exactly the wrong direction by forcing every American to purchase government-approved insurance only, cutting Medicare, limiting who can own and operate hospitals, and eliminating health care choices.

There is something very wrong when this Congress is passing a bill that arbitrarily restricts the ability of doctor-owned hospitals like the Wenatchee Valley Medical and its clinics to grow, rather than working to expand access to health care in areas like Central Washington.

In the past 14 months, Democrats have given the federal government control of our banks, our car companies, our loans for college, and now our health care. I rejected those bills, and I oppose this government takeover of health care because I'm deeply concerned about the consequences that will be felt by every American.

I am committed to doing everything possible to undo this bill and get to work on commonsense reforms that will actually lower health care costs and increase choices.

Mr. KENNEDY. Mr. Speaker, today is a long awaited day for the millions of tireless champions in America who have paved the way towards health care reform. It is since Teddy Roosevelt in 1912, that the people of this country have fought to provide quality, affordable health care for all Americans. Today is a long awaited day for the many tireless champions of health care reform. My father, of course, was but one of them, committed to fight for those who voices would not be heard. Today is a long awaited day for people like Martin Luther King, Jr., who stood up to remind us, ''of all forms of inequality, injustice in health care is the most shocking and inhumane.'' But most importantly, today is the long awaited day for each and every American who will now be treated with the dignity and respect that comes with the equality of opportunity that affordable access to quality health care provides.

It is the long awaited day for the estimated 32 million of our friends and neighbors who will now have access to health care because of this legislation. It is the long awaited day for the millions of Americans who have been discriminated against in the past, denied coverage by an insurance company because they have a pre-existing condition. It is the long awaited day for the millions who are dropped from their policy when they got sick. It is the long awaited day for the millions who face bankruptcy and financial turmoil even though they had health insurance, because they reach an annual or lifetime cap. It is the long awaited day for the small business owners who have been unable to provide their workers with health insurance or remain competitive, and who will now receive tax credits to help them afford to provide coverage for their employees.

I am pleased that the reconciliation package resolves a number of the issues that are especially important to Rhode Islanders. It increases the affordability assurances for Rhode Island families. It delays and changes the so-called ''Cadillac tax'' to more appropriately target high-end plans and minimizes the adverse effect on middle-class families, older Americans, and high-risk professions. It closes the Medicare prescription drug ''doughnut hole'' completely. It ensures our primary care physicians are paid Medicaid rates that match Medicare rates, and our hospitals are taking less cuts for the costs they incur treating the uninsured. It eliminates lifetime and annual caps for all health care plans, including grandfathered plans. And it removes special deals for states when it comes to Medicaid costs, so that Rhode Island will be fully reimbursed for the first two years to cover the costs of Medicaid expansion.

A key aspect of this legislation that is of particular importance to me is the extension of the mental health parity protections established into law last year by my legislation, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. Not only are these protections extended to all plans in the Exchange, but mental health and substance use benefits are a part of the essential benefits package created by this legislation. For the 67 percent of adults and 80 percent of children who need mental health care that do not receive it, this victory cannot be understated. Today our Nation takes a giant leap forward towards our transition from a ''sick care'' system to one which is preventive, collaborative, and patient-centered.

The Patient Protection and Affordable Care Act also includes a number of other essential components which will dramatically improve the quality and access to behavioral health care. This legislation includes workforce development provisions by providing mental health and behavioral health education and training grants to assist providers specializing in and providing services to children, adolescents, and adults and loan forgiveness to child mental health professionals. This legislation also establishes a national network of a National Center for Excellence in Depression, for the treatment of depression and bipolar disorder.

I have been proud to serve the people of Rhode Island the last 16 years, helping to lead the effort in the House of Representatives to take control of our nation's health care system away from insurance companies and put it back the hands of patients and their doctors. Though I wish my father could be here in body as well as spirit, I could not be more pleased that this effort, to reform our nation's health care system, is on the cusp of complication today, during my tenure here.

I urge my colleagues to join me in providing quality, affordable health care to all Americans.

Mr. CRENSHAW. Mr. Speaker, the argument has been made by my colleagues on the other side of the aisle that the government must take over our health care system to help control costs. Against the will of the American people and in the dark of the night later on this evening, the Democrat Majority is forcing a vote on a bill that will cost American taxpayers nearly a trillion dollars.

The Democrat Majority plans to pay for their plan by cutting half a trillion dollars in Medicare and raising taxes on American families by over $400 billion. By taking a step back and reviewing the historical involvement of the government in health care, we can draw two relevant lessons.

First, government involvement in health care raises the cost of health care. Prior to the creation of Medicare and Medicaid in 1965, health-care inflation ran slightly faster than overall inflation. In the years since, medical inflation has climbed 2.3 times faster than cost increases elsewhere in the economy.

Second, more often than not, government programs exceed their expected cost. When initially considered, the House Ways and Means Committee estimated Medicaid's first year costs at approximately $238 million. The actual cost? Over $1 billion. Today, even after you adjust for inflation, Medicaid costs 37 times more than it did when it was launched.

What about Medicare? In 1965, Congressional budgeters said that it would cost $12 billion in 1990. Its actual cost that year was $90 billion. The rate of increase in Medicare spending has outpaced overall inflation in nearly every year (up 9.8% in 2009), so a program that began at $4 billion now costs $428 billion.

We must take to heart that Congress historically grossly underestimates the cost of an entitlement program. And now we are faced with one of the newest/biggest entitlement programs in the history of our great nation.

Any Member who votes in favor of this bill, casts a vote in favor of increasing our national debt and inflicting higher taxes on our children and grandchildren. That is why I will vote against H.R. 3590 and will do everything in my power to repeal and replace it with commonsense reforms that will lower health care costs, increase access, maintain Medicare benefits, end lawsuit abuse, and preserve the doctor/patient relationship without raising taxes.

Mr. CASTLE. Mr. Speaker, the debate about how to reshape health insurance in order to reduce skyrocketing costs, and increase access, has dominated the attention of Congress for the past year. While there are many areas of agreement, Congress and the American public remain divided and it is easy to see why. While I am glad the ''deem and pass'' procedure was abandoned, and the House of Reprsentatives allowed an actual vote on the bill, I feel strongly that Congressional leaders

and the President have missed a real opportunity to take incremental, bipartisan steps that recognized the concerns of Americans who feel as though they will foot the bill for widespread reforms that they do not embrace.

To expand access, H.R. 3590 will enact mandates for both individuals and employers, with hefty fines for non-compliance, at a time when our economy has already challenged cash-strapped small businesses across the nation. This new mandate to acquire health insurance will greatly expand the bankrolls of insurance companies without any new standards against price fixing, or steps to encourage competition across state lines— both of which would create vast incentives to drive down costs. Such giveaways to the insurance companies only reward the rising costs of health care with higher taxpayer subsidies to cover them.

Throughout the debate, I have advocated for commonsense policies that aim to lower costs and expand access, without compromising the quality of American medicine or raising taxes on the American people. I have urged leaders to consider legislation to drive down the costs of care first, in order to increase access and coverage through affordability. According to the Congressional Budget Office, the legislation would cost nearly a trillion dollars, the cost of health insurance premiums would actually rise, and it would be paid for through new taxes and fees and nearly $500 billion in reductions in spending on Medicare. What CBO can't accurately report, is that the bill is also littered with budget gimmicks to cover the actual, long-term cost of the bill.

This bill pays for six years of coverage with 10 years of tax increases and back-loads the cost in the years ahead in order to disguise the true costs.

The proposed cuts to Medicare are unlikely to ever occur; Congress is likely to override them.

$70 billion for the new long-term care program is spent before any benefits are paid out.

$53 billion is taken from the Social Security Trust Fund to offset new health care spending.

Punts the fix for Medicare reimbursements to doctors, costing $371 billion, which Congress has committed to passing.

Uses the revenues from an expansion in federally financed student loans as offsets, instead of putting those savings back into education or for lower payments from students.

There are many commonsense steps we could be taking, some of which are in this bill and have widespread support: Reforms that forbid insurance companies from denying coverage based on a pre-existing condition or disability, and ban lifetime and annual spending caps that put patients at risk for bankruptcy when faced with a serious illness; allowing unmarried children to remain on their parents' insurance through age 26; incentives for Americans to seek preventive care; helping seniors afford prescription drugs through closing the donut hole, and development of lifesaving drugs and therapies that protect patient safety and innovation; an increase in support for community health centers that provide routine care for thousands of patients in Delaware; and provisions to address physician and nursing shortages. These are steps we could have taken, and they should have been coupled with increases in competition and cost-controlling measures.

Additional policies absent from the plan that deserve an up or down vote:

Making health insurance more portable and affordable by allowing patients to shop for health insurance plans across state lines;

Small business pooling and tax credits without mandates that threaten jobs and productivity;

Eliminating the $60 billion in Medicare fraud each year;

Increasing efforts to enroll the 4.3 million who already qualify into existing programs like Medicaid and SCHIP; and

Limiting abusive lawsuits, which would reduce costs of care.

While there are policies embedded in this legislation that have bipartisan support, they are buried under budget gimmicks that threaten the long-term solvency of Medicare, Medicaid and Social Security—the existing entitlement programs that are draining the federal budget based on their current obligations. Health care reform will impact the lives of every American, our federal budget, and 1/6 of our economy. Reform should hold insurance companies accountable, eliminate barriers to competition and quality care, promote prevention, and drive down health care costs. To ignore the costs and enact unrealistic and misleading legislation will only prolong our health care challenges for generations to come.

Mr. BILBRAY. Mr. Speaker, this week, each of us cast the most historic vote any of us is likely to ever make. With it, revolutionary changes have been made to the American health care system that will forever alter its very nature. This vote was a long time coming and much needed, unfortunately, what we did pass is long on promises of improved care, but preciously short on reforms that the American people really need for better and more affordable care.

It is no secret that the health care system is in need of reform. In 2007, the latest year that figures were available, total health expenditures reached $2.2 trillion, which translates to $7,421 for every man, woman and child; millions of Americans are without health insurance and San Diego doctors are finding it increasingly difficult to care for our city's most vulnerable residents. This week's debate was full of passion over many issues and arguments over the proper answer to health reform. While we can argue over many points, there is one issue where there is no debate: we need health care reform.

Studies have shown that the visit rates to emergency rooms for patients with no insurance are twice that of those with private insurance. While I support insuring all Americans can access health insurance and believe it must be the first priority of any health care reform legislation, I cannot support a bureaucratic system dictated and controlled by the Federal Government. Congress, just like the medical profession, must adhere to the Hippocratic Oath of: ''Above all, do no harm.''

Throughout the past year, I have supported many bipartisan issues that will increase health quality and access for not just San Diegans but all Americans without limiting our choice of health care options—many of which were in the legislation we passed Sunday night. We must first allow Americans to have the same insurance as the Congress of the United States. It is not fair to stand here today and pontificate on the benefits of health care if we do not allow hard working Americans to have the same health care choices we enjoy. Citizens of this great country must be allowed to shop wherever they want in the United States for health insurance, free from the barriers of state lines. If New Jersey offers a plan that is cheaper than California, Californians should have the ability to purchase that plan. We must enact strong medical tort reforms that can save billions of dollars—$54 billion to be exact according to Congress' own Congressional Budget Office, CBO. Finally, I support strong enforcement mechanisms to prevent illegal immigrants from receiving taxpayer subsidized health care.

It is important to remember that American health care is in many ways the envy of the world. From our first class medical facilities to our world renowned life science enterprise, we are the leader in innovative care and solutions. These innovations are allowing Americans suffering from major illnesses to live longer, healthier lives. For instance, in a single decade, from 1993–2003 U.S. heart disease deaths dropped by 22 percent. However, for all these benefits there is work to be done but not at the expense of destroying the entire health care system.

The health care bill that was signed into law will destroy our already fragile economy and lead to government control of health care. Under this new law, there will be more than $520 billion in tax increases, including a $27 billion employer mandate tax and $15 billion individual mandate tax. With 1 in 9 San Diegans out of work, this will exacerbate the problem.

There are many examples in this legislation of government control but one striking example is the Independent Medicare Advisory Commission. The creation of the so-called Independent Payment Advisory Board (IPAB,) which for the first time will give unelected and unaccountable bureaucrats the mandate to make important decisions about the future of the Medicare program. The cuts they propose would be in addition to the over half trillion dollars of Medicare and Medicaid cuts already in this bill.

We all agree that Medicare reform is needed but the IPAB actually carves out large areas of the Medicare budget from potential savings, leaving draconian cuts in the reimbursement of life saving and life enhancing drugs as a likely outcome. As Co-Chair of the House Biomedical Research Caucus, I have seen the great promise that developments in medical technology can mean for American seniors. Just last summer, the existing Preventive Services Task Force changed its recommendations on mammograms, confusing millions of Americans in the process. Can you imagine if those recommendations had the force of law? As science progresses to further embrace the benefits of personalized medicine, we need to make sure that the unchecked decisions of a federal board in Washington do not unwittingly sabotage the doctor-patient relationship. I am very troubled by this provision, and I want to work with my colleagues on both sides of the aisle to fix it or repeal it before it becomes effective.

In order to pass this legislation, many back room deals were cut. From the ''Cornhusker Kickback'' to the ''Louisiana Purchase,'' many states were taken care of in order to secure support. However, California was once again left on the outside looking in. This bill does nothing to fix the Geographic Practice Cost

Index (GPCI), which to date finds San Diego doctors being paid at a rate of rural practitioners; all the while they continue to practice in a high cost area. Additionally, this legislation does nothing to fix the sustainable growth rate problem that finds California doctors facing continuing cuts in Medicare payment rates year after year and threatens patient's access to care.

I was in favor of rejecting this plan and coming back to the table and develop a proposal that fully addresses medical malpractice awards so we can save health care costs, allow United States citizens to purchase their health care across state lines and provide tax credits so hard working Americans, not Washington D.C., are in charge of their health care.

A strong and accessible health care system is one of the most fundamental components of a strong economy. I am committed to working in a bipartisan manner with my colleagues to put in place real reform that will protect the doctor-patient relationship but will not bankrupt our economy in the process. American families deserve better than socialized health care and I plan on helping to deliver it. I will continue to work with my colleagues to reform a broken health care system in a way that is sustainable, protects the promises we have already made to our nation's seniors and does not infringe on our liberties.

Mr. COURTNEY. Mr. Speaker, I rise today to express concerns about three outstanding issues in the final health care reform package: an excise tax on high-cost insurance plans which will be implemented in 2018, cuts to home health care, and the formation of an Independent Payment Advisory Board (IPAB).

Since introduction of the America's Affordable Health Choices Act in July of 2009, my colleagues in Congress and I have been working to craft a health insurance reform bill that creates affordable insurance coverage, lowers costs, and improves access to stable health care that is there when you need it. These efforts have been reflected in the Affordable Health Care for America Act, and Senate-passed Patient Protection and Affordable Care Act (H.R. 3590) as modified by the Health Care and Education Reconciliation Act (H.R. 4872).

The final reform package reflects significant progress in terms of limiting the negative impact of an excise tax on high-cost plans on middle class Americans. The 40 percent excise tax on high-cost plans included in the Patient Protection and Affordable Care Act included cost thresholds that were inadequate to account for premium cost factors independent of generosity of benefits, such as age, gender, and region. I authored a letter, with support from 192 of my Democratic colleagues who opposed this proposal. The Health Care and Education Reconciliation Act made significant improvements to the excise tax, such as adopting higher thresholds for age and gender. More importantly, the bill delays the implementation of the tax until 2018, which will allow ample time to better understand its impact—especially in high-cost regions—and mitigate potential negative consequences.

Another deficit mitigation component that I have concerns about in the reform package includes Medicare ''market basket updates'' for home health providers. While the Patient Protection and Affordable Care Act includes more modest cuts than what was included in the House-passed Affordable Health Care for America Act, I remain concerned about the aggregate size of the cuts to home health care providers. Safeguards in H.R. 3590 such as payment adjustment review authority by the Health and Human Services Secretary should be utilized if ''market basket updates'' prove to be unsustainable for home health care providers in the future. H.R. 3590 also includes provisions that guarantee Medicare home health benefits will not be reduced, which further reiterates the obligation of the Secretary to ensure fair reimbursements.

While I supported passing H.R. 3590 as modified by H.R. 4872 to make significant progress in extending and strengthening current health care coverage, I also maintain concerns about the establishment of the IPAB. Over the course of the health care debate, the IPAB—along with the similar proposals of the Independent Medicare Advisory Council, IMAC, Act (H.R. 2718) and the Medicare Payment Advisory Commission, MedPAC—have garnered attention as a mechanism to reduce aggregate health care costs.

However, I believe that the solidification of IPAB would be a move in the wrong direction in terms of broad health care reform. Congress has played an integral role in shaping a Medicare system that reflects unique care needs of varying demographics as well as need differences between regions and states. Further, this system has been developed with transparency and accountability in congressional debates. Redirecting control of Medicare to the Executive branch would limit the strengths of the current system, and would continue a disturbing trend of ceding Congressional authority to the Executive branch.

That is why I cosigned letters in July and December 2009 opposing the establishment of a Payment Advisory Commission. While I did not support the inclusion of IPAB in the H.R. 3590, I am reassured that the bill does not empower the Board to override Medicare laws. Going forward, I urge that the IPAB conducts business transparently, with public input. I also urge that the Board reach out to all Medicare stakeholders and take seriously the role of the Consumer Advisory Council in the future.

Mr. KUCINICH. Mr. Speaker, each generation has had to take up the question of how to provide for the health of the people of our nation. And each generation has grappled with difficult questions of how to meet the needs of our people. I believe health care is a civil right. Each time as a nation we have reached to expand our basic rights, we have witnessed a slow and painful unfolding of a democratic pageant of striving, of resistance, of breakthroughs, of opposition, of unrelenting efforts and of eventual triumph.

I have spent my life struggling for the rights of working class people and for health care. I grew up understanding first hand what it meant for families who did not get access to needed care. I lived in 21 different places by the time I was 17, including in a couple of cars. I understand the connection between poverty and poor health care, the deeper meaning of what Native Americans have called ''hole in the body, hole in the spirit.'' I struggled with Crohn's disease much of my adult life, to discover sixteen years ago a near-cure in alternative medicine and following a plant-based diet. I have learned with difficulty the benefits of taking charge personally of my own health care. On those few occasions when I have needed it, I have had access to the best allopathic practitioners. As a result I have received the blessings of vitality and high energy. Health and health care is personal for each one of us. As a former surgical technician I know that there are many people who dedicate their lives to helping others improve theirs. I also know their struggles with an insufficient health care system.

There are some who believe that health care is a privilege based on ability to pay. This is the model President Obama is dealing with, attempting to open up health care to another 30 million people, within the context of a system run by insurance companies who make money by denying care. There are others who believe that health care is a basic right and ought to be provided through a not-for-profit plan. This is what I have tirelessly advocated.

I have carried the banner of national health care in two presidential campaigns, in party platform meetings, and as co-author of H.R. 676, Medicare for All. I have worked to expand the health care debate beyond the current unsustainable system, to include a robust public option and my amendment to free the states to pursue single-payer. An early version of the health care bill, while badly flawed, contained these provisions which I believed made the bill worth supporting when it was considered by the Committee on Education and Labor. I voted for it. The provisions were taken out of the bill after it passed the Committee.

I joined with the Congressional Progressive Caucus in saying that I would not support the bill unless it had a strong public option and unless it protected the right of people to pursue single payer at a state level. It did not. I kept my pledge and voted against the bill when it was considered by the full House of Representatives. Since then, I have continued to oppose it while trying to get the provisions back into the bill. Some have speculated that, as the final vote on this health care package drew closer, I might have been in a position of casting the deciding vote. The President's visit to my district on Monday underscored the urgency of this moment.

I have taken this fight further than many in Congress cared to carry it because I know what my constituents experience on a daily basis. Come to my district in Cleveland and you will understand.

The people of Ohio's 10th district have been hard hit by an economy where wealth has accelerated upwards through plant closings, massive unemployment, small business failings, lack of access to credit, foreclosures and the high cost of health care and limited access to care. I take my responsibilities to the people of my district personally. The focus of my district office is constituent service, which more often than not involves social work to help people survive economic perils. It also involves intervening with insurance companies.

In the two weeks before the vote on the final health care package, it became clear that the vote would be very close. I take this vote with the utmost seriousness. I am quite aware of the historic fight that has lasted the better part of the last century to bring America in line with so many other modern democracies in providing single-payer health care. I have seen the political pressure and the financial pressure being asserted to prevent a real challenge to a highly profitable system dominated by private insurance companies.

I know I have to make a decision, not on the bill as I would like to see it, but the bill as

it is. My criticisms of the legislation have been well reported. I do not retract them. I incorporate them in this statement. They still stand as legitimate and cautionary. I still have doubts about the bill. I do not think it is a first step toward anything I have supported in the past. This is not the bill I wanted to support, even as I continue efforts until the last minute to modify the bill.

However after careful discussions with President Obama, Speaker PELOSI, my wife Elizabeth, the frequently personal and tragic stories of my constituents and close friends, I have decided to cast a vote in favor of the legislation. If my vote is to be counted, let it now count for passage of the bill, hopefully in the direction of comprehensive health care reform. We must include coverage for those excluded from this bill. We must free the states. We must have control over private insurance companies and the cost their very existence imposes on American families. We must strive to provide a significant place for alternative and complementary medicine, religious health science practice, and the personal responsibility aspects of health care which include diet, nutrition, and exercise.

The health care debate has been severely hampered by fear, myths, and by hyper-partisanship. The President clearly does not advocate socialism or a government takeover of health care. The fear that this legislation has engendered has deep roots, not in foreign ideology but in a lack of confidence, a timidity, mistrust and fear which post 911 America has been unable to shake.

This fear has so infected our politics, our economics and our international relations that as a nation we are losing sight of the expanded vision, the electrifying potential we caught a glimpse of with the election of Barack Obama. The transformational potential of his presidency, and of ourselves, can still be courageously summoned in ways that will reconnect America to our hopes for expanded opportunities for jobs, housing, education, peace, and yes, health care.

I want to thank those who have supported me personally and politically as I have struggled with this decision. I ask for continued support in our ongoing efforts to bring about meaningful change. I have taken a detour through supporting this bill, but I know the destination I will continue to seek, for as long as it takes, whatever it takes, is an America where health care will be firmly established as a civil right.

EMPOWERING INDIVIDUALS

Smart personal choices in areas like diet, nutrition, and exercise are essential to a healthier world. At the same time, we must remove the barriers and change the incentives that discourage or prevent responsible behavior. The Institute of Medicine estimates that in 2004 approximately $10 billion was spent on food advertising directed at children, using every method available—television, radio, the internet, even embedded in video games. Simply put, marketing to children works—companies would not make such a substantial investment if it were ineffective.

Marketing directed at youth is extremely well constructed and relies heavily on behavioral science. The developing brain of the child can not discriminate fact from opinion and can not think critically; it is no match for a $10 billion industry that exploits this vulnerability using cartoons, cross branding with popular toys, giveaways, and myriad other methods to develop brand loyalty and shape judgment as early as possible. Established early, these affinities are the most enduring.

Astonishingly, the Federal Government subsidizes this methodical preying on children by granting a tax write-off for expenses associated with it. This must stop. The government must take action to protect American children and ensure that they grow up in a healthy environment. My bill, H.R. 4310, would eliminate the tax deductibility of fast food and junk food advertising directed at children. H.R. 4310 has the potential to raise billions of dollars in revenue to fund child nutrition and anti-obesity initiatives.

There is precedent: approximately 50 countries, including Sweden, Norway, Australia, and Great Britain, have limited or prohibited food advertising directed at youth. Additionally, recent research has concluded that eliminating the tax deductibility of food advertising directed at youth would reduce obesity rates. Long-term health care reform must address the personal responsibility, the corporate responsibility, and the government's fair share of the responsibility for improved health. I will work to ensure that is the case.

Each generation has had to take up the question of how to provide for the health of the people of our nation. And each generation has grappled with difficult questions of how to meet the needs of our people. I believe health care is a civil right. Each time as a nation we have reached to expand our basic rights, we have witnessed a slow and painful unfolding of a democratic pageant of striving, of resistance, of breakthroughs, of opposition, of unrelenting efforts and of eventual triumph.

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I want to thank those who have supported me personally and politically as I have struggled with this decision. I ask for continued support in our ongoing efforts to bring about meaningful change. As this bill passes I will renew my efforts to help those state organizations which are aimed at stirring a single payer movement which eliminates the predatory role of private insurers who make money not providing health care. I have taken a detour through supporting this bill, but I know the destination I will continue to seek, for as long as it takes, whatever it takes, is an America where health care will be firmly established as a civil right.

MOVING TOWARD TRUE HEALTH CARE REFORM

In pursuing meaningful change in the health care system, there can be no better investment than to remove federal barriers to allowing states to implement the only model of health care proven to cover everyone, lower costs and increase quality: single-payer.

Systems that remove the insurance companies from care are well tested and consistently outperform systems that rely on private insurance. Their costs are lower, their access is universal, the coverage is comprehensive, and their systems are far more equitable. Such a single-payer health care system would also provide major economic stimulus. Half of all bankruptcies in the U.S. are the result of the failure of an insurance plan to do the very thing that drives us to buy health insurance—protect us from catastrophic financial burdens that arise from health care needs. Only single-payer health care can rid us of the economic drag of medical bankruptcies by providing truly comprehensive coverage—for less money than we are currently paying.

It is no wonder then that states are demanding single payer. Not only does it help people stay out of poverty, but it would provide major relief for states facing budget difficulties. The Lewin Group's financial analysis of the California single payer bill that recently passed the legislature twice found that "the net cost of the program to state and local governments is a savings of about $900 million" in 2006 alone. There are also strong single payer movements in Pennsylvania, New York, Illinois, Colorado, and New Mexico. In fact, the savings to a state from a single-payer plan have been well documented. Fourteen states are listed below, along with their savings and the year of the applicable study. The worst-case scenario is Maine, which would break even.

State: Annual Single-payer Savings—Year

New Mexico (Lewin Group): $151,800,000—1994

Delaware (Solutions for Progress): $229,000,000—1995

Minnesota (Lewin Group): $718,000,000—1995

Massachusetts (Lewin Group, Solutions for Progress/Boston University School of Public Health): $1,800,000,000—$3,600,000,000—1998

Maryland (Lewin Group): $345,000,000—2000

Vermont (Lewin Group): $118,000,000—2001

California (Lewin Group): $7,500,000,000—2002

Maine (Mathemetica Policy): $0—2002

Rhode Island (Solutions for Progress/Boston University School of Public Health): $270,000,000—2002

Missouri (Missouri Foundation for Health): $1,700,000,000—2003

Georgia (Lewin Group): $716,000,000—2004

California (Lewin Group): $8,000,000,000—2005

Colorado (Lewin Group): $1,400,000,000—2007

Kansas (Lewin Group): $869,000,000—2007

The Employee Retirement Income Security Act (ERISA) has been used to thwart efforts at the state and regional level to improve health care. Though the law was intended to protect the integrity and quality of employee benefit plans including health care, ERISA has been used in courts to stop or make impractical health care reform efforts in Maryland, San Francisco, and Suffolk County, New York. It is the most difficult federal barrier a single-payer state will face, though there will be others.

I will continue to work to help these states. We must yield to the wishes of those in a state who demand a health care system that is proven to work well. It would be entirely voluntary. If a state wants better health care than can be provided by the federal government, the federal government should not stand in their way.

PUBLIC OPTION

A robust public option is not sufficient to control costs, cover everyone, and increase quality of care. However, it is a good interim option for those who do not want to be subject to the abuses of the insurance companies but are required to purchase health insurance under the health care bill we are passing today. The extreme inefficiency of the private health insurance companies and the inefficiency they cause throughout the health care system are well documented. Americans need refuge because the health insurance companies are ruthlessly efficient at one thing: denying care. They have to be because that is how they make money.

In the short term, I will continue to fight for a strong public option until a single payer plan is in place.

INTEGRATIVE MEDICINE AND RELIGIOUS HEALTH CARE

A 2008 study by the National Center for Complementary and Alternative Medicine at the National Institutes of Health and the National Center for Health Statistics revealed that 38% of American adults used some form of integrative medicine to meet their health care needs. However, access to these services is limited because of lack of insurance coverage of these safe, cost-effective and clinically effective medical approaches. Some of those modalities include chiropractic care, acupuncture and many others under study at the National Institutes of Health.

However, some insurance companies are starting to realize that it is beneficial to their bottom line if they cover some integrative medicine approaches. More and more plans are covering chiropractic and acupuncture, for example. The medical literature abounds with studies showing that the cost-effectiveness of interventions like transcendental meditation for hypertension and heart disease is far better than that for conventional pharmaceutical interventions.

An early version of the health care overhaul bill included my amendment that would guarantee that a practitioner of integrative medicine is one of the people that decides the minimum required benefit package. It also created a task force of integrative medicine practitioners to help inform the decision makers about what should be covered. Finally, it required that when a patient goes to the Exchange website and looks up doctors, practitioners of integrative medicine are easily identifiable. Though the language was removed before a vote on the bill was taken by the full House of Representatives, I will continue to work to advance integrative medicine by increasing its accessibility and safety.

Under this bill, most Americans, including people who practice other distinctive approaches to health care, are forced to buy private health insurance. I recognize the difficult position for Christian Scientists and others similarly situated. Millions opt for spiritual care that coincides with their religion. But as of today, even though the care they prefer is covered by Medicare, Medicaid, TRICARE and some plans available to federal government employees, few private insurance plans cover it. The new healthcare legislation we are considering today does not prevent insurance companies from covering their care; it also does not create a pathway for its serious consideration by insurance companies. I look forward to helping to identify a way to ensure that spiritual and integrative care get a fair chance at coverage by insurance companies.

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

Pursuant to House Resolution 1225, the previous question is ordered.

The question is on the motion by the gentleman from California.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 1215.

The vote was taken by electronic device, and there were—yeas 220, nays 207, not voting 3, as follows:

[Roll No. 194]

YEAS—220

Ackerman	Bishop (GA)	Butterfield
Andrews	Bishop (NY)	Capps
Baca	Blumenauer	Capuano
Baird	Boccieri	Cardoza
Baldwin	Boswell	Carnahan
Bean	Boyd	Carney
Becerra	Brady (PA)	Carson (IN)
Berkley	Braley (IA)	Castor (FL)
Berman	Brown, Corrine	Chu

Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—207

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Buyer
Davis (AL)
Reichert

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 5 minutes remaining in this vote.

□ 2102

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the rules of the House.

EXPRESSING SUPPORT FOR BANGLADESH'S RETURN TO DEMOCRACY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1215, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1215, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 7, not voting 42, as follows:

[Roll No. 195]

YEAS—380

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Camp
Campbell
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter

Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—7

Broun (GA)
Carter
Conaway
Gohmert
Lummis
Paul
Poe (TX)

NOT VOTING—42

Austria
Baca
Berman
Boehner
Buyer
Calvert
Cao
Capps
Castor (FL)
Coffman (CO)
Davis (AL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Fudge
Gallegly
Gingrey (GA)
Gordon (TN)
Gutierrez
Jordan (OH)
Kilpatrick (MI)
Kosmas
Linder
McIntyre
Miller, Gary
Murphy (NY)
Napolitano
Obey
Peterson
Price (GA)
Putnam
Radanovich
Reichert
Rohrabacher
Roskam
Sanchez, Loretta
Shimkus
Shuler
Sutton
Tiberi
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2111

Mr. BRIGHT changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTING THE ENGROSSMENT OF H.R. 4360, MAJOR CHARLES R. SOLTES, JR., O.D. DEPARTMENT OF VETERANS AFFAIRS BLIND REHABILITATION CENTER

Mr. WALZ. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center'', the Clerk be directed to make the following correction in both the text and the title:

In each place it appears, strike ''Major Charles R. Soltes'' and insert in lieu thereof ''Major Charles Robert Soltes.''

The Clerk read the title of the bill.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 257. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

CORRECTING THE ENGROSSMENT OF H.R. 1612, PUBLIC LANDS SERVICE CORPS ACT OF 2009

Mr. HEINRICH. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, the Clerk be directed to execute the sixth instruction in the amendment conveyed by the motion to recommit in the form I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In section 3(n) by striking paragraphs (1) and (2) (and redesignating subsequent paragraphs accordingly) and inserting the following:

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $12,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015, of which no less than three-quarters of the sums shall be made available for healthy forests restoration priority projects under section 204(e)(1)(B)(vi).'';

Mr. HEINRICH (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Mexico?

There was no objection.

□ 2115

ST. MARY'S BASKETBALL

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

Mr. GARAMENDI. Mr. Speaker, I rise today in recognition of the St. Mary's basketball team of Moraga and their trailblazing NCAA tournament run. They have inspired basketball fans across this country with their teamwork and determination.

The St. Mary Gaels earned a berth in the tournament with a remarkable season capped with a west coast championship and their victory in the first round NCAA tournament. They tossed aside a half century of tournament setbacks and showed that they are a force to be reckoned with. In the second round, St. Mary's went head to head with the number two seed, Villanova, a perennial basketball powerhouse, and with a gutsy performance they prevailed.

And I will add that many of these young men that are on these teams will be able to stay on their parents' health insurance as a result of the action and the President's signature on the health care bill, up to the age of 26.

In the meantime, we look forward to Saturday's game and another victory by these outstanding players.

HEALTH CARE REFORM

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, under the new health care reform law, we find the Internal Revenue Service has been appointed as the health insurance police.

The Ways and Means Committee reports the following: IRS agents will have to verify that you have acceptable health care coverage, which has yet to be defined. That used to be your decision. Now, it's a decision to be made by an appointed Federal official. If they don't find your coverage acceptable or if you don't have coverage, the IRS can fine you up to $2,250, or 2 percent of your income.

One of the rubs is that the fine is much cheaper than buying health care coverage; and when you get sick, you can still buy coverage that will apply.

Now, if you can't pay the fine the IRS assesses, they have the power to confiscate your tax refund.

This new police force will require about $1 billion a year and more than 16,000 new Federal employees. But, of course, the new law did not include money to pay for this vast expansion of power for the IRS. It's just one more example of the Democrats' deficit spending.

HEALTH CARE REFORM

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

Mr. MORAN of Kansas. The National Right to Life Committee and Planned Parenthood don't agree on much, but over the past few days they both agree that the executive order regarding

abortion that President Obama signed is meaningless. This order states that no public funds will be used to pay for abortions in the health care insurance exchanges set up under the plan. But an executive order cannot change law, and the bill President Obama signed into law on Tuesday allows taxpayer money to fund abortion.

Directing taxpayer dollars to fund abortion is a violation of many Americans' deeply held beliefs, and we should not be forced to compromise our core moral principles as a means to health care reform.

This new law represents a retreat from the Hyde amendment, which has banned the use of taxpayer funds for abortions since 1976.

Republicans and Democrats in the House have agreed on little during the health care debate. The one amendment that passed with bipartisan support was eliminated in the rush to pass health care reform using reconciliation.

Expediency replaced principle.

ISRAEL AND PEACE IN THE MIDDLE EAST

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

Mr. MAFFEI. Mr. Speaker, I rise after the recent public statements made by Vice President BIDEN and Secretary Clinton on the subject of new Israeli housing in east Jerusalem.

While it is important for our country to play a mediating role in the Middle East peace process, it is also important that any disagreements be dealt with as friends would deal with disagreements, behind the scenes first and working them out in private before they are aired in public.

The President and this administration clearly care deeply about peace in the Middle East and made it a priority for our country to play an active role in these negotiations, and I applaud the emphasis. However, using these tactics, which distance us from a longtime ally, doesn't serve the purpose of furthering these peace negotiations.

When two allies with such a strategically close relationship as Israel and the United States air their disagreements in public, whatever those disagreements are, it puts all parties in an awkward position, including the Palestinian leaders who do want to engage in a peace process with Israel.

I think airing these disagreements in public was a setback to the peace process. Instead, as we go forward, we should draw on the special relationship that endures between the United States and Israel to move forward.

ISRAEL AND AMERICA

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

Mr. POE of Texas. Mr. Speaker, from its beginning, Israel, the lone free and democratic country in the Middle East, has had to fight for its very existence against enemies on all sides.

Historically, the only language its neighbors spoke was the voice of violence.

In the war of independence, Israel fought Lebanon and Syria in the north, Iraq and Jordan in the east, Egypt to the south. Now, over 60 years later, not much has changed. Israel still is the target for annihilation by Hamas in the south and Hezbollah in the north. In the pathway to the east lies Israel's greatest threat, Iran, who celebrates an anti-Israel day every September.

Israel's enemies are bent on the destruction of this nation and her values, such as democracy, freedom, justice, liberty. These are also American values. Those who kill innocent Israeli citizens also seek the murder of the American way of life.

We should make it clear to the world that the beacon of democracy in the Middle East, Israel, is our friend and our ally, and together we two nations are a force to be reckoned with.

And that's just the way it is.

SISTERS NETWORK

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to give tribute and congratulate Sisters Network, a national organization of African American women who have come together to stamp out breast cancer. Proudly, they will hold their first walk against breast cancer and seeking a cure this April 10, 2010, in Houston, Texas. They will be holding their national convention. Karen Jackson is their president and a survivor. I have had the pleasure of speaking to these wonderful women who go and reach out to others to help them secure an opportunity for preventative care.

I am glad we have just recently passed a health care bill that will provide mammograms and preventative care for women so that we can stop this horrible disease. And the only way we can do it is to be preventative, to have testing, and to ensure that you are seeing a doctor.

We will be walking to save lives on April 10, but this health care bill will be a partner in saving lives and helping these women who suffer. Now they will have a reason to know that there is hope.

OBAMA MORATORIUM

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

Mr. HASTINGS of Washington. Mr. Speaker, in 2008, when gas prices reached $4 a gallon, Republicans took to this House floor demanding that Congress take action.

The good news for Americans is that Congress responded by lifting the ban on offshore drilling, opening up over 500 million new acres to energy production.

The bad news is that immediately when President Obama took office, he completely halted this potential production. Now his Interior Secretary has announced a new Obama moratorium, a delay on leasing any new offshore areas for drilling until 2012.

That means that Americans will have to wait 4 years for a plan to open up new areas for offshore energy production. That means that no new drilling will occur during President Obama's entire term in office. And this means that Americans will lose out on new jobs while this administration keeps dragging its feet.

Mr. Speaker, it is time to end the delays and say ''no'' to the Obama moratorium and implement the 2010 plan to expand offshore drilling.

THE GOALS OF NASA

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

Mr. BISHOP of Utah. Mr. Speaker, Lori Garver is the number two administrator at NASA, who is a political appointee that has been given credit as the prime author of the program to cut the Constellation.

In a speech in Maryland a fortnight ago, she said, ''NASA has changed their goals,'' and seemed to indicate that the new goals of NASA will be to end poverty and hunger, create world peace, education, save the environment, and, in a note of bitter irony, create new jobs.

It would seem that Ms. Garver perhaps should look at her door and realize that, since 1958, the goal of NASA has been space: to be first in space science, first in space exploration, first in man flights. And the Constellation program is the program that works, with an emphasis on human safety to accomplish this.

Ms. Garver's plan would cede control of the heavens to the Russians and the Chinese, probably for most our lifetime, and has the unintended consequence of hurting education, aerospace, ironically enough defense, and jobs.

Mr. Speaker, we can and should do better.

RETIREMENT OF BERT V. MASSEY II

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

Mr. CONAWAY. Mr. Speaker, I rise today to pay a small tribute to one of the finest public servants in all of Texas.

For over 25 years, Bert V. Massey II, has been mayor of Brownwood, Texas, a city of 20,000, in central Texas.

Later this year, Mayor Massey is set to retire; and when he does, he will

leave a great void in the public discourse of Brownwood. Before he takes leave of public office for good, though, I want to take a moment to brag on his tireless work for the people of Brownwood.

Mayor Massey has been involved in public life since he first ran for the Brownwood City Council in 1978. Since then, he has been a voice of fairness, integrity, and honesty in city hall. He is a man with a big heart and a deep love for the people of Brownwood.

It is with heavy hearts that we see Mayor Massey retire, but I know that he will remain a fixture in Brownwood, happily measuring out his advice to his successor, encouragement to his friends, and history lessons to all.

On behalf of the people of central Texas, I thank Mayor Massey for all his years spent in service to his neighbors. I would be remiss if I failed to thank his wife, Melinda Brooks Massey, as well, for being so willing to share her husband with us all these years.

As Bert retires, I wish both my friends all the happiness and good health that God can grant two people. May God bless you both.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). The Chair will recognize Members for Special Order speeches without prejudice to the resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2130

THIRD FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. I bring you news from the third front. The first front is in Iraq. The second front is in Afghanistan. And the third front, which we don't talk much about, is the front of the border; the border wars in south Texas on the border between Texas and Mexico.

We have heard a lot about the fact that there is violence on the border, especially the southern border. On the border where Mexico meets the United States, on the Mexican side, the drug cartels are fighting for turf. They are violent. They are vicious, and murder is a way of life against those good Mexican nationals that live just south of the U.S.-Mexico border.

Recently, the Zetas cartel and the Gulf cartel have engaged in violent acts in the town of Guerrero, Mexico. That is over here in the south Texas area on the other side of the Rio Grande River where Falcon Lake is the border between Mexico and Texas. People in that town have taken cover. In fact, the police department of Guerrero, Mexico, has told people of that town of 6,000, Do not come out of your homes because the drug cartels will take your life. They are fighting to take that turf, that entry into the United States, to bring that cancer and to sell it.

But there are those that say that the border war on the southern side of the U.S. border doesn't affect us. Well, of course, those people are wrong. Let's take one example. There are 14 counties on the border of Texas and Mexico. So, yesterday, I called the sheriffs of these counties and I asked them this question: How many people do you have in your county jail who are foreign nationals who have been arrested for a crime in the United States? Most of those sheriffs were quick to tell us. Some of them did not tell me. But, overall, of the 14 counties that border Mexico from Texas, 37 percent of the people in those county jails are foreign nationals charged with crimes in the United States.

Yes, the violence on the border and the failure of the United States Government to secure our southern border affects people who live in those border communities. These are not wealthy counties. These are poor counties where people have day jobs on both sides of the border. These counties are so poor, and I'll give you an example.

Over here in Hudspeth County where 63 percent of the people are foreign nationals in Arvin West's jail, the county commissioners don't even have enough money to give Arvin West, Sheriff West and his deputy sheriffs a motor pool. They have no vehicles. So what do they do to obtain vehicles in the sheriff's department? They have to confiscate drug vehicles that have been captured and turned over to the United States and then turned over to the county. So the sheriff of this county only drives vehicles that he's confiscated from the drug cartels. You see, the sheriffs along the border say that they are outfinanced by the drug cartels, they're outmanned, and they are outgunned by these drug cartels.

The crime that occurs in the United States by foreign nationals crossing our porous border affects counties along the border but also affects counties throughout the United States. I think we would be shocked to find out how many foreign nationals are in county jails throughout the country charged with crimes that they have committed here, both legal and illegals who have come across our border.

Once again, 37 percent of the people in the county jails on the Texas-Mexico border on the Texas side are foreign nationals. It goes all the way from 1 percent—and I don't think that is correct—over in Webb County all the way up to 100 percent in Terrell County. In Terrell County, the sheriff said, Everybody in my county jail is a foreign national charged with a crime in my county.

It is the duty of the Federal Government to secure America's borders. This is the third front, yet we are blissfully ignorant up here in Washington, D.C., about what is taking place on this entire border. There are good people who live on both sides of this international border and there are good people who live in fear on both sides because of the violence that is created by the drug cartels. We need to do whatever is necessary to prevent crime from occurring and coming across our border, and that includes sending the National Guard down to the Texas-Mexico border. The Governor of the State has requested it. We need to do it.

We need to secure the border. It is the first duty of government to protect Americans citizens. And we better get with the program and start protecting these good Americans or these county jails will continue to fill up with foreign nationals who have committed crime in our country.

And that's just the way it is.

HARDER YET MAY BE THE FIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, many years ago I heard Dr. Benjamin Hooks, who at the time was the executive director of the National NAACP, proclaim in the words of C.A. Tinsley, ''Harder yet may be the fight.'' I thought I understood what he meant at the time; however, events as of late have provided additional occularity and given me greater clarity with reference to this statement, ''Harder yet may be the fight.''

First, a brief vignette. On Sunday, prior to voting on the health care bill that was signed by the President, as I was leaving the Cannon Office Building, I had a friend to share with me what was thought to be some sage advice. My friend indicated that it might be prudent—not necessarily in these words—or judicious to make my way to the Capitol Building by way of the tunnel because there were persons who were saying ugly things and doing ugly things in the area that I would have to traverse.

I thought. And as I thought, I reflected on Rosa Parks, a lone African American female in the segregated South, who concluded on one evening that she was going to stand up for justice and do what was right by taking a seat on a bus. And little did she know that, by taking that seat, she would ignite a spark that would start a civil rights movement. I would add that it was Virginia Durr, an Anglo female, who posted the bail for Rosa Parks to get out of jail.

I reflected on 1965 and what we now know as Bloody Sunday, when there

were persons who wanted to peacefully march from Selma to Montgomery, and they knew that as they crossed the Edmund Pettus Bridge there were members of the constabulary waiting on the other side of the bridge prepared to do them harm under the color of law. And they did. I would also remind us that it was Frank Johnson, an Anglo Federal judge, who signed the law that allowed the march to continue. He signed an order.

And as I reflected on these incidents, I realized that if Rosa Parks could take that seat by herself, surely I could cross that street and come over to vote. And I realized that if those marchers, including JOHN LEWIS, could march into the constabulary armed with clubs, I could surely cross that street with a constabulary out to protect me.

And so I bring these thoughts to the attention of this House because this truly is a fight. C.A. Tinsley was right. The fight is not yet over. Harder yet may be the fight. But I want to commend those persons of good will who have stood up and spoken up against the behavior that was exhibited by the persons who were out on the streets. I commend every person, Republican, Democrat. It doesn't matter your party affiliation. This kind of behavior merits condemnation.

I would simply close with this. As we move forward and as these kinds of ugly incidents take place, I beg that we would continue to condemn this behavior, because C.A. Tinsley was right:

Harder yet may be the fight. Might may often yield to right. Wickedness awhile may seem to reign, and Satan's cause may seem to gain. But there's a God that rules above, with a hand of power and a heart of love. And when we're right, he will help us fight. Harder yet may be the fight.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONCERN FOR ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. First of all, let me say to my colleague who just spoke, we all abhor racial epithets and we all abhor prejudice, but one of the things that concerns me is that we have an awful lot of people who are upset about what is going on here in Washington, the Tea Party people and others, who really feel like they're not being listened to by the Congress of the United States. I don't want to see them tarred by the same brush as a few people who got out of line.

Obviously, we hate racial prejudice or anybody that says things like we've heard have been said, but all the people who are fighting against what's been taking place here and legislation like this national health care bill, they should not be condemned for coming to Washington and fighting for what they believe in because a few people got out of order. Obviously, we're concerned about people that say those things, and they shouldn't be saying those. They should be condemned.

But we should listen to the people who are here who are fighting for their rights and the things they believe in as far as health care is concerned. They don't want the government coming between them and their doctor. They don't want socialized medicine. And that's why they were out here. If a few got out of order, they should be condemned. But we should not tar all the people in this country—over 60 percent who didn't want that bill passed—with the same brush, and sometimes I think that's what's happening.

But that's not why I came down here tonight. I was just responding to my colleague who just spoke, who's a very good friend of mine. What I came down here to talk about was the shabby treatment that Benjamin Netanyahu from Israel has gotten when he has been here twice now to visit with the President. We met with Bibi Netanyahu, the Prime Minister of Israel, this week, the Foreign Affairs Committee on which I serve, and we talked to him about the threat of Iran, which is a threat not only to Israel and the Middle East, but it's a threat to the entire world. We get about 30 or 40 percent of our energy from the Middle East, and if that goes up in smoke because of the war, we're going to suffer economically because we are not energy independent.

One of my colleagues was down here talking about not being able to drill offshore or in the ANWR to move toward energy independence, and we're not. We're still dependent on the Middle East and South America and Mr. Chavez and Venezuela, people that don't like us at all; yet, we still depend on them and we're not moving toward energy independence.

So what happens if Israel is forced into doing something about Iran and a war breaks out in that whole area? The whole world will suffer and we will suffer economically because we won't have the energy with which to run our country and our economy. So this is very important.

Now, when the President meets with Bibi Netanyahu, it's obvious by his body language and the way he treats the Prime Minister of Israel that he doesn't agree with him on Israel's goals to preserve and protect their country. And that's not the way it should be, because right now Iran is not only trying to develop a nuclear weapon—and we think they're very close—but they're also trying to develop a delivery system that will not only hit targets in the Middle East like Israel, but targets in parts of Europe. And they're trying to develop an intercontinental ballistic missile that could hit parts of the United States. And if Iran gets nuclear weapons, all those countries around them are going to want to have nuclear weapons and this world is going to be put on the precipice of a nuclear holocaust that nobody wants.

This isn't baloney folks. This is what's really going to happen, Mr. Speaker.

So we need to do everything we can to stop Iran from developing nuclear weapons. They are a terrorist state that has waged war along with al Qaeda and the Taliban against us and our freedoms and against Israel as well. We need to do everything we can to make sure that they do not succeed. Those people are terrorists, and we're at war against terrorism. And so we have to be absolutely committed to stopping them from developing that nuclear capability, and that means we have to work with Israel, our only really strong ally in the Middle East, who wants to do something about this.

Bibi Netanyahu knows what's at stake. The millions of lives of Israelis that are there will be the first target, and they will be blown up and attacked if Iran gets nuclear weapons. And Israel's going to have to take action. If they take action by themselves, it could be a catastrophic situation. They need our help, and the President of the United States should know that the majority of this Congress supports Israel's right to exist and supports them in their effort to stop Iran from developing nuclear capabilities.

So, if the President were listening tonight, I would say this to him, Mr. Speaker: Mr. President, listen. The majority of both the House and the Senate supports giving Israel the ability to defend itself and to defend our interests in the Middle East, to work with us to stop Iran from developing nuclear weapons that will threaten not only the Middle East, but the entire world. I think, Mr. President, you ought to go out on the lawn of the White House and declare your support for Israel, their right to exist, their right to survive, and that we're with them to stop Iran from developing nuclear capability.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3186. An act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

S. 3187. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

□ 2145

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

Mr. POLIS. A key part of the historic health care reforms that this Congress has now passed is the way that it empowers people to rise from poverty and reduce their reliance on government for providing their health care. Medicaid provides health care as an entitlement to the very poorest Americans. For a family of four, the Federal poverty line is about $22,000. For an individual, it's just under $11,000. So your earnings have to be below that to qualify for Medicaid. Now one thing that our health care reform package does is it increases that dollar amount to 130 percent of poverty, but the other thing it does is it provides a way out of poverty, a way to earn more money without losing your health care.

Currently, many people who hover just around the poverty line can't accept a raise, can't take a second job. If they take a raise of 10 cents an hour from $8.50 to $8.60, if they work 50 or 60 hours a week instead of 40, they lose their eligibility. Their income puts them slightly above the poverty line. And what they lose in health care benefits is far more than the money that they earn if they earn an additional $500 or $800, which could make all the difference in their lives.

With health care reform, we're replacing that with a sliding scale. No more does all that aid cut off right when you hit poverty or 130 percent of the poverty level. You have an incentive to get out and earn that extra dollar to better yourself, to work that extra hour because the Federal assistance for your health care will decrease on a sliding scale. This will provide an incentive and help lead people off of government health care.

It's rather ironic. I've heard people on the other side of the aisle talk about a government takeover of health care. Of course the government isn't taking over any part of health care with this bill. Not only that, we finally will help people get off of government assistance for health care by giving them the incentive to work more and have individual responsibility to pay their own premiums for their own policy with their own money. No more will people lose all of their health care benefits as a perverse incentive not to work that existed prior to this historic law being signed by President Obama. I am confident that over time, this law will lead to less people relying on government for their health care, more individual responsibility. People will have an incentive to get themselves and their families out of a life of poverty, to break the vicious cycle of poverty that has held too many families and too many generations in chains.

The government needs to encourage people to better themselves, and with this historic health care, we are doing that by allowing a sliding sale of subsidies all the way up to a couple hundred percent of the poverty level. So as that family earns $25,000, $30,000 a year, is working their way up, climbing on up the ladder of opportunity that this country offers, so too will their aid decline that they are given to afford health care, but it will decline on a sliding scale so that when they earn that extra dollar, they may lose 40, 50, 60 cents of Federal Government assistance. But there is an incentive to earn that extra dollar because, by golly, they get to keep part of it and spend it for themselves and their family. And that can make all the difference in lifting Americans out of poverty and encouraging the American value of individual responsibility for all American families.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order in favor of Mr. FRANKS of Arizona is vacated.

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MAFFEI) is recognized for 5 minutes.

(Mr. MAFFEI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN SUPPORT OF MEMBERS OF ILWU LOCAL 30 IN BORON, CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. RICHARDSON) is recognized for 5 minutes.

Ms. RICHARDSON. I rise today to something that's very personal to me and important, and that's advocating for working people. You see, you're looking at a Member of Congress who had the opportunity to have a mother who was part of a bargaining unit, who was a member of a union. She had an opportunity to have someone advocate on behalf of not only herself but her two daughters as well. And because my mother had that advocate, she was able to send her daughters to good schools, she was able to put braces on our teeth, and she was able to ensure that, yes, that little girl back in Los Angeles, California, would have an opportunity to one day become a Member of Congress.

You know, it wasn't that long ago when we had elections, and we saw things that were happening out in America where working people had worked all their lives for these companies, and yet they were finding that they were being sent out the door. Let me tell you about a story that I heard about this last week. I rise today to speak in support of the hardworking miners of Local 30 of the International Longshore and Warehouse Union, ILWU, in Boron, California. Since January 31, 2010, approximately 560 mine workers, 560 families have found themselves locked out of their jobs by their employer Rio Tinto, leaving them scrambling to provide for their families and to pay for health care benefits—what we've been talking about these last couple of weeks, to have to pay through the nose premiums of COBRA which many of them cannot afford. So they've had to choose between putting food on their tables and providing benefits for their families, something no one in America should have to choose. Days before the lockout, the miners were presented with a contract that called for cutting benefits, converting full-time jobs to part-time jobs, and reserving to itself the right to outsource all of their jobs.

Mr. Speaker, this style and approach to hardworking Americans is not operating in good faith. This isn't what we signed up to do, and neither did we sign up to support it. Leaving 560 hardworking men and women forced to choose between their job and benefits is happening too often to too many workers these days. Companies that come to this Congress to ask us to approve and authorize assistance so that they can have concessions and then to refuse to turn around and pass those same benefits on to the American people is wrong. I believe it's time for this Congress—not other Congresses, but this Congress right now—to stand up, this administration and the agencies, and support legislation and funding that helps the workers, the companies, and our economy. All of them should be viewed at the same level.

This Congress helped with TARP legislation. We helped with the American Recovery Act. We did all that, and many on Wall Street benefited, and we see that today. My message today is, isn't it time for us to also do the same for Main Street, for those 560 locked-out mine workers in California who deserve at least the same?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

(Mr. CARTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

(Mr. POSEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE DANGER OF IRAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. You know, Mr. Speaker, it is sad that the chains of bondage are often too light to be felt until they are too strong to be broken. History has shown humanity to be susceptible to malignant dangers that approach inaudibly and nestle among us until the day of sudden calamity comes and finds us empty-handed, broken-hearted, and without excuse. The ominous intersection of jihadist terrorism and nuclear proliferation has been inextricably and relentlessly rolling toward America and the free world for decades. Mr. Speaker, this menace is now nearly upon us, and it represents the gravest short-term threat to the peace and security of the human family in the world today.

The Islamic Republic of Iran, due to the jihadist ideology of its leaders, represents a particularly significant danger to America and her allies. It was 31 years ago that the Iranian Revolution occurred, and that nation's relentless march to jihad was born. Shortly thereafter, Mahmoud Ahmadinejad and a few other Islamic revolutionaries led a student revolt that shocked and defied the world when they kidnapped and held 53 American hostages for 444 days. Then during the Iraq-Iran war, Mr. Speaker, the Iranian regime again shocked the entire world with its brazen barbarity when reports surfaced that Iran was clearing the way for its tanks by using a force they referred to as the Basij. This was a phalanx formation of child soldiers and old men that they would recruit from the streets with promises of glorious rewards for their self-sacrifice. This was signified by plastic keys that were given to the children to wear around their necks in order for them to unlock the gates of heaven as they marched to their own bloody deaths.

Between 1980 and 1988, Mr. Speaker, Iran's radical leaders sacrificed an estimated 100,000 innocent Iranian children in this gruesome process. Row upon row would be marched into battle, falling under the rapid fire of the enemy's machine guns and clearing minefields with their own bodies to make way for Iranian tanks. This, Mr. Speaker, is the ideology that gives rise to Iran's now-President Mahmoud Ahmadinejad. Those radicalized, brainwashed, Basij forces have now come of age and are among Mr. Ahmadinejad's strongest supporters. And today the President of the Islamic Republic of Iran has now led his Nation to become the world's largest sponsor of terrorism.

President Ahmadinejad was speaking to the whole world when he said, ''And you for your part, if you would like to have good relations with the Iranian nation in the future, recognize the Iranian nation's greatness and bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will later force you to surrender and bow down.''

How can we possibly trust such a man to have his finger on a button that could launch nuclear missiles aimed at our families? And how would we negotiate with a nuclear Iran when their jihadist ideology considers Armageddon a good thing and believes that it is God's will for them to annihilate America and Israel? Despite claiming to desire peace, Ahmadinejad has consistently undermined every advancement toward peace in the Middle East by supporting terrorist groups such as Hezbollah, Hamas, and Shiite insurgents, and militias in Iraq responsible for killing and maiming U.S. and coalition forces and countless innocent citizens.

What possesses us, Mr. Speaker, to believe that they would not do the very same with nuclear weapons? Mr. Speaker, Iran has recently begun to enrich uranium to beyond 20 percent, which is four times the amount necessary for peaceful domestic energy production. It also means that they are 70 percent of the way to weapons-grade uranium capable of fueling nuclear warheads. Iran's leaders still claim that they're just enriching uranium for solely peaceful intentions, Mr. Speaker. But the IAEA put it this way: ''We are being asked to believe that Iran is building uranium enrichment capacity to make fuel for reactors that do not exist.''

Over the last several years, Iran has shifted its stories with each well-documented discovery about its enrichment efforts by the IAEA. First it claimed it had no centrifuge program whatsoever. Then it claimed it had only done a limited amount of centrifuge testing. And now we know, in fact, that Iran possesses not a few but thousands of centrifuges. Mr. Speaker, if the Iranian enrichment program is only for producing nuclear power plants for fuel, why have they continuously deceived the world and hidden it for three decades?

With its languishing economy and literally centuries worth of natural gas reserves, Iran's claim that it seeks nuclear capability solely for peaceful purpose is ridiculous beyond my ability to express, Mr. Speaker. Iran has disregarded three previous rounds of security council sanctions and has repeatedly misled the IAEA.

□ 2200

They have built underground enrichment facilities at that Natanz and the newly discovered underground facility at Qom, and they've continued to test the long-range ballistic missiles that could be used to deliver a nuclear payload.

Mr. Speaker, back in 2005, I stood on this floor and called for Iran to be referred to the United Nations Security Council. At that time Iran had fewer than 150 centrifuges. Today the Iranian program now includes over 8,000 centrifuges. And only a total of maybe 3,000, Mr. Speaker, is the commonly accepted figure for a nuclear enrichment program that can be used as a platform for a full scale industrial program capable of churning out enough enriched uranium for dozens of nuclear war heads.

The IAEA reports that Iran has already manufactured enough uranium hexafluoride to ultimately manufacture at least 20 nuclear warheads.

It's also been reported that Iran has experimented with polonium, Mr. Speaker. Now, Mr. Speaker, polonium is a radioactive isotope with only one known purpose on this entire Earth, and that is to trigger a nuclear explosion.

Iran has a multiple medium-range ballistic missile program. Based on the success of their medium range Shahab III, Iran is now attempting to develop intercontinental ballistic missiles, the Shahab IV, the Shahab V and the Shahab VI, and the Simorgh two-stage rocket.

The regime only last year successfully launched its first satellite. Mr. Speaker, this is the same technology necessary to integrate a nuclear warhead and an intercontinental ballistic missile.

Now, Mr. Speaker, this brings me to something even more ominous. There

is growing evidence that Iran is pursuing a nuclear high altitude electromagnetic pulse weapon, or an EMP, capability. An EMP attack on America, Mr. Speaker, would consist of a nuclear blast detonated at high altitude which would instantaneously generate an electromagnetic pulse that would be spread out over our homeland at the speed of light with devastating effect. In evidence of this, Iran has practiced launching a mobile ballistic missile from a vessel in the Caspian Sea. It has also tested high altitude explosions using the Shahab III, a test mode consistent with an EMP attack and described the tests as successful. Experts have no other explanation for this type of test than that it was an effort to develop an EMP capability.

Now, Mr. Speaker, it would only take one such weapon properly designed and delivered to critically damage our country's electrical grid. According to some experts in such a scenario, an estimated percentage of 70 to 90 percent of the population of the United States would become unsustainable.

Mr. Speaker, it is impossible for me to even wrap my mind around that figure or that scenario. Now, for those who are unfamiliar with the high altitude electromagnetic pulse threat, let me extensively quote for a moment Dr. William Graham, the chairman of the EMP Commission who testified before the House Armed Services Committee on the threat to the United States from an EMP attack. He states: ''EMP is one of a small number of threats that can hold our society at risk of catastrophic consequences. The electromagnetic fields produced by EMP weapons deployed with the intent to produce EMP have a high likelihood of damaging electrical power systems, electronics and information systems upon which American society depends. Their effects on critical infrastructures could be sufficient to qualify as catastrophic to the Nation.

A determined adversary can achieve an EMP attack without really having a high level of sophistication. For example, an adversary would not have to have long-range ballistic missiles to conduct an EMP attack against the United States. Such an attack could be launched from a freighter off the U.S. coast using a short- or medium-range missile to loft a nuclear warhead to high altitude.

Mr. Speaker, I just don't know how to put it any clearer. Terrorists sponsored by a rogue state could potentially execute such an attack, and they could do so without even revealing their identity.

Mr. Speaker, an effective EMP attack on America would send this Nation back to the horse and buggy era without the horse and buggy. For terrorists, this is their ultimate goal. An EMP, I am afraid, could be the ultimate asymmetric weapon.

Now, Mr. Speaker, there are two things in history that have supercharged worldwide recruitment and incitement for jihad. First was the taking of our hostages in Iran. And second was the tragedy that occurred on 9/11.

A nuclear attack on Israel or America would activate and accelerate jihad worldwide in ways that we can only begin to imagine. If Iran is allowed to develop nuclear weapons, our entire world reality changes, Mr. Speaker.

First, containing nuclear proliferation becomes almost hopeless. President Obama's idyllic vision of working toward a nuclear-free world would be absolutely dead. Iran is a threshold state, and its nuclear program is already on the brink of catalyzing nuclear proliferation throughout the entire Middle East. Egypt, Saudi Arabia, Turkey all have signaled their interest or intent to become a nuclear power if Iran does. Ahmadinejad is in fact quoted as saying, ''Iran is ready to transfer nuclear know-how to other Islamic nations due to their need.''

A nuclear Iran also means the Arab-Israeli peace process would be dead. Our security assurances to our allies in the region would be drastically weakened, and America might well be forced to extend its nuclear umbrella, Mr. Speaker.

Moreover, any leverage over the Iranian dictatorship that we might once have possessed will now be completely lost.

Mr. Speaker, if Iran attains nuclear weapons capability despite our demands that its nuclear program be dismantled, what reason will that regime ever have again to believe America's word actually means anything?

Unfortunately, Mr. Speaker, there is more. Iran is the world's largest state sponsor of terrorism, and it continues to brazenly provide support, whether finances, weapons or warfighters, to its proxies, including Hamas, Hezbollah and other jihadist terror groups.

It should send a chill down our spines to consider that the same willingness Iran has demonstrated to proliferate missile technology to its terrorist proxies would undoubtedly also become a willingness to proliferate nuclear weapons technology to those same terrorists.

Mr. Speaker, in 1988, Osama bin Laden called it a religious duty for al Qaeda to acquire nuclear weapons. Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff has said, ''My worst nightmare is terrorists with nuclear weapons. Not only do I know they are trying to get them, but I know they will use them.''

This is the greatest danger of all, Mr. Speaker. If Iran does step over that nuclear threshold, rogue regimes and terrorists world over will then have the access to these monstrous weapons. No wonder the State of Israel is concerned.

Mr. Speaker, Israel remains the truest friend America has in this world. And yet, in recent days, Israel has received more open rebuke from the Obama administration for plans to build houses in Jerusalem than Iran has received for building a secret uranium enrichment facility to build nuclear weapons that would threaten the entire world. It astonishes me, Mr. Speaker. And may I remind this administration that Jerusalem is not a settlement. It is the capital of the nation of Israel founded and built by the ancient people of Israel 3,000 years ago. And when this administration criticizes Israel, do they not understand that Israel's enemies and ours see it as weakening of the Israeli-American alliance and an opportunity to boldly advance violence against Israel and the hegemony of our common enemies in the Middle East.

Israel and America need each other now as much as we ever have, Mr. Speaker, because nuclear Iran presents a threat to the paradigm of freedom for the entire world, and it truly represents a fundamental existential threat to the State of Israel.

A Jewish author, Primo Levi, was once asked what he had learned from the Holocaust. He replied, When a man with a gun says he's going to kill you, believe him.

At this moment, Iranian President Mahmoud Ahmadinejad, a man who, in the same breath, both denies the Holocaust ever occurred and then threatens to make it happen again, is arrogantly holding a gun with which he vows to wipe the State of Israel off the map.

In June of 2008, Ahmadinejad again made clear where he stands. ''Israel,'' he declared, ''is about to die and will soon be erased from the geographical scene.''

□ 2210

Ahmadinejad has also said, ''Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.''

Sheik Hassan Nasrallah, the leader of Hezbollah, said, ''We have discovered how to hit the Jews, where they are most vulnerable. The Jews love life, so that is what we will take away from them. We are going to win because they love life and we love death.''

Mr. Speaker, indeed it seems that Hitler's ghost still walks through the streets of Tehran.

In December 2001, former Iranian President Ali Akbar Rafsanjani was commenting on the possibility of an Israeli retaliation after an Iranian nuclear strike. He said, ''The use of an atomic bomb against Israel would destroy Israel completely while the same against the Islamic world would only cause damages. Such a scenario is not inconceivable.''

Mr. Speaker, the small nation of Israel could fit geographically into my congressional district almost three times. An Iranian Shahab III missile can reach Israel in 12 minutes. If Iran can develop and attach a medium-size nuclear warhead to that missile, Tel Aviv or Jerusalem could be ashes within 15 minutes after the missile was launched from Iran. If the warhead was detonated above the atmosphere over Israel in an EMP attack, the entire Jewish nation could be completely incapacitated. Israel missile defenses

would only have about a 50–50 chance of knocking down even just the first of such missiles.

Mr. Speaker, Israeli Prime Minister Golda Meir said many years ago: ''In our long war with the Arabs, Israel has always had a secret weapon: no alternative.''

Mr. Speaker, Israel has very few options and no margin for error.

Israel understands that Iran is currently ruled by a regime whose present leaders embrace an evil, poisonous ideology that causes mothers to leap for joy when their children blow themselves to pieces so they can kill other innocent human beings. And a responsible Israeli leader facing a mortal threat from a nuclear armed terrorist state will do whatever is necessary to defend his people.

Mr. Speaker, Israel will not be made to walk silently into the gas chambers again.

And when the day comes when the head of Israeli intelligence tells the prime minister that Iran is on the brink of an operational nuclear weapons capability, Israel will act, and in their own self-defense, and no one will have any right to blame them.

So let me say this, Mr. Speaker: If and when the people of Israel find themselves with no time left and no choice but to defend themselves by taking preemptive military action to prevent Iran from gaining nuclear weapons, the Obama administration will owe an apology to the whole world for failing to act, but especially to Israel for leaving them with no choice but to act on behalf of all of us.

America and the western world will then have a moral responsibility to stand with Israel in whatever follows.

Mr. Speaker, there is a moment in the life of every problem when it is big enough to be seen by a reasonable person and still small enough to be solved. Almost 5 years ago, I stood at this podium and called upon the United States to recognize that Iran was pursuing nuclear weapons and should be referred to the Security Council. Soon thereafter, Iran announced it had enriched uranium using an array of 164 centrifuges. Today, Iran has over 8,000 centrifuges.

Mr. Speaker, our predictive timetables have also often been wrong altogether. Both North Korea and Iran stunned the international community with the extent and rapidity of their development of missile capabilities. In 1998, the intelligence community said North Korea was years away from developing long range missiles. And then on August 31 of that same year, North Korea launched a Taepodong-1 missile that landed between Japan and Hawaii. And of course, Mr. Speaker, North Korea now has nuclear weapons.

Today it is also clear that the 2007 NIE report on Iran woefully underestimated the urgency of the Iranian nuclear threat. My point, Mr. Speaker, is so very simple. We are running out of time to prevent Iran from gaining nuclear weapons.

But where is the Obama administration? While some of the greatest security threats in a generation are rushing upon this one, the Obama administration has been busy insulting our friends and emboldening our enemies, all the while taxing and borrowing and spending our economy into such a place of vulnerability that our capacity to respond to these threats in the future will be demonstrably diminished. And when it comes to the growing incontrovertible danger of a nuclear armed Iran, this administration has been asleep at the wheel, Mr. Speaker.

During Mr. Obama's entire tenure, the administration's policy toward Iran has been appeasement, denial, broken deadlines, and talk of sanctions. And now just today—just today—the Wall Street Journal reports that the administration actually plans to soften its position on sanctions toward Iran.

Mr. Speaker, it is becoming very clear that the Obama administration has now embraced an unspoken policy of allowing Iran to develop nuclear weapons and is even now preparing to embrace a policy of containment afterwards. This administration's refusal to make the hard choices now translates into capitulation and acquiescence to Iran's fanatical goal. What an inexplicably naive and inexpressibly dangerous policy.

Whatever challenges there are in dealing with Iran today, Mr. Speaker, they will pale in comparison to the dangers of dealing with them after they have gained nuclear weapons. Because once that threshold is crossed, Mr. Speaker, Iran will be able to pass that technology and those weapons on to the most dangerous terrorists in the world. And this administration and so many to come will face the horrifying reality of nuclear jihad. And those of us who have been blessed to walk in the sunlight of freedom in this day will be consigning our children to walk in the minefield of nuclear terrorism tomorrow. If the Obama administration allows this to happen, Mr. Speaker, future generations will remember it as a treacherous betrayal of the entire human family.

Seven decades ago, a murderous ideology arose in the world. The dark shadow of the Nazi swastika fell first upon the Jewish people of Germany. And because the world did not respond in time to such an evil, it began to spread across Europe until it lit the fires of World War II and the hell on earth that followed. It saw atomic bombs fall on cities and over 50 million people dead worldwide. All because, Mr. Speaker, the world's free people did not respond in time.

History has taught us that evil ideologies must ultimately be defeated in the minds of human beings, but in the meantime they must often be defeated upon the battlefield.

Mr. Speaker, our choice with Iran is no longer a choice between the way the world is now and the way the world might be after a military strike to prevent them from gaining nuclear weapons. No, our ultimate choice now is between what the world will be like after a preemptive strike on Iran or what the world will be like after Iran gains nuclear weapons.

Mr. Speaker, we are out of time. America must absolutely make the necessary decision to impede Iran's nuclear program through the immediate imposition of comprehensive, coordinated and crippling economic sanctions, both unilaterally and in concert with our allies, to strike at Iran's petroleum trade and its finances. These actions must be taken regardless of our success or failure within the United Nations Security Council.

We must also actively work to support Iran's courageous and noble dissidents and assure them that America stands with them in their quest for democracy and freedom. Their protests represent what may be one of the very last remaining hopes for peacefully destabilizing the regime and sending it toppling into the dust of history once and for all.

But finally, Mr. Speaker, let there be no mistake. It must be unequivocally clear to the radical leaders of Iran that military action will occur if they continue in their maniacal pursuit of nuclear weapons.

For these reasons, I have introduced a bill called the Peace Through Strength Act which would express support for the Iranian dissidents and would significantly expand economic sanctions against Iran and those nations that continue to do business with Iran including in banking and in oil. My bill would also require that the Secretary of Defense would be required to develop and maintain viable military options to prevent the successful development or deployment of a nuclear weapons capability by the Government of Iran.

□ 2220

So in closing, Mr. Speaker, may I remind us all that we face an enemy in jihad that's even more insidious than Soviet communism and we live in a time when a terrorist state is on the brink of developing nuclear weapons. I think Brink Lindsey said it best. He said, ''Here is the grim truth. We are only one act of madness away from a social cataclysm unlike anything our country has ever known. After a handful of such acts, who knows what kind of civilizational breakdown might be in store?''

Mr. Speaker, I am afraid that the last window we will ever have to stop Iran from gaining nuclear weapons is very rapidly closing.

So I end my comments tonight with Winston Churchill's prescient warning to the leaders of his day. He said, ''If you will not fight for the right when you can easily win without blood shed, if you will not fight when your victory will be sure and not too costly, you may come to a moment when you have to fight, with all the odds against and

only a precarious chance of survival. There may be a worse moment. You may have to fight when there is no hope of victory because it is still better to perish than to live as slaves.''

Mr. Speaker, let us resolve for the sake of our children and for future generations that we of this generation will do all within our power to prevent a dark chapter in history being written on our watch and to hasten a day when Iran and its proxies will no longer be able to threaten the world with nuclear jihad, and when the persecuted and repressed and noble citizens of Iran can walk together with free peoples across this world in the sunlight of human liberty. God let it be, Mr. Speaker.

SATELLITE TELEVISION EXTENSION ACT OF 2010

Mr. MAFFEI. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3186) to authorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 3186

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the ''Satellite Televison Extension Act of 2010''.

SEC. 2. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(B) in subsection (e), by striking ''March 28, 2010'' and inserting ''April 30 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''March 28, 2010'', and inserting ''April 30, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(2) in paragraph (3)(C), by striking ''March 29, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''May 1, 2010''.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTH REFORM

The SPEAKER pro tempore (Ms. PINGREE of Maine). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Madam Speaker, it is always and ever an honor to get to speak in this body. It touches the soul when you think about the freedoms that have been afforded to people in so many places that have been discussed right here on this floor.

Apparently, this is the last that we will be addressing the House before we break for what's considered the Easter break, and so it's time to pause for a moment and think about what we have been doing. We just passed the most incredible bill, not in a good way, that most Americans, a much bigger majority of Americans than voted for President Obama, had made clear that they did not want passed. We didn't pay attention to them. I say, ''we,'' collectively. I thought it was a big mistake, especially the more I read.

For example, this body, our friends across the aisle, pride themselves, they constantly talk about helping the little guy. Well, how about the little guy who is working, working, trying to get by. He doesn't make all that much, he doesn't make all that much, but they make just under 133 percent of the poverty level.

That means under the bill that has now been signed into law, that person, that person's family, are eligible for Medicaid, which means under this law that person, their family, will have to do one of two things, and this begins in about 3 or so years. They will either go on Medicare, which has got to be scary for them because, you know, Walgreens came out—I read somewhere that they were not going to be accepting Medicaid to pay for prescription drugs. Doctors all over the country have complained that Medicaid does not pay them for their own out-of-pocket expenses so they can no longer accept it. So doctors across the country are saying we are not going to take Medicaid.

Under this bill that has been passed, signed into law, even with the so-called reconciliation, what a misnomer. That poor working man, woman, family, they either go on Medicaid, with more and more people refusing to accept it, or get nothing in the way of insurance.

□ 2230

If their employer is providing it, they cannot accept it. They have to say, I am not allowed, under this punitive so-called health care bill, to accept the wonderful insurance that you have been providing. The law now says I take Medicaid or I take nothing. There is no in between. So much for helping the working poor.

And, heaven forbid, if you are working as hard as you can and you are not quite making enough to buy the level of health care that will now be mandated by the Federal Government. Well, we are going to help you. We are going to pop you with a fee or tax to teach you a lesson. That makes no sense. That just makes no sense.

So you have 14 States, as I last heard, who have said, We are filing suit. We are going to do what we can to stop it. Twenty-five other States that are looking into it, looking at whether they should pass a bill in their State to nullify or stop it or say we are not going to take it, see what they should do.

For the State of Texas, for example, we have been frugal. Our State leaders have done an admirable job. We have got, I think, $8 billion or $9 billion in reserve for a rainy day. You have States like California that are in the tank. You have other States that are just barely hanging in there. Well, I know it's Easter time, but it's time to say, Merry Christmas. You States, guess what you just got. You just got billions of dollars that you are going to have to pay in Medicaid in this bill.

Now, what we have done, since the country is about broke and we are selling bonds, printing money to try to keep from announcing that we are broke, we have decided, You know what? To try to keep BEN NELSON from looking bad, we're just going to pay all of the State portion of the Medicaid expense for a while, for a few years, and then you are going to have it. And the States will not be prepared for it.

You know, when Art Laffer was the economic adviser for President Reagan, he advised him when Reagan asked, How do we get out of double-digit inflation? They had way over 10 percent inflation, double-digit inflation; they had over double-digit employment, worse than it is now, coming out of the Carter years. There was double-digit interest rates. My wife and I, our first home we bought just off of post there at Fort Benning when I was in the Army and we had a 12¾ loan and some people were envious that we had such a low interest loan. Interest rates, some have told me they had 15 percent, 18 percent, just crazy. It was an economy that was a disaster.

So Reagan asked Art Laffer, What do we do to come out of this terrible economic mess? And Laffer said, You have got to cut taxes by 30 percent. That's how you stimulate the economy.

Well, the Democratic-controlled Congress at that time refused to do an automatic 30 percent tax cut the first year, 1981, so they phased it in, 5 percent the first year, 10 percent the second year, 15 percent the third year.

As time went on, Art Laffer became prophetic, because when President Reagan had called him, President Reagan said, Great news, Art. We've got the 30 percent tax cut, just what you asked. And he said, Well, that's great. And he said, Well, you ought to be ecstatic. This was your idea. He said, Well, I am happy. Fine.

He says, Why aren't you happy? He said words to the effect that, Look, I understand you are going to phase this in over 3 years: a 5 percent cut the first year, 10 percent cut the second year, 15 percent cut the third year. And President Reagan said, Well, that's right. The Democratic-controlled Congress said that's the only way they would do it. They weren't going to give us a 30 percent tax cut the first year.

And Art said, Well, Mr. President, let me put it to you this way. If you are

going to buy something from the store and you heard they had a 5 percent sale this month, 10 percent sale next month, 15 percent sale the third month, when would you go buy it? And President Reagan responded after a pause, Are we going to have a bad couple of years, Art? He said, Exactly. And that's exactly what happened because they did not cut taxes 30 percent off the bat.

But once the 30 percent taxes kicked in, the economy turned around in such a dramatic and short period of time that President Reagan was elected to a second term, when in 1982 people didn't think that was going to be happening; but it did because he cut taxes.

Well, let's look at what the economic forecast is for the United States. We know that, come January of next year, we are going to have the biggest tax increase in the history of the country. The biggest tax increase in the history of the country.

Now, we know that when the Republicans had the majority, they didn't have 60 votes in the Senate, and so they were pushing and pushing trying to get the tax cuts to be permanent. But they didn't have the 60 votes in the Senate. The only way they could get it passed because of the Democratic obstruction was to agree to have the tax cuts go away at the end of 2010.

I wasn't here. It was a year or so before I got here, but I personally believe they should have pushed, they should have gotten it done, they should have made sure those tax cuts were permanent so that nobody could come in here and have what we are going to have the end of this year, the biggest tax increase in the whole American history without even having a vote, just letting the tax cuts expire.

Well, since we know capital gains rates are going to shoot up, we know the marginal rates income tax are going to shoot up, we know that the estate tax is going to go from zero, shoot back up to 55 percent. Talk about socialist.

The estate tax, the death tax says: you've accumulated too much and you don't deserve it, so we are going to give you a little exemption and then we are going to take over half of everything else you have accumulated through the blood, sweat, and tears of you and your family.

That just doesn't seem right. It seems like some law that you would find in the old Soviet Union before they went broke because it does so much to discourage a family business or a family farm. But that's what is coming.

And now, on top of that, we have just had, as somebody said, the mother of all unfunded mandates on the States. Texas has done so well; it is going to have to come up with $25 billion under this bill over the next 10 years. So much for the money they had saved and tried to make sure was there for the rainy day. Here came a flood, and not from nature, not from nature's God, but from the hand of the President signing a bill that was rammed through against the will of the American people, through this House and through the body at the end of the Hall. Can you think of a worse time to increase taxes?

You know, we heard from Caterpillar this week; $100 million it's going to cost them just this year.

You wonder, well, why did they make that announcement? If you are a corporation and you know there is bad news coming, then you have got to get it out there; otherwise, somebody may come after you and say you artificially inflated your stock prices by keeping bad news secret. So we find out. I believe we saw John Deere may lose $150 million this year. I mean, devastating these businesses.

Well, perhaps there are people here in this body or down the Hall that thought Caterpillar, John Deere, these other companies just had too many employees, so they said it's time to go ahead and lay more people off. Let's put them on unemployment, let's extend unemployment, let's have more and more people without a job. Because that is what has happened.

I know I am being sarcastic. I know people across the aisle and down the Hall do not want to see more people lose their jobs. I understand that. But that is the effect of what is happening by the senseless stuff we are passing the last week, the last two weeks. And now we are going to take up cap-and-trade. As our friend, former Chairman Dingell, had said, It's not just a tax, it's a big tax. That's exactly what cap-and-trade is.

It's heartbreaking. People are going to lose their jobs right here around Easter time because of the senseless, hardheaded acts of this body and the one down the Hall: we don't care if the country doesn't want it; we don't care that the States can't afford it. We don't care that you couldn't pass the same bill right now through the Senate or through the House the way it was sent down here. We don't care. We are just going to pass it.

□ 2240

We're just going to pass it. It's unbelievable. Just unbelievable. We had friends here who thought that the Executive order would prevent and stabilize things so that you couldn't pry Federal money from people's hands; take their money, make it Federal money, and pay for abortions. But there are at least three ways under this bill that that's going to happen. Terribly unfortunate.

It was amazing, because it was as if someone was trying to trick America so you couldn't tell what was going to happen with abortion. Because I don't have the bill with me. I've got my copy back there in the cloakroom, but I've been through it. And you look, and at page 119, subparagraph B(i) it says, basically, you can't fund abortion with Federal tax dollars. If you had done a word search for ''abortion,'' you would not see page 122 come up, just three pages over. It wouldn't come up because ''abortion'' is not in that paragraph.

What it says is that people are required to make available health insurance policies that will cover abortions, but it doesn't say abortions. It says cover what is mentioned in B(i), that subparagraph, which is abortion. So you won't find it if you're doing a word search for ''abortion.'' Sure enough, that's what's required.

And then—I'm sure it's just out of ignorance—people didn't know what the Hyde amendment really did. It prevented appropriations through the Labor-Health and Human Services appropriations bill from being used for abortion. But some people were bound to know. They're just bound to know. Somebody's staff. Somebody. Surely it just can't be me. There are bound to have been people who knew that this bill appropriated money. That money was appropriated, therefore, outside the Labor and HHS appropriations bill. Therefore, the Hyde amendment did not apply to it.

For those of us that know something about Executive orders, we know that an Executive order cannot be used—for one thing, you can't use to legislate. Another thing, you cannot use an Executive order to impound money that's appropriated in a bill that the House and Senate had passed. Number three, you can't use it for a line item veto to strike something you don't like. There's money in the bill for community health centers.

The SPEAKER pro tempore. The gentleman will suspend.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Ms. RICHARDSON. Madam Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4957) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4957

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 ''Federal Aviation Administration Extension Act of 2010''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''April 1, 2010'' and inserting ''May 1, 2010''; and

(2) by inserting ''or the Federal Aviation Administration Extension Act of 2010'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''April 1, 2010'' and inserting ''May 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

''(7) $2,333,333,333 for the 7-month period beginning on October 1, 2009.''.

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 7-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were $4,000,000,000; and

(B) then reduce by 42 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''April 1, 2010.'' and inserting ''May 1, 2010.''.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''; and

(2) by striking ''June 30, 2010,'' and inserting ''July 31, 2010,''.

(c) Section 44303(b) of such title is amended by striking ''June 30, 2010,'' and inserting ''July 31, 2010,''.

(d) Section 47107(s)(3) of such title is amended by striking ''April 1, 2010.'' and inserting ''May 1, 2010.''.

(e) Section 47115(j) of such title is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(f) Section 47141(f) of such title is amended by striking ''March 31, 2010.'' and inserting ''April 30, 2010.''.

(g) Section 49108 of such title is amended by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $5,454,183,000 for the 7-month period beginning on October 1, 2009.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

''(6) $1,712,785,083 for the 7-month period beginning on October 1, 2009.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

''(14) $111,125,000 for the 7-month period beginning on October 1, 2009.''.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTH REFORM

The SPEAKER pro tempore. The gentleman from Texas may proceed.

Mr. GOHMERT. That was what we were fixing to do. It's now done, and so are so many American jobs because of what we have passed this week.

There's a line from a movie, ''Broadcast News,'' where Holly Hunter is telling an executive that he's making a wrong decision. And he says, in essence, It must be wonderful to always know what should happen. She says, basically, No, it's horrible.

The fact is, it must be wonderful for those who don't realize the human suffering that's going to come out of this bill—the people that lose their jobs, who don't realize that down the road we are going to devastate this thing that we used to call the free market system as government approaches taking control and, in some cases, ownership of 50 percent or so of the American economy. Who would have thought? When you can see where this goes, it's horrible, just like she said. It's horrible.

Community health centers have done wonderful jobs. They have helped so many people that needed it, but now they're being appropriated money that can be used for abortions. And there's nothing that can stop that; certainly not a flimsy Executive order that cannot impound money that's dedicated for something else. Besides that, an Executive order can also be changed on a whim. It happens all the time.

So, as I struggled and thought about how did we get to this point in history, because there was a time if you went against the will of the State and you went against what you were sent up here to do, and that is serve and defend the Constitution, then your legislature, your State legislature that elected you, could yank you back. Because there's an amendment, number nine, that says: The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

This is the Tenth Amendment: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. If it's not specifically enumerated in the Constitution, it's reserved to the State and the people. It's probably the most violated provision in the Constitution.

As some Justices have pointed out in speeches before, in 1913, we had the 17th Amendment. Because, apparently, some State legislatures had actually abused that system, sending State individuals up here to be U.S. Senators with an agenda that wasn't necessarily helpful to the country. So the 17th Amendment changed the ability of the State legislature to select a U.S. Senator, and it became a popular vote.

All week as I have talked about Article V of the Constitution, I've been very careful not to ever say that we should repeal the 17th Amendment, because I'm not sure that's a good idea. It needs more study, more looking. It needs the collective concentration of 50 States' best thinkers. We have heard other potential solutions to what happened when the elimination occurred of the only real check to this body and the Senate body usurping rights reserved to the States and the people. Once that was eliminated, then you began to have real unfunded mandates. States come up with money and do this. States come up with money and do that.

It was not supposed to be that way. This Federal Government was never supposed to be able to dictate unfunded mandates to States. It was never supposed to be allowed to usurp authority reserved to the States and the people by the 10th Amendment. But that's what has occurred because there was no check and balance to do that.

□ 2250

You've got the Supreme Court, but they are appointed by the highest elected Federal official, the President. They're confirmed by high U.S. Federal elected officials. So why would anybody think they would be out to protect the rights reserved to the States and the people? They should. It's what the Constitution said. They have an obligation to uphold the Constitution. They should. But that's not what has been occurring.

So what hit me was article V because I really believe, you know, that God can work things together for good. And through such a terrible thing, like this

health care bill that's going to cause so many people to lose their jobs, many people to have their pay reduced, many people to not have the insurance they had before. We're already hearing tons of employers saying, Well, in this bill, it's actually cheaper for us to drop the health care insurance we're providing, let them go get the lesser government insurance, the Federal insurance exchange federal program, and we save money even though we're having to pay this extra tax. Well, somebody that designed this bill knew that would happen, and that's what they intended to do, drive them away from their better private insurance to the government's awaiting coverage.

Did anybody really know all that was in here? Perhaps somebody did. I mean, in the bill, the staff of the leadership of the House and Senate were exempted so they don't have to participate. They can keep the good insurance they have right now, where all the rest of us in Congress on our staffs, we have to go under the Federal insurance exchange program. And ultimately, I lose what I think is the greatest hope for getting us off the road to socialized medicine because that's just the next step. This was the first. That's the next, just like President Obama—then-Senator Obama laid out previously when he was running for the Presidency. This is the first step. Then you have the transition into the single payer, the socialized medicine. It's where it goes.

So how do you go about stopping that? What in the world really good could come from such a bad bill where pharmaceutical companies—man, they're going to get rich out of this thing. Yeah, they're going to get back some billions. But my HSA, for the short time I may be able to keep it, for a little longer, I can't buy my hay fever pills for under $3 anymore with my HSA. I'll have to buy prescription drugs, which will help the pharmaceutical companies. Good job.

And I remember the President saying, We're going to televise our debates on C–SPAN so you can see who's really looking out for the pharmaceuticals and who's looking out for the people. Well, you know what, it turns out we didn't need C–SPAN after all. When we read the bill and we see the sweetheart bills that were done for pharmaceutical companies, the massive number of new clients initially—until we go to a full government takeover, a short-sight on the part of insurance companies that bought in. But they're going to have a bunch more money. AARP, they're going to sell a lot more insurance because provisions in there are going to allow them to kill Medicare Advantage. So that means AARP, they don't care that they've lost so many members because they're going to make a lot more than that in the insurance that they'll get to sell. The plaintiffs' bar got a deal in here. There are just all kinds of deals for everybody.

So we found out who's looking out for the little guy. It was nobody that was in those negotiations. But somebody was sure looking out for the pharmaceuticals. And since there wasn't any Republican in any of those negotiations where the deals were cut, we know there was nobody there looking out for the little guy. They were looking out for the pharmaceuticals, the big companies, the unions, plaintiffs' lawyers. They just came out great. Happy Easter. Somebody laid an egg.

We look at article V. This is what it came back to. You look at article V. This may be the real good that could come out of the disaster that's gone on here lately and the abuses of the process, it seems. Article V has been used many times for the first part that says, ''Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution.'' That's been used many times. And once they propose those amendments, passed by two-thirds of the House and the Senate, then it took three-fourths of the States to ratify. But here is the part that has not been used—I can't find that it's ever been used. It almost was for the repeal of the prohibition, but when the Congress saw that the States were about to get to 34, which is two-thirds or—there weren't that many then. When the States were about to get to two-thirds, then Congress acted quickly, jumped in, had two-thirds of the House and Senate and had a repeal of the prohibition.

But here's the part, that Congress ''on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths.'' So the thing is, the legislatures, two-thirds of the States' legislatures can apply and say, Congress, we want a convention—not a Constitutional convention; it's not a Constitutional convention. That's what occurred in 1787. This is an amendment convention. That's what is called for. Not a rewrite of the Constitution. An amendment convention.

And I know there are differences among some constitutional scholars who say, Well, Congress can actually limit the amendment convention, okay? You have asked for an amendment convention. Perhaps the States could say, We want a convention to fix the lack of checks and balances between the Federal Government and the State government. I think you could limit it to that. You know, just like the Constitution provides for impeachment, it doesn't provide the rules of procedure, right? You can't have a trial in the Senate for impeachment without promulgating rules of procedure. But the Supreme Court, as always, appropriately kept hands off when it comes to rules of procedure. You know, that's your guys' business in the legislature when it comes to setting up rules of procedure for impeachment. You decide how you're going to run the trial, and then we can review the overall result. Well, I think that's possible as well with an amendment convention.

And think about it too. Even if those who say, Well, they could do amendments that might just rewrite most of the Constitution, think about it. It requires three-fourths of the States to ratify it. You're not going to have three-fourths of the States ratify, rewrite a Constitution. I mean, we may do some crazy things in this Congress, like we've done in the last week, but we're not going to rewrite the greatest document governing mankind in the history of the world. But it does need tweaking from time to time. And it's awfully tough for a Federal Government to see when it's being at its worst, most abusive of States' rights, and rein them in.

But that's why there's this balance. That's the genius of this document. We can come in and fix when something gets abused too much. It's why the 17th Amendment came into being. But I have not once ever proposed that we eliminate the ability of the people of any State to elect a U.S. Senate, and yet that was a headline in one paper that that's what I was proposing because there were liberal blogs that were going nuts. They seem to do that from time to time without regard for the truth.

But if you look at what I've said, it's very simple. We have got to put back some kind of check or balance on this runaway abuse of States' rights. Now I know there's some people in Texas or some other States that say, Well, we just need to secede. Give me a break. We do not need to secede. There is strength and power when we are the United States of America, and that's what we need to stay. But we need to get back to the common sense of the Founders that gave us the opportunity to have such a great country.

I have article V blown up here. Here is article V from the Constitution. The Congress—skip to the second part after the ''or,'' the disjunctive, on the application of legislatures, two-thirds of the several States—that's what we're talking about—''shall call a Convention for proposing Amendments''—not a rewrite of the Constitution, because that's not going to happen, and it wouldn't be ratified. So get real. I know there are some who say, We're headed for a cliff. We're going to fall into the abyss. We have got to do something, and I think they're right.

□ 2300

Proposing a budget with $1.5 trillion deficit this year?

Man, my first year here I was hearing all the screams and hollering about how abusive a $160 billion deficit was, how mean spirited could George W. Bush be.

And by the way, I really appreciate the sensitivity of my colleagues on the other side of the aisle. We shouldn't be

making death threats. I've had plenty of those as a judge. I know what that's like. It never bothered me until they started threatening my family. But I know what that's like.

I know what it's like to be abused, as I was out here on Saturday, because of my position on the hate crimes bill. I don't go running to the media about it. But I appreciate the fact that we should all be able to agree there is no place for bigotry, there's no place for racism. We should be able to disagree without being extremely disagreeable. We can disagree, that is important. Unless one person in this body has a 100 percent lock on God's truth, all the time, we really ought to listen to each other. And yet today we had 10 minutes, 5 minutes on either side, to debate the reconciliation, so-called misnomer regarding the health care plan.

We've got to get back to some sanity before we ruin this place.

Now, I know some people get scared when you talk about amending the Constitution and letting the States have a convention to propose an amendment. But that could be the thing that gets us back on track so this body and down the Hall can't continue to run up a $1.5 trillion deficit a year. I mean, good night. Ten times what I heard Bush getting beat up for? Give me a break. Goodness.

We've got to get back to some fiscal sanity. I think this could do it. I think it could rein things in, get the check and balance in place so that we could look back one day and say, as bad as this was, as upset as most of Americans have been about this abusive process by which this disastrous health care ''deform'' bill was passed, it led to a greater good if we amend the Constitution, we preserve the check and balance so that this body and the Senate can't come together and a majority in the House or Senate, cram a bad bill down the minority's throat, say, tough, even though, in this case, you represent the will of the vast majority of the people in America, we don't care. We're smarter than you. We're going to do this anyway. You wouldn't be able to do it.

One proposal is an amendment that might allow the States within, say, 30 days, 45 days, something like that, after a bill that affected the States could come back in and three-fourths could vote to veto the bill and that would veto the bill. End of it. It's dead and it couldn't be overridden by the House and Senate. That would put a check and balance in place.

Some, and I'm not sure I like this idea, but it may have possibilities if the right restraints were put on—some have said, well, we don't want to go back to the legislatures selecting, in some back-room deal, a U.S. Senator, because that just seems kind of tawdry. But perhaps, if a Senator was hurting their State, you could set some kind of recall system up so the State could recall a Senator that got too far afield and too far beyond the Constitution itself.

There are all kinds of proposals. This country is composed of brilliant people who could come together and make something very, very special. That's how we were founded. We were founded as a special country.

Going back to an act that had never occurred in the history of mankind, and I doubt will ever occur in the history of mankind again, and that was, in 1783, it's depicted in a huge painting down the Hall in the rotunda, of George Washington with his hand outstretched, as he tendered his resignation. He said, in effect, I did what you asked. I've won the revolution. Now I'm going home. Nobody had ever done that in the history of mankind. Never. When King George III was told that George Washington was going to, after having defeated the British, resign and go home, he just didn't believe it. He said, nobody would do that. In fact, he said if Washington were to do that, he would be the greatest man alive. He probably was. Nobody had ever done it before or done it since.

At times, when the military, when the Articles of Confederation were falling apart, they were calling upon Washington, please, we'll let you be King if you'll just come rule. The country's falling apart. He wouldn't do it. But Washington, in tendering that resignation, ended it with something very special. He ended it with what appears to be a prayer. The whole resignation was so moving that it was printed and distributed all over the country. They loved George Washington.

His resignation, at the end, and I quote, toward the end, said, ''I now make it my earnest prayer that God would have you and the state over which you preside in His holy protection. He'd incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government to entertain a brotherly affection and love for one another, for their fellow citizens of the United States, and particularly for their brethren who have served in the field.

And, finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, to demean ourselves with that charity, humility and specific temper of mind which were the characteristics of the divine author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy Nation.

Then he signed it by saying, I have the honor to be with great respect and esteem, Your Excellency's most obedient and very humble servant, George Washington.

That's how we get started. That kind of humility, that kind of selflessness. And yet we just passed a bill that exempts the leader's staff, White House, White House staff, except the President says he's going to go under it. But what happened to that kind of humility and selflessness by those in government? Well, I know what it is to sleep on an air mattress three or four nights a week for the honor of getting to serve here, and it's nothing compared to what those valiant Founders and those who fought over the years for our freedoms have given up.

So article V, that's a possibility. Maybe that gets back some sanity. Maybe it does.

What have we got to lose? We can't keep running up this kind of debt. We can't; we will lose this Nation. You know, you think it can't happen. Look at Greece, the way they're struggling. Go back to the Soviet Union. They spent so much in Afghanistan, so much on missile defense. They couldn't borrow enough, they couldn't print enough, and they finally had to announce, We're broke. China wasn't buying their debt. They couldn't get anybody to buy enough debt, loan them enough money. They couldn't print it fast enough so they went out of business. It happens. There is no nation in the history of the world that has ever gone on indefinitely. Every nation comes to an end. It is up to the vigilance of those in government of that country to ensure that future generations are protected.

I have the liberties and freedoms I do in this country, all of us here do, not because of something we did. I didn't deserve to be born here and have this kind of liberty. It was because of the generations that went before us, generations of people like George Washington and John Adams and Thomas Jefferson and John Hancock. So many of these guys that just were willing to sacrifice their lives, their fortunes, their sacred honor. I have been blessed because of their faithfulness in those prior generations.

You want to read a beautiful theological monologue, read Lincoln's second inaugural address as he struggled to deal with how a just God could allow the kind of suffering that had gone on, and he deals with it beautifully.

□ 2310

In that second inaugural that's inscribed on the north wall inside the Lincoln Memorial, trying to deal with how this could happen, he said, you know, we all read the same Bible, we all pray to the same God, yet the prayers of both could not be answered. He struggled and he came through and he recognized that a wonderful God has blessed this country.

You go back to the speech of Benjamin Franklin, to the Constitutional Convention, when he said, ''In the beginning contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor.'' By the way, that's not the words of a deist. ''To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity.

And have we now forgotten that powerful friend? Or do we imagine we no longer need His assistance? I have lived, sir, a long time and the longer I live the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings that 'except the Lord build the house, they labor in vain that build it.'''

Franklin went on and said, ''I firmly believe this; and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel.''

I want to finish, Madam Speaker, tonight with a radio address that was given on April 2, 1983, by Ronald Reagan. He has been talked about so much lately, and it seemed appropriate on this occasion as we wrap up before we recess and go home and see what our constituents have to say about us. He said:

''This week as American families draw together in worship, we join with millions upon millions of others around the world also celebrating the traditions of their faiths. During these days, at least, regardless of nationality, religion, or race, we are united by faith in God and the barriers between us seem less significant.

''Observing the rites of Passover and Easter, we're linked in time to the ancient origins of our values and to the unborn generations who will still celebrate them long after we're gone. As Paul explained in his Epistle to the Ephesians, 'He came and preached peace to you who were far away and peace to those who were near. So then you were no longer strangers and aliens, but you were fellow citizens of God's household.'

''This is a time of hope and peace, when our spirits are filled and lifted. It's a time when we give thanks for our blessings—chief among them, freedom, peace, and the promise of eternal life.

''This week Jewish families and friends have been celebrating Passover, a tradition rich in symbolism and meaning. Its observance reminds all of us that the struggle for freedom and the battle against oppression waged by Jews since ancient times is one shared by people everywhere. And Christians have been commemorating the last momentous days leading to the crucifixion of Jesus 1,950 years ago. Tomorrow, as morning spreads around the planet, we will celebrate the triumph of life over death, the resurrection of Jesus. Both observances tell of sacrifice and pain but also of hope and triumph.

''As we look around us today, we still find human pain and suffering, but we also see it answered with individual courage and spirit, strengthened by faith. For example, the brave Polish people, despite the oppression of a godless tyranny, still cling to their faith and their belief in freedom. Shortly after Palm Sunday mass this week, Lech Walesa faced a cheering crowd of workers outside a Gdansk church. He held up his hand in a sign of victory and predicted, 'The time will come when we will win.'

''Recently, an East German professor, his wife, and two daughters climbed into a 7-foot rowboat and crossed the freezing, wind-whipped Baltic to escape from tyranny. Arriving in West Germany after a harrowing 7-hour, 31-mile journey past East German border patrols, the man said he and his family had risked everything so that the children would have the chance to grow up in freedom.

''In Central America, Communist-inspired revolution still spreads terror and instability, but it's no match for the much greater force of faith that runs so deep among the people. We saw this during Pope John Paul II's recent visit there. As he conducted a mass in Nicaragua, state police jeered and led organized heckling by Sandinista supporters. But the Pope lifted a crucifix above his head and waved it at the crowd before him, then turned and symbolically held it up before the massive painting of Sandinista soldiers that loomed behind. The symbol of good prevailed. In contrast, everywhere else the Holy Father went in the region, spreading a message that only love can build, he was met by throngs of enthusiastic believers, eager for Papal guidance and blessing.

''In this Easter season when so many of our young men and women in the Armed Forces are stationed so very far from their homes, I can't resist recounting at least one example of their sacrifice and heroism. Every day I receive reports that would make you very proud, and today I would like to share just one with you.

''While the San Diego-based USS *Hoel* was steaming toward Melbourne, Australia, on Ash Wednesday, its crew heard of terrible brush fires sweeping two Australian states. More than 70 people were killed and the destruction was great. Well, the crew of this American ship raised $4,000 from their pockets to help, but they felt that it wasn't enough. So, leaving only a skeleton crew aboard, the 100 American sailors gave up a day's shore leave, rolled up their sleeves, and set to work rebuilding a ruined community on the opposite end of the Earth. Just Americans being Americans, but something for all of us to be proud of.

''Stories like these—of men and women around the world who love God and freedom—bear a message of world hope and brotherhood like the rites of Passover and Easter that we celebrate this weekend.

''A grade school class in Somerville, Massachusetts, recently wrote me to say, 'We studied about countries and found out that each country in our world is beautiful and we need each other. People may look a little different but we're still people who need the same things.' They said, 'We want peace. We want to take care of one another. We want to be able to get along with one another. We want to be able to share. We want freedom and justice. We want to be friends. We want no wars. We want to be able to talk to one another. We want to be able to travel around the world without fear.'

''They then asked, 'Do you think that we can have these things one day?' Well, I do,'' Reagan said. ''I really do. Nearly 2,000 years after the coming of the Prince of Peace, such simple wishes may still seem far from fulfillment. But we can achieve them. We must never stop trying.

''The generations of Americans now growing up in schools across our country can make sure the United States will remain a force for good, the champion of peace and freedom as their parents and grandparents before them have done. And if we live our lives and dedicate our country to truth, to love, and to God, we will be a part of something much stronger and much more enduring than any negative power here on Earth. That's why this weekend is a celebration and why there is hope for us all.

''Thanks for listening, and God bless you.''

That was Ronald Reagan, 1983. There is wisdom among the States. It all doesn't reside here in Washington, D.C. It can be found in brilliance, in schools, in workplaces, in coffee klatches, in places all over this God blessed country. Let's trust them. If we have 34 States say, and next January would be a good time to work toward them and have momentum toward January of 2011 and in January of 2011, 34 States say, you know what, Speaker of the House of Representatives, Leader of the Senate, it's time to have an amendment to the Constitution to preserve the rights reserved to the States under the 9th and 10th amendment and the genius of this country as it has come together through the different amendments to ensure the rights and to ensure the ongoing of this blessed country can go on.

That is the message I leave with you as I yield back, Madam Speaker.

HOUSE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

January 22, 2010:

H.R. 4462. An Act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

January 29, 2010:

H.R. 1817. An Act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''.

H.R. 2877. An Act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New

York, as the ''1st Lieutenant Louis Allen Post Office''.

H.R. 3072. An Act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

H.R. 3319. An Act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

H.R. 3539. An Act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

H.R. 3788. An Act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''.

H.R. 4508. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1968, and for other purposes.

February 1, 2010:

H.R. 1377. An Act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

February 12, 2010:

H.J. Res. 46. A joint resolution increasing the statutory limit on the public debt.

February 16, 2010:

H.R. 730. An Act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material and for other purposes.

February 27, 2010:

H.R. 3961. 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 until February 28, 2011.

H.R. 4532. An Act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

March 2, 2010:

H.R. 4891. An Act to provide a temporary extension of certain programs, and for other purposes.

March 4, 2010:

H.R. 1299. An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

March 18, 2010:

H.R. 2847. An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

March 23, 2010:

H.R. 3590. An Act entitled The Patient Protection and Affordable Care Act.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

January 27, 2010:

S. 2949. An Act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

February 1, 2010:

S. 692. An Act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

March 1, 2010:

S. 2950. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks.

March 17, 2010:

S. 2968. An Act to make certain technical and conforming amendments to the Lanham Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POLIS) to revise and extend their remarks and include extraneous material:)

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

Mr. MAFFEI, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POSEY, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, pursuant to House Concurrent Resolution 257, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes p.m.), the House adjourned until Tuesday, April 13, 2010, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6787. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Victor E. Renuart, Jr., United States Air Force, and his placement on the retired list in the grade of general to the Committee on Armed Services.

6788. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Saftey Standards; Door Locks and Door Retention Components [Docket No.: NHTSA-2010-0015] (RIN: 2127-AK60) received March 4, 2010 to the Committee on Energy and Commerce.

6789. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-012 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6790. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-018 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6791. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-025 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6792. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-022, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act to the Committee on Foreign Affairs.

6793. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-013, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6794. A letter from the Chair, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the J. William Fulbright Foreign Scholarship Board for 2008-2009 to the Committee on Foreign Affairs.

6795. A letter from the Acting Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2009 through September 30, 2009 to the Committee on House Administration and ordered to be printed.

6796. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Civil Monetary Penalties; Adjustment for Inflation [Docket No.: 080731957-8958-01] (RIN: 0605-AA27) received March 4, 2010 to the Committee on the Judiciary.

6797. A letter from the Paralegal Specialist, Department of Homeland Security, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30707 Amdt. No 3358] received March 4, 2010 to the Committee on Transportation and Infrastructure.

6798. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors with a Sport Pilot Rating [Docket No.: FAA-2007-29015; Amdt. Nos. 43-44, 61-125, 91-311, and 141-13] (RIN: 2120-AJ10) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6799. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshaft Engines [Docket No.: FAA-2009-0889; Directorate Identifier 2009-NE-35-AD; Amendment 39-16189; AD 2010-03-06] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6800. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lifesavings Systems Corp., D-Lok Hook Assembly [Docket No.: FAA-2009-1148; Directorate Identifier 2009-SW-36-AD; Amendment 39-16185; AD 2010-03-02] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6801. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SE3160, SA315B, SA316B, SA316C, and SA319B Helicopters [Docket No.: FAA-2010-0047; Directorate Identifier 2009-SW-28-AD; Amendment 39-16177; AD 2010-02-07] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6802. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2009-0793; Directorate Identifier 2009-NM-051-AD; Amendment 39-16183; AD 2010-02-12] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6803. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301,-302, -303, -321, -322, -323, -341, -342, and -343 Series Airplanes; Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes; and Model A340-541 and -642 Airplanes [Docket No.: FAA-2009-0782; Directorate Identifier 2009-NM-011-AD; Amendment 39-16181; AD 2010-02-10] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6804. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0912; Directorate Identifier 2009-NM-047-AD; Amendment 39-16182; AD 2010-02-11] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6805. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L1, AS332L2, and EC225LP Helicopters [Docket No.: FAA-2009-1146; Directorate Identifier 2008-SW-38-AD; Amendment 39-16184; AD 2010-03-01] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6806. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Filtered Flight Data [Docket No.: FAA-2006-26135; Amendment Nos. 121-347, 125-59, and 135-120] (RIN: 2120-AI79) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6807. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Computerized Tribal IV-D Systems and Office Automation (RIN: 0970-AC32) received February 25, 2010 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. BRADY of Pennsylvania: Committee on House Administration. H.R. 3489. A bill to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes (Rept. 111–457). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER. Committee on Rules. House Resolution 1225. Resolution providing for consideration of the Senate amendments to the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13) (Rept. 111–458). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than May 28, 2010.

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. SERRANO:

H.R. 4938. A bill to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes; to the Committee on Small Business. Considered and passed.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4939. A bill to establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. SHIMKUS, Ms. HERSETH SANDLIN, Mr. JOHNSON of Illinois, Mr. LATHAM, Mr. HARE, Mr. PETERSON, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. BOSWELL, Mr. KING of Iowa, Mr. WALZ, Mr. SCHOCK, Mr. LEE of New York, Ms. MARKEY of Colorado, Mr. MOORE of Kansas, Mr. SALAZAR, Mrs. HALVORSON, Mr. GRAVES, Mr. ELLSWORTH, Mr. DAVIS of Illinois, Mrs. EMERSON, Mr. DAVIS of Alabama, Mr. LUETKEMEYER, Mr. TERRY, Ms. KAPTUR, Mr. COSTELLO, Mr. HILL, Mr. FOSTER, and Mr. KIRK):

H.R. 4940. A bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol; to the Committee on Ways and Means.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. FILNER, Ms. TITUS, Mr. RODRIGUEZ, and Mrs. LUMMIS):

H.R. 4941. A bill to amend title 31, United States Code, to include means of access to funds or the value of funds in certain records and reports on monetary instrument transactions, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. WITTMAN, Mr. NYE, Mr. CANTOR, Mr. FORBES, Mr. BOUCHER, and Mr. PERRIELLO):

H.R. 4942. A bill to require the Secretary of the Interior to conduct proposed oil and gas Lease Sale 220 for areas of the outer Continental Shelf at least 50 miles beyond the coastal zone of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California (for himself, Mr. CANTOR, Mr. CAMP, Mr. RYAN of Wisconsin, and Mr. BRADY of Texas):

H.R. 4943. A bill to require the Internal Revenue Service to include in the Form 1040 instruction booklet information relating to Federal Government revenues, spending, and public debt; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4944. A bill to repeal the Patient Protection and Affordable Care Act and to replace such Act with incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Budget, Oversight and Government Reform, Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. DENT, Mr. TOWNS, and Mr. PASCRELL):

H.R. 4945. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COLE (for himself and Mr. ROONEY):

H.R. 4946. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. LATHAM (for himself and Mr. BOREN):

H.R. 4947. A bill to amend title 10, United States Code, to eliminate the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

By Mr. BOREN (for himself and Mr. COLE):

H.R. 4948. A bill to amend the Water Resources Development Act of 1986 to clarify

the role of the Cherokee Nation of Oklahoma in maintaining the W.D. Mayo Lock and Dam in Oklahoma; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. ORTIZ, and Mr. WILSON of South Carolina):

H.R. 4949. A bill to establish within the Office of the Secretary of Defense an office responsible for implementing all recommendations and requirements regarding military medical facilities in the National Capital Region, and for other purposes; to the Committee on Armed Services.

By Mr. COHEN (for himself, Mr. WHITFIELD, and Mr. CONYERS):

H.R. 4950. A bill to provide for improvements to the administration of bankruptcy in cases under chapter 7 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. HERGER, Mr. CARTER, Mr. KIRK, Mr. ISSA, Mr. PLATTS, Mr. CULBERSON, Mr. POE of Texas, Mr. YOUNG of Alaska, Mr. THOMPSON of Pennsylvania, Mr. MICA, Mr. CALVERT, Mr. NEUGEBAUER, Mr. GINGREY of Georgia, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. PAUL, Mr. SCALISE, Mr. SAM JOHNSON of Texas, Mr. HELLER, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. CAMPBELL, and Mr. FORTENBERRY):

H.R. 4951. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice-President, Members of Congress, political appointees, and congressional staff; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 4952. A bill to establish the Office of the Special Coordinator for Assistance to Haiti, to establish the Office of the Special Inspector General for Assistance to Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MILLER of North Carolina (for himself and Mr. ELLISON):

H.R. 4953. A bill to amend the Truth in Lending Act to prohibit the servicer of a home mortgage, or any affiliate of the servicer, from holding any other mortgage on the property; to the Committee on Financial Services.

By Mr. ISSA (for himself, Mr. BOUCHER, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. COHEN, Mr. FRANKS of Arizona, and Mr. DANIEL E. LUNGREN of California):

H.R. 4954. A bill to amend title 35, United States Code, to provide recourse under the patent law for persons who suffer competitive injury as a result of false markings; to the Committee on the Judiciary.

By Ms. KOSMAS:

H.R. 4955. A bill to authorize the National Science Foundation to provide grants for implementing or expanding research-based reforms in undergraduate STEM education for the purpose of increasing the number and quality of students studying toward and completing baccalaureate degrees in STEM; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, 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 Mrs. BONO MACK (for herself, Mr. ROGERS of Kentucky, Mr. TERRY, Mr. DUNCAN, Mr. MACK, Mr. WHITFIELD, and Mr. LYNCH):

H.R. 4956. A bill to direct the Commissioner of Food and Drugs to modify the approval of any drug containing controlled-release oxycodone hydrochloride to limit such approval to use for the relief of severe-only instead of moderate-to-severe pain, and for other purposes; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 4957. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. considered and passed.

By Mr. BACA (for himself, Mr. SIRES, Mr. TOWNS, and Ms. NORTON):

H.R. 4958. A bill to amend section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note) to require each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to include under the local wellness policy established by the agency a requirement that students receive 50 hours of school nutrition education per school year; to the Committee on Education and Labor.

By Mr. CARNAHAN (for himself, Mr. FORTENBERRY, Mr. REICHERT, Mr. MORAN of Virginia, Mr. SIRES, Mr. EHLERS, Mrs. BIGGERT, Mrs. MALONEY, and Mr. DICKS):

H.R. 4959. A bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth; to the Committee on Foreign Affairs.

By Mr. BUCHANAN (for himself, Mr. JONES, Mr. CARTER, Mr. PLATTS, Mr. GARY G. MILLER of California, Mr. POSEY, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. FORBES, Mr. ISSA, Mr. CALVERT, Mr. BURGESS, Mr. ROONEY, Mr. CHAFFETZ, Mr. PRICE of Georgia, Mr. PENCE, Mr. BRADY of Texas, Mr. KINGSTON, Mr. CASTLE, Mr. GINGREY of Georgia, Mr. HALL of Texas, and Mrs. BIGGERT):

H.R. 4960. A bill to eliminate sweetheart deals under the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. MEEKS of New York, Ms. FUDGE, and Mr. MEEK of Florida):

H.R. 4961. A bill to provide for the establishment of the Haitian-American Enterprise Fund; to the Committee on Foreign Affairs.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. KING of New York, Ms. LORETTA SANCHEZ of California, Mr. WEINER, and Ms. RICHARDSON):

H.R. 4962. A bill to require reporting on certain information and communications technologies of foreign countries, to develop action plans to improve the capacity of certain countries to combat cybercrime, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Ms. DELAURO, Mr. HARE, Ms. EDWARDS of Maryland, and Mr. YARMUTH):

H.R. 4963. A bill to amend the child nutrition laws to require that milk served in school lunch programs be consistent with the Dietary Guidelines for Americans and to expand eligibility for the Special Milk Program, and to establish a pilot program providing low-fat cheeses for school breakfast and lunch programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 4964. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for commuting expenses; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana:

H.R. 4965. A bill to amend the Internal Revenue Code of 1986 to reduce the employer portion of payroll taxes in the case of employers who expand payroll in 2010 and 2011 in areas with high unemployment and to make permanent the research and development credit, bonus depreciation, and increased expensing limitations; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 4966. A bill to amend section 5316 of title 31, United States Code, to establish a reporting requirement for any stored value device carried out of, into, or through the United States, to establish registration requirements for stored value device businesses, and for other purposes; to the Committee on Financial Services.

By Ms. GIFFORDS (for herself, Mr. THOMPSON of California, Mrs. BONO MACK, Mr. GRIJALVA, Mr. LUJÁN, Mr. BLUMENAUER, and Mr. CARNAHAN):

H.R. 4967. A bill to amend the Internal Revenue Code of 1986 to provide an exception to the arbitrage rules for prepayments for electricity generated from renewable resources; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 4968. A bill to authorize the National Science Foundation to award grants for implementing or expanding research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers in the STEM workforce; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, 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. INSLEE (for himself, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 4969. A bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender

Supervision on policies and minimum standards to better protect public and officer safety; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 4970. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Ms. VELÁZQUEZ, Ms. LEE of California, Mr. CUMMINGS, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. CLAY, Mr. RUSH, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. KUCINICH, Mr. KILDEE, Mr. HARE, Ms. SUTTON, Mr. TONKO, Mr. KANJORSKI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHERMAN, and Mrs. DAHLKEMPER):

H.R. 4971. A bill to increase the emphasis on urban agricultural issues in the Department of Agriculture through the establishment of a new office to ensure that Department authorities are used to effectively encourage local agricultural production and increase the availability of fresh food in urban areas, particularly underserved communities experiencing hunger, poor nutrition, obesity, and food insecurity, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, 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. KING of Iowa (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BONNER, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMPBELL, Mr. CARTER, Mr. COBLE, Mr. DUNCAN, Mr. FLEMING, Mr. GOHMERT, Mr. GOODLATTE, Mr. GRIFFITH, Mr. HENSARLING, Mr. INGLIS, Mr. ISSA, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KINGSTON, Mr. LAMBORN, Mr. LATTA, Mr. MARCHANT, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. NEUGEBAUER, Mr. PENCE, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. OLSON, Ms. JENKINS, Mr. BROUN of Georgia, and Mrs. LUMMIS):

H.R. 4972. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 4973. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes; to the Committee on Natural Resources.

By Mr. LANGEVIN (for himself, Mr. THORNBERRY, Mr. SKELTON, Ms. HARMAN, Mr. GONZALEZ, Mr. DAVIS of Kentucky, Mr. WALZ, Mr. REYES, Mr. OWENS, Mr. ROTHMAN of New Jersey, Mr. THOMPSON of Mississippi, and Mr. CARTER):

H.R. 4974. A bill to provide for quadrennial national security reviews, and for other purposes; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. CARTER, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. COBLE, and Mr. LINDER):

H.R. 4975. A bill to provide for habeas corpus review for unprivileged enemy belligerents; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. LARSON of Connecticut, Mr. FRANK of Massachusetts, and Mr. BLUMENAUER):

H.R. 4976. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, 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. MITCHELL:

H.R. 4977. A bill to amend the Noyce Teacher Scholarship Program to reduce the cost-sharing requirement for colleges and universities and to provide incentives for Noyce scholars to teach in high-needs schools; to the Committee on Science and Technology.

By Ms. MOORE of Wisconsin (for herself and Mr. STARK):

H.R. 4978. A bill to require States to take certain steps to address domestic and sexual violence among individuals receiving assistance under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, and Ms. NORTON):

H.R. 4979. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Oversight and Government Reform, 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. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. FLAKE):

H.R. 4980. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Affairs.

By Mr. PETERSON (for himself, Mr. WALZ, Mr. PENCE, Mr. PITTS, Mr. LOEBSACK, and Mr. LUETKEMEYER):

H.R. 4981. A bill to amend the Internal Revenue Code of 1986 to provide a religious exception to the requirement that certain tax return preparers file returns on magnetic media; to the Committee on Ways and Means.

By Mr. POSEY (for himself, Mr. LINDER, Mr. KIRK, Mr. PITTS, Mr. OLSON, Mr. BARTLETT, Mr. FLEMING, Mr. PAULSEN, Ms. FALLIN, Mr. GRIFFITH, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. GOHMERT, Mr. BROUN of Georgia, Mr. BONNER, Mr. AKIN, Mr. WESTMORELAND, Mr. PAUL, Mrs. MYRICK, and Mr. SOUDER):

H.R. 4982. A bill to amend the Patient Protection and Affordable Care Act to clarify the coverage for congressional employees through Exchanges under title I of such Act; to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY:

H.R. 4983. A bill to amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, House Administration, the Judiciary, and Standards of Official Conduct, 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. REYES:

H.R. 4984. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe; to the Committee on Natural Resources.

By Mr. ROE of Tennessee (for himself, Mr. POSEY, Mr. FLEMING, Mr. LUETKEMEYER, Mr. WAMP, Mr. WESTMORELAND, Mr. OLSON, Mrs. MCMORRIS RODGERS, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. GRIFFITH, Mrs. LUMMIS, Mr. SHADEGG, Mr. LINDER, Mr. DUNCAN, Mr. TIAHRT, Mr. JONES, Mr. SOUDER, Mr. HALL of Texas, Mrs. BACHMANN, Mr. MICA, Ms. FALLIN, Mr. PENCE, Mr. BURGESS, Mr. KING of Iowa, Mr. COFFMAN of Colorado, Mr. SCHOCK, Mr. ROONEY, Mr. THOMPSON of Pennsylvania, and Mr. PAUL):

H.R. 4985. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Ways and Means, and in addition to the Committees on Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Ms. WATSON, and Ms. ROS-LEHTINEN):

H.R. 4986. A bill to develop a strategy for assisting stateless children from North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHOCK (for himself and Mrs. LUMMIS):

H.R. 4987. A bill to use unexpended stimulus funds to replenish the Highway Trust Fund; to the Committee on Appropriations.

By Mr. SESTAK:

H.R. 4988. A bill to amend the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4989. A bill to require consideration of the life-cycle cost of a building during the construction of certain Federal buildings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK:

H.R. 4990. A bill to amend the Internal Revenue Code of 1986 to modify and extend the credit for alternative motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4991. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Natural Resources.

By Mr. COURTNEY (for himself, Mr. MICHAUD, Ms. HIRONO, Mr. COBLE, Mr. MURPHY of Connecticut, Mr. LARSON of Connecticut, Mr. MICA, Ms. DELAURO, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. BARTLETT, Mr. WITTMAN, Ms. SHEA-PORTER, Mr. LAMBORN, Mr. TAYLOR, Mr. HALL of New York, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Mr. BUTTERFIELD, Ms. LORETTA SANCHEZ of California, Mr. CONAWAY, Mr. LANGEVIN, and Ms. KILPATRICK of Michigan):

H. Con. Res. 258. Concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. TIBERI):

H. Con. Res. 259. Concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on Foreign Affairs.

By Mr. CALVERT (for himself and Ms. LORETTA SANCHEZ of California):

H. Res. 1219. A resolution expressing support for designation of September as National Child Awareness Month; to the Committee on Education and Labor.

By Mr. FLAKE:

H. Res. 1220. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. CHAFFETZ:

H. Res. 1221. A resolution amending the Rules of the House of Representatives to increase openness and transparency in the annual appropriations process as it relates to earmarks; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, 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. EHLERS (for himself and Mr. GRIJALVA):

H. Res. 1222. A resolution supporting the goals and ideals of National Library Week; to the Committee on Education and Labor.

By Mr. PENCE:

H. Res. 1223. A resolution electing a Minority member to a standing committee; considered and agreed to. considered and agreed to.

By Mr. JOHNSON of Georgia (for himself, Ms. LEE of California, Mr. MCGOVERN, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. GRIJALVA, Mr. HONDA, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. ELLISON, Ms. WOOLSEY, Ms. NORTON, Mr. SERRANO, Ms. WATSON, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. FARR, and Ms. RICHARDSON):

H. Res. 1224. A resolution recognizing and honoring the important work that Colombia's Constitutional Court has done on behalf of Colombia's internally displaced persons, especially indigenous peoples, Afro-Colombians, and women; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas (for himself, Mr. WHITFIELD, Ms. BALDWIN, Mr. SESSIONS, Mr. SCOTT of Georgia, Mr. SCHRADER, Mr. NEAL of Massachusetts, Mr. GRIJALVA, and Mr. KENNEDY):

H. Res. 1226. A resolution commending EyeCare America for its work over the last 25 years; to the Committee on Energy and Commerce.

By Ms. FALLIN:

H. Res. 1227. A resolution remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and supporting the goals and ideals of the National Week of Hope; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN:

H. Res. 1228. A resolution honoring the veterans of Helicopter Attack Light Squadron Three and their families; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mrs. NAPOLITANO, Mr. KENNEDY, Ms. BERKLEY, Mr. HINCHEY, Ms. RICHARDSON, Mr. YOUNG of Alaska, Mr. INGLIS, Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Ms. KILROY, Mr. LOEBSACK, Mr. TONKO, Mr. WOLF, Mr. PENCE, Ms. MOORE of Wisconsin, Mr. SMITH of New Jersey, Mr. GRIJALVA, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. HASTINGS of Florida, Ms. SHEA-PORTER, Mr. RUSH, Mr. MICHAUD, Mr. MCCAUL, Mr. GRIFFITH, Ms. JACKSON LEE of Texas, Mr. KAGEN, Mr. THOMPSON of Pennsylvania, Ms. BORDALLO, Mrs. SCHMIDT, Mr. LUJÁN, Mr. GONZALEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PIERLUISI, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. LANGEVIN, and Mr. GUTIERREZ):

H. Res. 1229. A resolution expressing the sense of the House of Representatives that the President should overturn the policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide; to the Committee on Armed Services.

By Mr. GARRETT of New Jersey (for himself, Mr. CULBERSON, Mrs. BLACKBURN, Mr. JONES, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. GARY G. MILLER of California, Mr. MARCHANT, Mr. BURTON of Indiana, Mr. MCHENRY, Mr. MORAN of Kansas, Mr. BARRETT of South Carolina, Mr. CAMPBELL, Mr. SHADEGG, Ms. FOXX, Mr. DUNCAN, Mr. KINGSTON, Mr. CHAFFETZ, Mrs. MYRICK, Mr. WESTMORELAND, and Mr. SOUDER):

H. Res. 1230. A resolution commending the efforts of State legislatures, Attorneys General, and citizens to resist the implementation of the Patient Protection and Affordable Care Act; to the Committee on the Judiciary.

By Mr. HOLT:

H. Res. 1231. A resolution celebrating the 50th anniversary of the United States Television Infrared Observation Satellite, the world's first meteorological satellite, launched by the National Aeronautics and Space Administration on April 1, 1960, and fulfilling the promise of President Eisenhower to all nations of the world to promote the peaceful use of space for the benefit of all mankind; to the Committee on Science and Technology.

By Mr. LATTA:

H. Res. 1232. A resolution congratulating the six-time Defending Mid-American Conference Champion Bowling Green State University women's basketball team on another outstanding and record-setting season; to the Committee on Education and Labor.

By Mr. LOEBSACK:

H. Res. 1233. A resolution congratulating the University of Iowa Hawkeyes wrestling team on winning the 2010 NCAA Division I National Wrestling Championships; to the Committee on Education and Labor.

By Mr. MAFFEI:

H. Res. 1234. A resolution congratulating the Town of Penfield, New York, on the occasion of its bicentennial anniversary; to the Committee on Oversight and Government Reform.

By Mr. TEAGUE:

H. Res. 1235. A resolution amending the Rules of the House of Representatives to require chairs and ranking minority members of committees and subcommittees to indicate whether they have any financial interest in the employer of any witness at a hearing, any person retaining a witness, or any person represented by a witness; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. CHANDLER, Mr. LEE of New York, Ms. BERKLEY, Ms. VELÁZQUEZ, and Mr. SCHRADER.

H.R. 177: Mr. GRIJALVA.

H.R. 197: Mr. ELLSWORTH.

H.R. 211: Mr. FRANK of Massachusetts and Mr. OLVER.

H.R. 275: Mr. HONDA.

H.R. 333: Mr. MCGOVERN, Mr. TONKO, Ms. BERKLEY, Mr. MANZULLO, Mr. SIMPSON, and Mr. ROSS.

H.R. 510: Mr. ETHERIDGE.

H.R. 537: Mr. DELAHUNT.

H.R. 571: Mr. ETHERIDGE.

H.R. 668: Mr. TIAHRT.

H.R. 734: Mr. THOMPSON of Mississippi, Mr. CALVERT, and Mrs. DAVIS of California.

H.R. 796: Mr. KILDEE, Mr. BACA, and Mr. FILNER.

H.R. 886: Mr. PASTOR of Arizona and Mr. COBLE.

H.R. 948: Mr. DENT.

H.R. 1074: Mr. ELLSWORTH and Mr. TIAHRT.

H.R. 1093: Mr. CLEAVER.

H.R. 1132: Mr. HUNTER.

H.R. 1177: Mr. AKIN, Mr. BONNER, Mr. BOUSTANY, Mr. BUCHANAN, Mr. COBLE, Mr. CRENSHAW, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. KING of New York, Mr. LINDER, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. GARY G. MILLER of California, Mr. NUNES, Mr. PETRI, Mr. RADANOVICH, Mr. SENSENBRENNER, Mr. SHUSTER, and Mr. SIMPSON.

H.R. 1189: Mr. TIAHRT.

H.R. 1205: Ms. RICHARDSON and Mrs. CAPITO.

H.R. 1294: Mr. TIAHRT.

H.R. 1352: Mr. PETERS and Mr. DAVIS of Tennessee.

H.R. 1362: Mr. CHAFFETZ.

H.R. 1426: Mr. NUNES.

H.R. 1443: Mr. COSTELLO.

H.R. 1549: Mr. BISHOP of New York.

H.R. 1623: Mr. UPTON and Mr. HALL of New York.

H.R. 1643: Mr. YOUNG of Alaska and Mr. BRADY of Pennsylvania.

H.R. 1646: Mr. TIAHRT.

H.R. 1691: Mr. TIAHRT.

H.R. 1818: Mr. ISRAEL.

H.R. 1826: Mrs. CAPPS.

H.R. 1894: Mr. TIAHRT.
H.R. 1908: Mrs. MALONEY.
H.R. 1912: Mr. YOUNG of Florida.
H.R. 2000: Mr. SERRANO, Mr. GRAYSON, Mr. YOUNG of Alaska, Mr. NADLER of New York, Mrs. EMERSON, Ms. KILPATRICK of Michigan, Mr. WALZ, Mr. BARTLETT, Mr. LYNCH, Mr. SARBANES, and Ms. SHEA-PORTER.
H.R. 2038: Mr. MCCLINTOCK.
H.R. 2054: Mr. WILSON of Ohio.
H.R. 2057: Mr. WILSON of Ohio.
H.R. 2067: Mr. GRIJALVA.
H.R. 2104: Mr. STARK.
H.R. 2105: Mr. DENT.
H.R. 2122: Mr. BROWN of South Carolina and Ms. ROS-LEHTINEN.
H.R. 2160: Mrs. MCMORRIS RODGERS.
H.R. 2214: Mr. PRICE of North Carolina.
H.R. 2220: Ms. HERSETH SANDLIN.
H.R. 2262: Mr. KLEIN of Florida.
H.R. 2275: Mr. RAHALL, Mr. STARK, and Ms. KOSMAS.
H.R. 2296: Mr. BURGESS and Mr. KISSELL.
H.R. 2319: Mr. GRIJALVA.
H.R. 2328: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2378: Mr. BOCCIERI, Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. GUTIERREZ, Mr. LYNCH, Mr. DELAHUNT, Mr. ANDREWS, Ms. SHEA-PORTER, Ms. LORETTA SANCHEZ of California, Mr. CONNOLLY of Virginia, Mr. BARROW, and Mrs. MCCARTHY of New York.
H.R. 2472: Mr. WHITFIELD, Mr. POSEY, Mr. WAMP, Mr. MILLER of Florida, and Mr. ROYCE.
H.R. 2520: Mr. DANIEL E. LUNGREN of California.
H.R. 2542: Mr. LARSON of Connecticut, Mrs. MILLER of Michigan, and Mr. TIM MURPHY of Pennsylvania.
H.R. 2578: Mr. CHAFFETZ.
H.R. 2584: Ms. BALDWIN.
H.R. 2597: Mr. TONKO.
H.R. 2625: Ms. GIFFORDS, Mr. FILNER, and Ms. SUTTON.
H.R. 2697: Mr. ARCURI.
H.R. 2720: Mr. SHADEGG.
H.R. 2746: Ms. CLARKE, Mr. DELAHUNT, and Mr. RUSH.
H.R. 2866: Mr. BISHOP of Utah.
H.R. 3012: Mrs. CAPPS.
H.R. 3070: Mr. HARE, Mr. SHERMAN, Ms. SPEIER, Mr. PALLONE, Ms. WOOLSEY, Mr. HINCHEY, Mr. COSTA, Mr. CARDOZA, Mr. ENGEL, and Ms. WASSERMAN SCHULTZ.
H.R. 3116: Mr. DAVIS of Tennessee.
H.R. 3148: Mr. WU.
H.R. 3173: Ms. SUTTON.
H.R. 3186: Mr. GALLEGLY and Mr. DELAHUNT.
H.R. 3243: Mr. PLATTS.
H.R. 3308: Mrs. EMERSON.
H.R. 3393: Mr. CUELLAR and Mr. MCINTYRE.
H.R. 3408: Ms. WASSERMAN SCHULTZ, Ms. RICHARDSON, Ms. WOOLSEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. ARCURI, Mr. HIMES, and Mr. SIRES.
H.R. 3595: Mr. SHADEGG, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. BURTON of Indiana, Mr. MCHENRY, Mr. CAMPBELL, Mr. GOHMERT, Ms. FOXX, Mr. ROYCE, Mr. MARIO DIAZ-BALART of Florida, Mr. CHAFFETZ, Mrs. MYRICK, Mr. MCCARTHY of California, and Mr. WESTMORELAND.
H.R. 3749: Mr. SESTAK.
H.R. 3790: Mr. HELLER.
H.R. 3943: Ms. BERKLEY, Mr. LUJÁN, and Mrs. KIRKPATRICK of Arizona.
H.R. 3995: Mr. MELANCON.
H.R. 4051: Mr. UPTON, Mr. WOLF, Mr. BOREN, and Mr. DELAHUNT.
H.R. 4054: Mr. BERMAN.
H.R. 4070: Mr. KING of Iowa.
H.R. 4128: Mr. SHERMAN.
H.R. 4179: Ms. FUDGE.
H.R. 4197: Mr. BOREN.
H.R. 4226: Mr. CALVERT and Ms. SCHWARTZ.
H.R. 4241: Mr. SPACE.
H.R. 4278: Mr. REICHERT.
H.R. 4296: Mr. DELAHUNT and Mr. KIRK.
H.R. 4306: Mr. PUTNAM, Mr. GUTHRIE, and Mr. CALVERT.
H.R. 4322: Mr. SPRATT.
H.R. 4371: Ms. GINNY BROWN-WAITE of Florida and Mr. KLEIN of Florida.
H.R. 4376: Mr. HIGGINS.
H.R. 4394: Ms. NORTON.
H.R. 4399: Mr. PAYNE, Mr. BISHOP of New York, Mr. ROTHMAN of New Jersey, and Mr. DELAHUNT.
H.R. 4405: Mr. CASTLE.
H.R. 4430: Mr. TIAHRT.
H.R. 4436: Mrs. MILLER of Michigan.
H.R. 4494: Mr. BOUCHER.
H.R. 4502: Mr. HONDA.
H.R. 4520: Mr. MOORE of Kansas.
H.R. 4530: Mr. SESTAK, Mr. SIRES, and Ms. SUTTON.
H.R. 4533: Mr. CLEAVER.
H.R. 4564: Mr. JOHNSON of Georgia.
H.R. 4588: Mr. SCHOCK.
H.R. 4594: Mr. SIRES, Mr. BISHOP of Georgia, Ms. ZOE LOFGREN of California, Mr. KILDEE, and Mr. DOGGETT.
H.R. 4596: Mr. HASTINGS of Florida and Mr. ENGEL.
H.R. 4603: Mr. SESTAK.
H.R. 4619: Mr. DOYLE.
H.R. 4653: Mr. BARRETT of South Carolina.
H.R. 4676: Mr. BLUNT, Mr. ROTHMAN of New Jersey, Ms. BORDALLO, Ms. BERKLEY, and Ms. TITUS.
H.R. 4677: Mr. CARSON of Indiana.
H.R. 4678: Ms. MCCOLLUM, Mr. VISCLOSKY, Mr. BRIGHT, and Mr. SHERMAN.
H.R. 4689: Ms. LEE of California and Mr. MITCHELL.
H.R. 4694: Mr. MAFFEI and Mr. HONDA.
H.R. 4705: Mr. MCCLINTOCK.
H.R. 4710: Mr. LOEBSACK.
H.R. 4711: Mr. PAYNE.
H.R. 4717: Mr. WALDEN, Mr. KING of Iowa, and Mrs. KIRKPATRICK of Arizona.
H.R. 4722: Mr. RYAN of Ohio and Mr. DELAHUNT.
H.R. 4732: Mr. FARR.
H.R. 4735: Mr. PAUL.
H.R. 4746: Ms. FALLIN, Mr. GERLACH, Mr. SOUDER, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. SCHOCK, Mrs. BLACKBURN, and Mr. LAMBORN.
H.R. 4755: Mrs. DAHLKEMPER.
H.R. 4788: Mr. ISRAEL, Mr. GRIJALVA, and Mr. CAPUANO.
H.R. 4790: Mr. CUMMINGS, Mr. HEINRICH, Ms. WATERS, Mr. WEINER, and Mr. GRIJALVA.
H.R. 4797: Mr. KIRK.
H.R. 4800: Mr. RUSH.
H.R. 4804: Mr. PIERLUISI and Mr. GENE GREEN of Texas.
H.R. 4806: Mr. NADLER of New York, Mr. FRANK of Massachusetts, and Ms. SPEIER.
H.R. 4807: Mr. MILLER of Florida.
H.R. 4812: Mr. WEINER, Mr. SARBANES, Mr. KISSELL, Mr. ROTHMAN of New Jersey, Mr. GRAYSON, Mr. BUTTERFIELD, Mr. HONDA, Mr. BRALEY of Iowa, Mr. MARKEY of Massachusetts, Mr. WAXMAN, Ms. WATERS, Mr. BISHOP of Georgia, and Mr. WU.
H.R. 4850: Mr. HELLER and Mr. LUETKEMEYER.
H.R. 4869: Ms. BERKLEY, Mr. COHEN, Ms. RICHARDSON, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. RANGEL, and Mr. GRIJALVA.
H.R. 4879: Mr. SIRES, Ms. SPEIER, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. HOLT, Mr. PASCRELL, and Ms. MCCOLLUM.
H.R. 4886: Mr. WOLF and Mr. KIRK.
H.R. 4889: Mr. BACHUS, Mr. MCCLINTOCK, and Mr. JONES.
H.R. 4894: Mr. WILSON of South Carolina and Mr. ROHRABACHER.
H.R. 4896: Mr. FORTENBERRY and Mr. MILLER of Florida.
H.R. 4901: Mr. GOODLATTE and Mr. GARY G. MILLER of California.
H.R. 4903: Mr. BISHOP of Utah, Mr. BONNER, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. FLEMING, Ms. GRANGER, Mr. HERGER, Mr. MARCHANT, Mr. SMITH of New Jersey, Mr. HENSARLING, Mr. MCCLINTOCK, Mr. WESTMORELAND, Mr. LAMBORN, and Mr. ADERHOLT.
H.R. 4905: Mr. GARAMENDI, Ms. FUDGE, Mr. CARNAHAN, Mr. LIPINSKI, Mr. WU, Mr. TONKO, Mr. LUJÁN, and Mr. COSTELLO.
H.R. 4906: Mr. GARAMENDI, Ms. FUDGE, Mr. CARNAHAN, Mr. LIPINSKI, Mr. WU, Mr. TONKO, Mr. LUJÁN, and Mr. COSTELLO.
H.R. 4907: Mr. GARAMENDI, Ms. FUDGE, Mr. LIPINSKI, Mr. WU, Mr. LUJÁN, and Mr. COSTELLO.
H.R. 4908: Mr. BISHOP of Georgia.
H.R. 4910: Mr. FRANKS of Arizona, Mr. HUNTER, Mr. GARY G. MILLER of California, Mr. WESTMORELAND, Mr. ADERHOLT, Mr. ROE of Tennessee, Mr. FLEMING, Mr. MILLER of Florida, Ms. FALLIN, Mrs. BLACKBURN, and Mr. PRICE of Georgia.
H.R. 4913: Mr. BURTON of Indiana.
H.R. 4919: Mr. DUNCAN, Mr. TIAHRT, Mr. SOUDER, and Mr. JONES.
H.R. 4923: Mr. OWENS, Mr. KISSELL, Ms. BORDALLO, Ms. RICHARDSON, Mr. TEAGUE, Mr. BERMAN, Mr. AL GREEN of Texas, Ms. GIFFORDS, Mr. COURTNEY, Mr. ORTIZ, Mr. JOHNSON of Georgia, and Ms. SHEA-PORTER.
H.R. 4934: Mr. CAMPBELL.
H J. Res. 42: Mrs. MILLER of Michigan.
H. Con. Res. 98: Mr. RUSH.
H. Con. Res. 128: Mr. MEEK of Florida, Mr. TOWNS, Mr. JOHNSON of Georgia, and Mr. THOMPSON of Mississippi.
H. Con. Res. 143: Mr. GRIJALVA.
H. Con. Res. 201: Mr. GERLACH and Mr. MCCOTTER.
H. Con. Res. 230: Mr. MILLER of Florida.
H. Con. Res. 241: Mr. MCCARTHY of California, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. FARR, Mr. LINDER, Mrs. BLACKBURN, Mr. ANDREWS, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. STARK, Mr. TANNER, Mr. ROYCE, Mr. DAVIS of Tennessee, and Mr. ROONEY.
H. Con. Res. 250: Mr. SOUDER, Mr. POLIS of Colorado, Mr. SCHOCK, Mr. ROE of Tennessee, and Mr. TURNER.
H. Res. 173: Mr. ROTHMAN of New Jersey, Mr. HARE, Mr. ROE of Tennessee, Mr. HALL of New York, Mr. LOEBSACK, Mr. REHBERG, Mr. HIMES, Mr. GARAMENDI, Mr. FRELINGHUYSEN, and Mr. TEAGUE.
H. Res. 443: Mr. GRIJALVA.
H. Res. 855: Ms. SHEA-PORTER, Mr. WITTMAN, Mr. BRADY of Pennsylvania, and Ms. FALLIN.
H. Res. 949: Mr. TIAHRT.
H. Res. 982: Mr. DANIEL E. LUNGREN of California and Mr. MCKEON.
H. Res. 989: Mr. HALL of New York.
H. Res. 996: Mr. WU, Ms. SUTTON, and Mr. SPACE.
H. Res. 1033: Mr. ROGERS of Alabama, Mr. JOHNSON of Georgia, Mr. BRIGHT, Mr. ROSKAM, Mr. BONNER, Mr. GARRETT of New Jersey, and Mr. TIAHRT.
H. Res. 1052: Mr. ALEXANDER, Mr. QUIGLEY, Mr. BOUSTANY, Mr. ETHERIDGE, Mr. BAIRD, Mr. BERRY, Mr. SPRATT, Mr. MELANCON, Mr. SMITH of Washington, Mr. TANNER, Mr. MINNICK, Mr. BARROW, Mr. CHILDERS, Mr. KLEIN of Florida, Mr. SALAZAR, Mr. SIRES, Ms. GIFFORDS, Mr. RODRIGUEZ, Mr. MAFFEI, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. CUELLAR, Ms. BEAN, Mr. SARBANES, Mr. BACA, Mr. KIND, Mr. FOSTER, Mr. VAN HOLLEN, Mr. HILL, Mr. MITCHELL, Mr. BLUMENAUER, Ms. MARKEY of Colorado, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. CAPUANO, and Mr. TIAHRT.

H. Res. 1057: Mr. JACKSON of Illinois.

H. Res. 1063: Mr. MCCLINTOCK.

H. Res. 1116: Mr. BRADY of Pennsylvania and Mr. HARE.

H. Res. 1121: Mr. SCHOCK, Mr. CAO, Mr. BONNER, Mr. HEINRICH, Mr. BAIRD, and Ms. FALLIN.

H. Res. 1122: Mr. KENNEDY, Mr. MOORE of Kansas, Mr. NEAL of Massachusetts, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. EHLERS, and Ms. BALDWIN.

H. Res. 1132: Mr. CAO, Mr. BROUN of Georgia, Mr. COFFMAN of Colorado, Mr. HARPER, Mr. MCKEON, Mr. FORBES, Mr. LANCE, Mr. INGLIS, Mr. AUSTRIA, Mr. SCHOCK, Mr. FRANKS of Arizona, Mr. LOBIONDO, Mr. LAMBORN, Mr. PAULSEN, Mr. LUETKEMEYER, Mr. SHUSTER, Mr. ADLER of New Jersey, Mr. SALAZAR, Mrs. DAHLKEMPER, Mr. BRALEY of Iowa, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. WILSON of South Carolina, Mr. FLEMING, Mrs. LUMMIS, Mr. TURNER, Mr. SIRES, Ms. FALLIN, and Mr. ROONEY.

H. Res. 1139: Mrs. BLACKBURN.

H. Res. 1143: Mr. LINCOLN DIAZ-BALART of Florida, Mr. HIGGINS, Mr. ACKERMAN, Mr. ENGEL, Mr. DELAHUNT, Mr. SIRES, Mr. CONNOLLY of Virginia, Mr. MCMAHON, Mr. FLAKE, and Ms. GIFFORDS.

H. Res. 1162: Mr. GRIJALVA, Mr. TONKO, Ms. LEE of California, Mr. BISHOP of Georgia, Ms. FUDGE, Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. TITUS, Mr. KISSELL, Ms. SPEIER, Mr. POMEROY, Ms. LINDA T. SÁNCHEZ of California, Mr. BRADY of Pennsylvania, Mr. HIGGINS, Mr. ARCURI, Ms. HARMAN, Ms. KILROY, Mr. MCKEON, Mr. FARR, Mr. PETERS, Mr. BERRY, Ms. LORETTA SANCHEZ of California, Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mrs. NAPOLITANO, Mr. BACA, Mr. SALAZAR, Mr. BOSWELL, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HIRONO, Ms. MATSUI, Mr. HINCHEY, Ms. BALDWIN, Mr. REYES, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. MCDERMOTT, Mrs. CAPPS, Ms. SHEA-PORTER, Mrs. LOWEY, Mr. OLVER, Mr. WAXMAN, Mr. PRICE of North Carolina, Ms. CHU, Mr. SCHAUER, Mr. SCOTT of Georgia, Mr. BARROW, Mr. SCHIFF, Mr. CROWLEY, Mr. CUMMINGS, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. NADLER of New York, Mr. BECERRA, Mr. BOYD, Mr. GRAYSON, Mr. WEINER, Mr. TOWNS, Mrs. DAVIS of California, Ms. EDWARDS of Maryland, Mr. ENGEL, Ms. DEGETTE, Mrs. DAHLKEMPER, Mr. FOSTER, Mr. CARDOZA, and Mr. DOYLE.

H. Res. 1181: Mr. KIRK.

H. Res. 1187: Mr. SERRANO and Ms. BORDALLO.

H. Res. 1206: Mr. ROGERS of Alabama, Mr. OLSON, Mr. GUTHRIE, Ms. BORDALLO, Mr. GRAVES, Mr. OBERSTAR, Mr. BURGESS, Mr. WESTMORELAND, Mr. MARCHANT, Mr. CAO, Mr. CONAWAY, Mr. WAMP, Mr. KING of Iowa, Mr. CHAFFETZ, Mr. RYAN of Wisconsin, Mr. POSEY, Mr. FORTENBERRY, Mr. AKIN, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mrs. BLACKBURN, Mr. TIM MURPHY of Pennsylvania, Mr. PENCE, Mrs. BACHMANN, Mr. PITTS, Mr. GRIFFITH, Mr. BARTLETT, Mr. BONNER, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. SIMPSON, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. BACA, Mr. BARTON of Texas, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. ROE of Tennessee, Mr. WALDEN, Mrs. SCHMIDT, Mr. TERRY, and Mr. FLAKE.

H. Res. 1211: Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, and Mr. LEWIS of California.

H. Res. 1215: Mr. SNYDER and Mr. MCDERMOTT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4269: Mr. KILDEE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 10, by Mr. JONES on H.R. 775: Henry E. Brown, Jr.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, MARCH 25, 2010 No. 48

Senate

The Senate met at 9:46 a.m. and was called to order by the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Ricky A. Phillips, Pastor, St. John's Church, Winfield, PA, and Zephyr Union Church, Lewisburg, PA.

The guest Chaplain offered the following prayer:

Let us pray.

Creator God, our Maker and Redeemer, You bless us every day with the beauty of creation. When we look at creation, we can see the beauty of its diversity. In this room today, we can see this wonderful diversity. There are many different God-given talents.

May Your presence be felt by all the Senators, and may they come to You for guidance and comfort. May You bless them and give them the ability to recognize the strength of this diversity in its fullest capacity.

These are tough times. There are many who are in need. There are many who are hurting.

Empower our Senators to celebrate this diversity by helping them to reconcile these different talents so that they can help those who are in need and those who cannot defend themselves. May they yield themselves to Your will in order to fulfill Your purposes for our Nation and the world.

In Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY 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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. GILLIBRAND). The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, today we will resume voting on amendments and motions to the health care legislation. Senators should expect a series of votes to begin momentarily.

Under a previous agreement, we will proceed to passage of reconciliation at 2 p.m. today. Other votes will still be possible with respect to short-term extensions of provisions that expire over the break, I should notify all Members.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4872, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, the Senator from Nevada is going to be recognized to offer an amendment at this time. I note that after the Senator from Nevada, the plan is to go to Senator COBURN, Senator SESSIONS, Senator CORNYN, Senator GRASSLEY, Senator BROWNBACK, Senator VITTER and Senator DEMINT, and then maybe Senator COBURN again and then maybe Senator ENSIGN again.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3593

Mr. ENSIGN. Madam President, I call up amendment No. 3593.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 3593.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve access to pro bono care for medically underserved or indigent individuals by providing limited medical liability protections)

At the end of subtitle B of title II, insert the following:

SEC. 2___. HEALTH CARE SAFETY NET ENHANCEMENT.

(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, a health care professional shall not be liable in any medical malpractice lawsuit for a cause of action arising out of the provision of, or the failure to provide, any medical service to a medically underserved or indigent individual while engaging in the provision of pro bono medical services.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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(b) REQUIREMENTS.—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of pro bono care for a medically underserved or indigent individual; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) DEFINITION.—In this section—

(1) the term ''medically underserved individual'' means an individual who does not have health care coverage under a group health plan, health insurance coverage, or any other health care coverage program; and

(2) the term ''indigent individual'' means and individual who is unable to pay for the health care services that are provided to the individual.

Mr. ENSIGN. Madam President, very briefly, this is an amendment to improve the health care system in America. We talk about making health care more affordable. One of the ways to do that is to encourage people to give away health care.

In my veterinary practice, I used to give away about 10 to 20 percent of my business. I did not have to be worried about being sued. Every doctor, every health care provider I have talked with, if they give away, if they do it pro bono, if they do it out of compassion, that is one of the first times they are going to get sued.

What this amendment says is, unless there is gross negligence, if a health care provider is giving their services away out of the compassion of their heart, they cannot be sued. It is a very simple amendment.

We have had this debate on the Senate floor before. This would greatly improve our medical system by encouraging people to be compassionate for those who cannot afford medical care, but they should not have to be worried about being sued if they happen to be compassionate enough to give their services away.

This is a commonsense amendment. I encourage all our colleagues to vote for this amendment. This will improve our health care system in the United States.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. Madam President, we just now saw this amendment. We have to look at it. 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. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, as I said, we were just handed this amendment. We have now examined it. This is an amendment that is related to medical malpractice and tort reform. There are a lot of provisions already in the bill which cover this subject. However, the main point of this amendment is not the jurisdiction of the relevant committees.

I raise a point of order that the Ensign amendment would violate section 313(b)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and 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 California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 55, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—40

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	LeMieux	
Cornyn	Lugar	

NAYS—55

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Nelson (FL)
Bingaman	Johnson	Pryor
Brown (OH)	Kaufman	Reed
Burris	Kerry	Reid
Cardin	Klobuchar	Rockefeller
Carper	Kohl	Sanders
Casey	Landrieu	Schumer
Conrad	Leahy	Shaheen
Dodd	Levin	Specter
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Tester
Feingold	McCaskill	
Feinstein	Menendez	
Udall (CO)	Warner	Whitehouse
Udall (NM)	Webb	Wyden

NOT VOTING—5

Boxer	Cantwell	Lautenberg
Byrd	Isakson	

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mr. GREGG. Madam President, I understand we will now be having 10-minute votes. Is that correct?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GREGG. I ask unanimous consent that all additional votes on this bill be 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 3700

Mr. COBURN. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3700.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To help protect Second Amendment rights of law-abiding Americans)

At the end, add the following:

TITLE III—SECOND AMENDMENT PROTECTION

SEC. 3001. VETERANS SECOND AMENDMENT PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Veterans 2nd Amendment Protection Act''.

(b) CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision

of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. COBURN. Madam President, 140,000 of our troops have lost their second amendment rights as they go through the VA hospital system. They are not a danger to themselves or anyone else. This amendment is something that has passed this body unanimously, has come out of the committee unanimously, but still we have 140,000 of our long-serving veterans who have lost their rights to own a gun, hunt with their grandchildren, or to hunt birds in North Dakota.

We have taken it away, not because of anything we did, because the bureaucracy did it. This amendment restores that. As they have gone through the VA system and the health care system, a bureaucrat has taken that right away.

This is supported by the National Alliance on Mental Illness, AMVETS, Military Order of Purple Heart, NRA, Gun Owners of America, Veterans of Foreign Wars, and the American Legion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this is a health care reform——

Mr. COBURN. They lost it under their health care.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. This is a health care reform bill, and we should keep all amendments to that subject. When we were sworn in as Senators, we took an oath of office to support the Constitution of the United States, which clearly includes the second amendment. All of us have a strong belief in the second amendment to our Constitution. But whatever you think about second amendment rights and the application of the second amendment, whatever you think about veterans and the relationship to questions of competency, I think we all should agree that neither what anybody thinks about second amendment rights or what veterans' relations should be to that should be in this bill. This is a health care bill.

I note this bill already explicitly protects the rights of gun owners. Therefore, because this amendment is nearly entirely composed of matter outside the jurisdiction of the reconciled committees, I raise a point of order that the Coburn amendment violates section 313(b)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-as-you-go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment.

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 West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—45

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker

NAYS—53

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NOT VOTING—2

Byrd	Isakson

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

Mr. DURBIN. Madam President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3701

Mr. SESSIONS. Madam President, President Obama made a promise to the American people that health care legislation would not provide benefits to those illegally in the country.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment?

Mr. SESSIONS. I would call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3701.

Mr. SESSIONS. I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To ensure that Americans are not required to pay for the health benefits for those here illegally by requiring the use of an effective eligibility verification system, consistent with existing law for other Federal health related programs, and to also maintain the current, and well-established requirement of law, that legal immigrants should not become a ''public charge'' or burden to the American taxpayers, to reduce the cost of this bill, and to reduce the deficit and for other purposes)

At the end of subtitle A of title I, insert the following:

SEC. 1006. PROVISIONS TO ENSURE EFFECTIVE ELIGIBILITY VERIFICATION SYSTEM.

(a) ELIGIBILITY FOR CREDITS AND COST-SHARING REDUCTIONS.—

(1) CREDITS.—Section 36B of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act, is amended—

(A) in subsection (c) (1), by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) by striking paragraph (3) of subsection (e).

(2) REDUCED COST-SHARING.—Section 1402 of the Patient Protection and Affordable Care Act is amended—

(A) by striking the last sentence of subsection (b),

(B) by striking paragraph (3) of subsection (e), and

(C) by adding at the end of subsection (f) the following:

''(4) SUBSIDIES TREATED AS PUBLIC BENEFIT.—Notwithstanding any other provision of this Act or any other provision of law, for purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), the following shall be considered a Federal means-tested public benefit:

''(A) The ability of an individual to purchase a qualified health plan offered through an Exchange.

''(B) The premium tax credit established under section 1401 of this Act (and any advance payment thereof).

''(C) The cost sharing reductions established under this section (and any advance payment thereof).''.

(b) ELIGIBILITY DETERMINATIONS.—Section 1411 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a)—

(A) by striking so much of such subsection as precedes paragraph (1) and inserting:

''(a) VERIFICATION PROCESS.—The Secretary shall ensure that eligibility determinations required by this Act are conducted in accordance with the following requirements, including requirements for determining:'', and

(B) by inserting ''eligible'' before ''alien'' in paragraph (1),

(2) in subsection (b)(1)—

(A) by inserting ''the Exchange with the following'' after ''provide'',

(B) by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following:

''(B) a sworn statement, under penalty of perjury, specifically attesting to the fact that each enrollee is either a citizen or national of the United States or an eligible lawful permanent resident meeting the requirements of section 1402(f)(3) of this Act and identifying the applicable eligibility status for each enrollee; and'', and

(C) by inserting ''and documentation'' after ''information'' in subparagraph (C) (as so redesignated),

(3) by striking subparagraphs (A) and (B) of subsection (b)(2) and inserting the following:

''(A) In the case of an enrollee whose eligibility is based on attestation of citizenship of the enrollee, the enrollee shall provide satisfactory evidence of citizenship or nationality (within the meaning of section 1903(x) of the Social Security Act (42 U.S.C. 1396b)).

''(B) In the case of an individual whose eligibility is based on attestation of the enrollee's immigration status—

''(i) such information as is necessary for the individual to demonstrate they are in 'satisfactory immigration status' as defined and in accordance with the Systematic Alien Verification for Entitlements (SAVE) program established by section 1137 of the Social Security Act (42 U.S.C. 1320b–7), and

''(ii) any other additional identifying information as the Secretary, in consultation with the Secretary of Homeland Security, may require in order for the enrollee to demonstrate satisfactory immigration status.'',

(4) by striking so much of subsection (c) as precedes paragraph (3) and inserting the following:

''(c) VERIFICATION OF ELIGIBILITY THROUGH DOCUMENTATION.—

''(1) IN GENERAL.—Each Exchange shall conduct eligibility verification, using the information provided by an applicant under subsection (b), in accordance with this subsection.

''(2) VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS.—

''(A) VERIFICATION OF ATTESTATION OF CITIZENSHIP.—Each Exchange shall verify the eligibility of each enrollee who attests that they are a citizen or national of the United States, as required by subsection (b)(1)(A) of this section, in accordance with the provisions of section 1903(x) of the Social Security Act.

''(B) VERIFICATION OF ATTESTATION OF ELIGIBLE IMMIGRATION STATUS.—Each Exchange shall verify the eligibility of each enrollee who attests that they are eligible to participate in the exchange by virtue of having been a lawful permanent resident for not less than 5 years, as required by subsection (b)(l)(B) of this section, in accordance with the provisions of section 1137 of the Social Security Act.'',

(5) by striking subparagraph (B) of subsection (c)(4),

(6) by striking subsection (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively, and

(7) by striking ''under section 1902(ee) of the Social Security Act (as in effect on January 1, 2010)'' in subsection (d)(3) (as redesignated under paragraph (6)) and inserting ''in accordance with the secondary verification process established consistent with section 1137 of the Social Security Act (as is in effect as of January 1, 2009)''.

Mr. SESSIONS. I would note that loopholes do remain in the health care legislation. My amendment would simply ensure that the promise that has been made to the American people would be kept. It sets up an effective eligibility verification system consistent with that for other Federal health-related programs.

The amendment maintains current law, which prohibits legal immigrants from becoming a public charge on the taxpayers. It also prohibits the Secretary from drafting any regulation that would amend or alter these principles, principles that the President, the Congress, and the American people have said they support. The amendment would reduce fraud and the financial burden of the legislation on the American taxpayers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I urge my colleagues to oppose the Sessions amendment. It does two things. First, it requires legal permanent residents in the United States to produce documentary proof of their legality. We tried this under Medicaid and found out that many people in our country, the elderly and others, found it difficult to produce documentation though they were clearly eligible and clearly legal and entitled to basic assistance.

Instead, our bill that we passed, health care reform, verifies that a person is legal by declaration of their Social Security number, which is verified. So we go through a good process here to make sure only those eligible will receive, and, secondly, what Senator SESSIONS' amendment does, is say to legal permanent residents paying taxes, they cannot use the Tax Code like other citizens for deductions and credits for 5 years. They are paying taxes under the Tax Code. They should be allowed the same tax credits as other Americans, other people living in this country.

I urge my colleagues to defeat it for those two reasons, and the fact that this is an attempt to derail this bill.

I move to table the Sessions amendment and 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 West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—55

Akaka	Burris	Dorgan
Baucus	Cantwell	Durbin
Begich	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Casey	Franken
Boxer	Conrad	Gillibrand
Brown (OH)	Dodd	Hagan
Harkin	Lincoln	Shaheen
Inouye	McCaskill	Specter
Johnson	Menendez	Stabenow
Kaufman	Merkley	Tester
Kerry	Mikulski	Udall (CO)
Klobuchar	Murray	Udall (NM)
Kohl	Nelson (FL)	Warner
Landrieu	Reed	Webb
Lautenberg	Reid	Whitehouse
Leahy	Rockefeller	Wyden
Levin	Sanders	
Lieberman	Schumer	

NAYS—43

Alexander	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lugar	
Cornyn	McCain	

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3698

Mr. CORNYN. Madam President, I call up amendment No. 3698 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3698.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To ensure that health care reform reduces health care costs for American families, small businesses, and taxpayers)

At the end of subtitle F of title I, insert the following:

SEC. 1___. LIMITATION ON APPLICATION OF ACTS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not implement the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2011 until the Office of the Actuary at the Centers for Medicare & Medicaid Services certifies to Congress that such Acts will reduce National health expenditures relative to the level of such expenditures under current law.

Mr. CORNYN. Madam President, this amendment would ensure that health care reform costs are lowered by this piece of legislation. If independent actuaries for the Centers for Medicare and Medicaid Services cannot certify that this health care reform legislation lowers national health expenditures, this bill will not go into effect.

I reserve the remainder of my time before the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this amendment is a thinly disguised attempt to kill health care reform. Let me explain why. I remind my colleagues that the Congressional Budget Office has told us that in the first 10 years the bill actually will reduce the deficit by a significant amount. CBO also informs us that health care reform will lower premiums for 97 percent of Americans, improve benefits for many who are underinsured, and health care reform will bend the growth curve of health care spending. The CMS Actuary also says that national health care spending will be lower under the law than it will be without reform. In 2019, health spending will be 6.7 percent, compared to 7.2 without reform.

To prohibit implementation unless all these projections bear out is just another attempt to kill the bill. For that reason, I urge colleagues to resist this amendment.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

The Senator from Texas.

Mr. CORNYN. Madam President, if you raise taxes enough and if you cut Medicare enough, you might be able to claim, through phony bookkeeping, that somehow this cuts the deficit. The administration's own actuaries have concluded this law will raise health care costs. That is why it is important we pass this amendment, so that the central purpose of this legislation—to bend the cost curve down—is actually realized.

I urge colleagues to support the amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we need to move these amendments more quickly. We have an agreement. We want to make sure everyone continues working in good faith. I ask unanimous consent that all future votes, starting with this one, be 10 minutes, and we will only have 2 minutes for the penalty period, so to speak. After 12 minutes, the votes are going to be cut off. Everyone should understand.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I move to table the Cornyn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—58

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—40

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	LeMieux	
Cornyn	Lugar	

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

Mr. SCHUMER. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3569

Mr. GRASSLEY. Mr. President, I call up amendment No. 3569.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3569.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, eliminate sweetheart deals for frontier States, and ensure equitable reimbursement under the Medicare program for all rural States)

At the end of subtitle B of title I, insert the following:

SEC. ____. REVISIONS TO THE PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, subparagraph (H) of section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)), as added by section 3102(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

''(H) PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT FOR 2010 AND SUBSEQUENT YEARS.—

''(i) FOR 2010.—Subject to clause (iii), for services furnished during 2010, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect ½ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(ii) FOR 2011.—Subject to clause (iii), for services furnished during 2011, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect ¼ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(iii) HOLD HARMLESS.—The practice expense portion of the geographic adjustment factor applied in a fee schedule area for services furnished in 2010 or 2011 shall not, as a result of the application of clause (i) or (ii), be reduced below the practice expense portion of the geographic adjustment factor under subparagraph (A)(i) (as calculated prior to the application of such clause (i) or (ii), respectively) for such area for such year.

''(iv) ANALYSIS.—The Secretary shall analyze current methods of establishing practice expense geographic adjustments under subparagraph (A)(i) and evaluate data that fairly and reliably establishes distinctions in the costs of operating a medical practice in the different fee schedule areas. Such analysis shall include an evaluation of the following:

''(I) The feasibility of using actual data or reliable survey data developed by medical organizations on the costs of operating a medical practice, including office rents and nonphysician staff wages, in different fee schedule areas.

''(II) The office expense portion of the practice expense geographic adjustment described in subparagraph (A)(i), including the extent to which types of office expenses are determined in local markets instead of national markets.

''(III) The weights assigned to each of the categories within the practice expense geographic adjustment described in subparagraph (A)(i).

In conducting such analysis, the Secretary shall not take into account any data that is not actual or survey data.

''(v) REVISION FOR 2012 AND SUBSEQUENT YEARS.—As a result of the analysis described in clause (iv), the Secretary shall, not later than January 1, 2012, make appropriate adjustments to the practice expense geographic adjustment described in subparagraph (A)(i) to ensure accurate geographic adjustments across fee schedule areas, including—

''(I) basing the office rents component and its weight on occupancy costs only and making weighting changes in other categories as appropriate;

''(II) ensuring that office expenses that do not vary from region to region be included in the 'other' office expense category; and

''(III) considering a representative range of professional and non-professional personnel employed in a medical office based on the use of the American Community Survey data or other reliable data for wage adjustments.

Such adjustments shall be made without regard to adjustments made pursuant to clauses (i) and (ii) and shall be made in a budget neutral manner.

''(vi) SPECIAL RULE.—If the Secretary does not complete the analysis described in clause (iv) and make any adjustments the Secretary determines appropriate for 2012 or a subsequent year under clause (v), the Secretary shall apply clause (ii) for services furnished during 2012 or a subsequent year in the same manner as such clause applied for services furnished during 2011.''.

SEC. ___. ELIMINATION OF SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 10324 of such Act (and the amendments made by such section) is repealed.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. GRASSLEY. Mr. President, this is about geographical equity for all States. The Senate health reform bill just signed into law includes a frontier sweetheart deal that improves Medicare payments for five rural States at the expense of the other 45. The special deal is for North Dakota, South Dakota, Montana, Utah, and Wyoming. The Washington Post calls these deals the ''Candy Land'' of the health care bill. Repealing this provision will not kill the bill because it has to go back to the House anyway.

My amendment also ensures that Health and Human Services cannot undo the formula fix that my amendment established in the Senate health care bill that is now law.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I have the highest regard for my good friend from Iowa. We work very closely together. We want to make sure our States are fully incorporated, involved in the national health care delivery system; that is, rural States. We also want a balance between urban and rural. It is the only fair solution. This bill has that balance.

I might say, there are some—I chuckle a little bit—I have talked to some of my friends in the East who talk about rural America—rural New York or rural Illinois or rural Indiana—and I appreciate that very much. But we are talking here, with frontier States, with what is really rural: only about six people per square mile.

So I say to my friend from Iowa, we have the balance in the bill. We should maintain that current balance. I think this amendment is inadvisable, and I urge us to not support it.

Mr. President, I move to table the amendment, 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—53

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NAYS—45

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 3697

Mr. BROWNBACK. Madam President, I call up, on behalf of myself and Senator MURKOWSKI, amendment No. 3697 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself and Ms. MURKOWSKI, proposes an amendment numbered 3697.

Mr. BROWNBACK. 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 index tax thresholds imposed under the legislation to prevent the government from using inflation to impose those taxes on individuals currently making less than $200,000 and families making less than $250,000)

At the end of section 1402(a), insert the following:

(5) INFLATION ADJUSTMENT.—Section 1411 of the Internal Revenue Code of 1986, as added by paragraph (1), is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2013, each of the dollar amounts under paragraphs (1) and (3) of subsection (b), subparagraphs (A) and (C) of section 3101(b)(2), and clauses (i) and (iii) of section 1401(b)(2)(A) shall be increased by an amount equal to—

''(1) such amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof. If any increase determined under this subsection is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.''.

Mr. BROWNBACK. Madam President, this is a very simple but very important amendment in the sense that the new surtaxes on Medicare, on wages, and on unearned income are not indexed for inflation. All of my colleagues are familiar with the problem we have had with the alternative minimum tax being not indexed for inflation, and with that being a problem, it is now built into this bill. This new surtax is not indexed for inflation.

If I can show my colleagues for a moment, on this chart, we can see how quickly, with a 4-percent rate of inflation, the people who are getting the subsidy today will be taxed as high income in a few years. This is a problem we are very familiar with. We fight with it regularly. It is part of the funding base of this bill. It needs to be taken out. The bill should not be paid for with inflation, and we are all too likely to have significant inflation.

So I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a lot of sympathy with the amendment. We don't want to get into an AMT situation. The AMT was not indexed when the AMT was enacted. We are now paying the price today. It is very possible that if this level is not indexed, we may be paying the price later on, in several years' time, but this is not the time or place.

I might also say there are other provisions in the bill that are not indexed, such as the affordability provisions. That is not indexed. I don't think it is fair to index only for upper income and others whose incomes are below $20,000. But it is an issue, and we will address this at a subsequent date because it must be.

In the meantime, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—56

Akaka	Bingaman	Cantwell
Baucus	Boxer	Cardin
Begich	Brown (OH)	Carper
Bennet	Burris	Casey

Conrad	Kohl	Reed
Dodd	Landrieu	Reid
Dorgan	Lautenberg	Rockefeller
Durbin	Leahy	Sanders
Feingold	Levin	Schumer
Feinstein	Lieberman	Shaheen
Franken	Lincoln	Specter
Gillibrand	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson	Murray	Warner
Kaufman	Nelson (NE)	Whitehouse
Kerry	Nelson (FL)	Wyden
Klobuchar	Pryor	

NAYS—42

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

AMENDMENT NO. 3665

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent that amendment No. 3665 be called up and immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3665.

Mr. VITTER. I ask unanimous consent that the reading of the whole be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the new government entitlement program from further increasing an unsustainable deficit)

At the end of subtitle B of title I, insert the following:

SEC. _____. SUSPENSION OF THE ACT.

If at the beginning of any fiscal year OMB determines that the deficit targets set forth in the CBO report of March 20, 2010 will not be met, the provisions of this Act and the Patient Protection and Affordable Care Act shall be suspended for that year.

Mr. VITTER. Madam President, I was very happy to hear the distinguished chairman of the Finance Committee absolutely promise that the ObamaCare bill will reduce the deficit, and the CBO projects that. The problem is, I think the American people have a very different view based on their gut common sense. There was a recent national scientific poll that showed significantly more Americans think there is life on Mars than think that the bill will reduce the deficit.

My amendment is a simple, straightforward way to settle the question. It says for any fiscal year when those CBO costs or deficit reduction projections are busted, the entire ObamaCare bill is suspended. So, in fact, if this is ballooning spending and ballooning the deficit, we will stop it in its tracks. I urge a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, we have had all sorts of amendments this morning. We have had amendments on malpractice, we have had amendments on guns, we have had amendments on immigration. Even last night we had amendments on some very interesting subjects, but this is the return of the killer amendment. We had a few killer amendments yesterday, and this is the return of the killer amendment.

Why is it a killer amendment? Basically because this would suspend health care reform if certain arbitrary budget targets are not met. It is on again, off again, wondering about the other. It is clearly designed to kill the bill. Therefore, Madam President, I raise a point of order that the Vitter amendment violates section 313(b)(1)(c) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, my amendment only kills the bill——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VITTER. If the bill busts the budget.

Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, 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 occurs on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 56, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—39

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

NAYS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—5

Bennett	Isakson	Udall (CO)
Byrd	Landrieu	

The PRESIDING OFFICER. On this vote, the yeas are 39 and the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO COMMIT

Mr. DEMINT. I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina. [Mr. DEMINT] moves to commit the bill H.R. 4872 to the Committee on Finance of the Senate with instructions to report the same back to the Senate within 1 day with changes that ensure that the Patient Protection and Affordable Care Act (including the amendments made by such Act) does not prohibit Americans from purchasing health insurance across State lines.

Mr. DEMINT. Madam President, this motion will ensure that the new government health regime that has just been made law will not prohibit Americans from purchasing private health insurance plans across State lines without going through a government exchange.

Throughout this yearlong health care debate, we have talked about the importance of competition between insurance companies, how it could bring accountability and lower costs. Yet the laws of the land have actually created State-by-State monopolies that have not been responsive to the American people and have run up costs.

This motion could change that, creating hundred of choices, for Americans all across our Nation, with insurance companies competing for their business. CBO says this would lower their costs at least 5 percent; other folks say much more, particularly if you are in a State with a lot of mandates.

I encourage my colleagues to support my motion.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Montana.

Mr. BAUCUS. This is a motion to commit to the Finance Committee obviously designed to kill the bill. Clearly, there is inadequate competition among insurance companies in most of our States. In fact, in most States I think there are maybe just two major companies. We want to encourage much more competition.

Allowing them to sell across State lines is in concept a good idea, but it must be done responsibly. The underlying bill—the bill that passed, actually—does allow for interstate compacts. States can compact to sell across State lines. Once the exchange is open in 2014, insurance companies will automatically be able to sell across State lines. But to allow sales now would be irresponsible because it would encourage a race to the bottom. By that, I mean that irresponsible companies will be inclined to go to States with the lowest standards and then sell health insurance to other parts of the country, so people in other States will have virtually no remedies.

It makes sense to have health care reform provisions in place, and then we can sell across State lines with compacts through the exchanges.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I move to table the DeMint motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 43, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—43

Alexander	Coburn	Grassley
Barrasso	Cochran	Gregg
Bayh	Collins	Hatch
Bennett	Corker	Hutchison
Bond	Cornyn	Inhofe
Brown (MA)	Crapo	Johanns
Brownback	DeMint	Kyl
Bunning	Ensign	LeMieux
Burr	Enzi	Lincoln
Chambliss	Graham	Lugar
McCain	Roberts	Vitter
McConnell	Sessions	Voinovich
Murkowski	Shelby	Wicker
Nelson (NE)	Snowe	
Risch	Thune	

NOT VOTING—1

Isakson

The motion was agreed to.

AMENDMENT NO. 3710

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I call up amendment No. 3710.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. BROWN of Massachusetts, proposes an amendment numbered 3710.

Mr. ENSIGN. Madam 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 strike the penalty for failure to comply with the individual mandate)

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF PENALTY FOR FAILURE TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

Section 5000A of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking subsections (b), (c), (e), and (g).

Mr. ENSIGN. I call the attention of the Senate to this clever cartoon. This cartoon has captured a very important part of this health care bill. It is a Trojan horse that says ''health care reform'' on it. You see a bunch of IRS agents coming out.

My amendment goes to the heart of one of the problems with this bill. There is an individual mandate that puts fines on people that can also attach civil penalties. And 16,500 new IRS agents are going to be required to be hired because of the health care reform bill.

Do we want IRS agents showing up at people's houses, not only to audit them because of their taxes but because now they are not paying an individual mandate fine? I do not think America wants expansion of the IRS. We should be focusing on jobs, not new jobs for IRS agents.

I encourage my colleagues to vote for this amendment that would eliminate the individual fines on the individual mandates and civil penalties.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the whole premise, the theory of health care reform is that it is a shared responsibility—employers, employees, American citizens, companies, a shared solution here.

The bill already waives any criminal penalties. That is taken out of the bill. No criminal penalties. A person cannot go to jail. That is provided for in the bill that was signed a couple of days ago. The bill also limits collection activities. It is very sensitive to the points made by the Senator from Nevada. It has a good balance of responsibility and accountability. But there must be some consequence of somebody not living up to his or her shared responsibility. It is very sensitive to doing this in the right way. I think it is a good balance. Their amendment goes way too far by eliminating any consequences.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The 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 Delaware (Mr. KAUFMAN), is necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. KAUFMAN) would vote ''aye.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—58

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—40

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	LeMieux	
Cornyn	Lugar	

NOT VOTING—2

Isakson Kaufman

The motion was agreed to.

Mr. GREGG. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3711

Ms. MURKOWSKI. I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 3711.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an inflation adjustment for the additional hospital insurance tax on high-income taxpayers)

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking ''In addition'' and inserting the following:

''(A) IN GENERAL.—In addition'', and

(ii) by striking ''and which are in excess of'' and all that follows and inserting ''and which are in excess of—

''(i) in the case of a joint return, $250,000,

''(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting ''(after the application of subparagraph (B))'' after ''subparagraph (A)''.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Ms. MURKOWSKI. Madam President, the amendment I offer is simple. What we are doing is indexing for inflation the Medicare tax increase the majority has levied on the American people through this health care bill. Under the bill that is now law, Medicare taxes are going to jump .9 percent for certain income groups. This is about an $86 billion tax hike. My amendment aim is to contain the damage by indexing for inflation the wage thresholds for those subject to the tax increase. The amendment is very similar to what my friend from Kansas offered not too many amendments ago. It is a reminder that we have gone down this path before with the AMT. The AMT was not indexed for inflation. Today we have nearly 30 million taxpayers hit by the AMT tax. We deal with it every year through the AMT patch. I wish to make sure we are not repeating history.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, as I said on the Brownback amendment, there is much to be said for indexing this provision. It is true we don't want to get back into the situation we now face with the AMT because the AMT was not originally indexed. Unfortunately, the current amendment will be offset with unspent, unallocated mandatory spending of stimulus funds. Unemployment is still hovering close to 10 percent. There is growing evidence the recovery package is working. I don't think we want to stifle the stimulus now. Over the last 6 months of 2009, the economy grew at an annual rate of 4 percent. The fourth quarter grew at a higher rate, but that was due to an inventory situation. By and large, it is not proper to offset this with stimulus dollars. We will find some time at a later date to deal with this issue. I do think it is a serious issue.

I raise a point of order that the Murkowski amendment violates section 313(b)(1)(c) of the Congressional Budget Act.

Ms. MURKOWSKI. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the amendment, 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. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—42

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker

NAYS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown (OH)	Kaufman	Reid
Burris	Kerry	Rockefeller
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (CO)
Dorgan	Lincoln	Udall (NM)
Durbin	McCaskill	Warner
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Texas.

AMENDMENT NO. 3634

Mrs. HUTCHISON. Madam President, I call up amendment No. 3634.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3634.

Mrs. HUTCHISON. Madam 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 strike the 2-year limitation on the small business tax credit for taxable years after the Exchanges open)

At the end of subtitle A of title I, insert the following:

SEC. 1006. REPEAL OF TAXABLE YEAR LIMITATION ON SMALL BUSINESS TAX CREDIT.

(a) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986, as added by section 1421 of the Patient Protection and Affordable

Care Act and amended by section 10105(e) of such Act, is amended—

(1) by striking ''in the credit period'' in subsection (a),

(2) in subsection (e), by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively,

(3) in subsection (g), by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(4) by striking ''to prevent the avoidance of the 2-year limit on the credit period through the use of successor entities and'' in subsection (i).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Patient Protection and Affordable Care Act to which the amendments relate.

Mrs. HUTCHISON. Madam President, our small businesses are struggling. We all know that. We are trying to encourage small businesses to hire and help our economy. Yet when this bill passes, our small businesses are going to have a tax credit if they offer health care to their employees, but what we are not telling the American people is that tax credit is limited to 2 years once the bill becomes fully effective. When the exchange opens, then the tax credit will last for 2 years.

My amendment assures this is not going to be a bait-and-switch to our small businesspeople; that they will be able to have the tax credit permanently if they offer health care to their employees and they are a business of 25 employees and under.

I hope our colleagues will support this amendment to help these small businesses. That is what will encourage them to offer health care to their employees.

The PRESIDING OFFICER (Mr. BURRIS). The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, in an effort to help small business, there are many provisions in this bill to accomplish that result. One is $37 billion in tax credits that are in this bill already for small business.

I do agree with the Senator from Texas, though, that it would be better if the credit, which is available for 2 years beginning in 2014 when the exchange is up and running, was extended. That would be my preference. But right now, in 2010, we are short on money, frankly, and we can't find all the money that is necessary to make that permanent to accomplish the wishes of the Senator from Texas. But I do say I am sympathetic with extending that 2 years, and we will work to try to find ways in the future to accomplish that.

In the meantime, I move to table the amendment, 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Byrd	Hutchison	Tester
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lincoln	
Cornyn	Lugar	

NOT VOTING—2

Bayh	Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 3712

Mr. CORNYN. Mr. President, I ask unanimous consent to call up amendment No. 3712, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3712.

Mr. CORNYN. 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 give States incentives to reduce fraud, waste, and abuse in their Medicaid programs)

At the end of subtitle C of title I, add the following:

SEC. 1207. FMAP REDUCTION FOR HIGH PAYMENT ERROR RATE.

Section 1905 of the Social Security Act, as amended by section 1202(b) of this Act, is amended by adding at the end the following:

''(ee) DECREASED FMAP FOR HIGH PAYMENT ERROR RATE MEASUREMENT.—Notwithstanding any other provision of this title, beginning January 1, 2014, in the case of a State for which the payment error rate measurement (commonly referred to as 'PERM') is at least 10 percent, the Federal medical assistance percentage otherwise applicable to the State with respect to payments for medical assistance for individuals enrolled in the State plan under subclause (VIII) or (IX) of section 1902(a)(10)(A)(i) or subclause (XX) or (XXI) of section 1902(a)(10)(A)(ii) shall be reduced by 1 percentage point until the date on which the Secretary determines that the PERM for the State is below 10 percent.''.

Mr. CORNYN. Mr. President, this amendment will lower the deficit while attacking the scourge of fraud and waste in our Medicaid Program. The $3.4 trillion Medicaid Program is riddled with waste, fraud, and abuse, and improper repayment rates that range roughly in the 10-percent range for the Nation. Some States and some cities are even worse.

In Washington, DC, 19.3 percent of Medicaid payments are classified by Health and Human Services as improper payments. In Oregon, one out of every five people on Medicaid is not even eligible to be on Medicaid. That is 20 percent.

This amendment takes the $434 billion that we are putting into the health care coverage, much of it in Medicaid, and it provides a financial incentive for the States to reduce their improper payment rates.

Since the Medicaid expansion does not go into effect until 2014, this provides a more than adequate period of time for the States to comply with bringing their improper payment rates down under Medicaid and thus to avoid any penalty under this amendment.

I ask my colleagues for their consideration.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we all want to fight fraud, waste, and abuse. In fact, there are many provisions in this bill which so provide. To add to that, when we negotiated the bill, the White House came up with even stronger provisions. They have the screening, time to check for payments, and so forth.

I talked with the Senator from Florida, Mr. LEMIEUX, who also has good ideas. I pledge to him to do what we can to get some of that passed this year. However, the amendment before us is much too punitive. It is arbitrary in its numbers. I think it would be counterproductive, especially at a time when States are already struggling with their Medicaid Programs. I think it would be inappropriate for us to lay this arbitrary punitive measure on them.

Mr. GREGG. Mr. President, if the Senator will allow me to make a quick statement just for the edification of our colleagues.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. This is our last amendment, I believe and hope—genuinely

hope. After this amendment is completed, I understand there will be a colloquy between the ranking member of the Finance Committee and the chairman of the Budget Committee. Then we will proceed to raising points of order relative to the bill.

Mr. BAUCUS. And other measures.

Mr. GREGG. Then we will proceed to final passage at 2 o'clock. That is the general outline of where we are.

Mr. BAUCUS. I might reconfirm, this is the last amendment. There will be points of order raised and other business will transpire before we get to the points of order, which I understand will begin about quarter of 2. We are going to finish at 2 o'clock. We are right there. It is going to work.

Mr. President, I move to table the Cornyn amendment and ask for the yeas and nays.

Mr. CORNYN. Is there time remaining?

The PRESIDING OFFICER. All time has expired.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown (OH)	Kerry	Rockefeller
Burris	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Udall (CO)
Dorgan	Lincoln	Udall (NM)
Durbin	McCaskill	Warner
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Webb
Corker	LeMieux	Wicker
Cornyn	Lugar	

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, that was the last vote on amendments. I wish to repeat that statement: That was the last vote on amendments.

Mr. UDALL of Colorado. Mr. President, I was unable to cast a vote for rollcall No. 99 in the second session of the 111th Congress—the motion to waive the Budget Act point of order against Vitter amendment No. 3665 to H.R. 4872, the Health Care and Education Reconciliation Act. Had I been present, I would have voted ''no'' on the motion.

Mr. KAUFMAN. Mr. President, I was unfortunately off the Senate floor when the Senate conducted rollcall votes Nos. 68 and 101 and, therefore, missed those recorded votes. I wish to state for the record that had I been prsent for rollcall vote No. 68, I would have voted ''yea'' on the motion to table Senate amendment No. 3582, and if I had been present for rollcall vote No. 101, I would have voted ''yea'' on the motion to table Senate amendment No. 3710.

LAWFULLY PRESENT IMMIGRANTS

Mr. MENENDEZ. Mr. President, I rise to speak about an issue affecting some of the most vulnerable families living in our society. Under health reform, tax credits are provided to families between 100 percent and 400 percent of the Federal poverty line in order to purchase health insurance. Families below 133 percent of the poverty line become eligible for Medicaid. Certain lawfully present immigrants however are not eligible for Medicaid due to their immigration status. Fortunately, health reform does not leave them in the cold. Mr. Chairman, am I correct in saying that lawfully present immigrants, who are otherwise ineligible for Medicaid, are eligible for premium tax credits in the exchange?

Mr. BAUCUS. That is right. Due to the Senator's leadership and hard work, we were able to make sure those here legally had a place to find affordable health coverage.

Mr. MENENDEZ. I believe it is important to clarify that the Senate bill's treatment of certain lawfully present immigrants as having an income at 100 percent of the Federal poverty level was intended to pertain only to their eligibility for the affordability credit—not the size of the actual tax credit. Plainly put, a legal immigrant whose income is at 50 percent of the poverty line should not have to pay the same premium amount as someone whose income is at 100 percent of the poverty line. Was this the intent of this provision in the health reform legislation?

Mr. BAUCUS. The Senator is exactly right. The health reform legislation that was signed into law allows immigrants who are here lawfully, who are otherwise ineligible for Medicaid to receive tax credits in the exchange. However, the size of those tax credits should be based on the families' actual income, not an artificial level of 100 percent of the poverty line. I expect this provision will be implemented as such. I look forward to working with Senator MENENDEZ to ensure that these families receive access to affordable health insurance coverage.

Mr. MENENDEZ. I thank the Chairman.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about a specific section of the health insurance reform bill.

There has been some concern that language in the bills could be misinterpreted to create new causes of action or claims that would interfere with existing State medical malpractice laws.

As Representative HENRY WAXMAN clarified on the floor of the House of Representatives, it has never been the intent of the bill to create any new causes of action or to preempt any State medical malpractice law.

Section 10201(j) of H.R. 3590, which added Section 3512 to subtitle F of title III of the act, calls for the Comptroller General to conduct a study of whether the development, recognition or implementation of any guideline or other standards under a list of enumerated sections of the Senate bill would result in a new cause of action or claim.

It is important that this language requesting such a study not be interpreted in any way as creating any inference or implication that the enumerated sections of the bill will create any new action or claim.

Additionally, it is important to understand that Congress has no intent in this legislation to modify or supersede any State medical liability law that governs legal standards or procedures used in medical malpractice cases.

Mr. LEAHY. Mr. President, in addition to important improvements to the health reform bill President Obama signed into law this week, the reconciliation measure before the Senate also provides a significant investment in higher education.

I have always strongly believed in the importance of a college education. Unfortunately, in recent years, average college tuition rates have increased faster than inflation, and have far outpaced student financial aid. Skyrocketing tuition is making it increasingly difficult for families to afford higher education. Many students are forced to take on significant debt, and too often are not able to complete college because of soaring costs.

Especially during these difficult economic times we need to be doing more to address the rising costs of higher education and the growing need for student financial aid. I am glad to see that the measure in front of us today streamlines our student lending system and no longer subsidizes banks to lend to students risk free. By requiring that all future student loans be made directly to students through the Federal Government, this bill will save $61 billion over 10 years. Not only will this provision save the government money,

but the Direct Loan Program is projected to save students millions of dollars in fees and interest payments.

A portion of the savings from this bill will be used to fund the Pell Grant Program, which is facing a significant shortfall this year. The measure provides $13.5 billion in mandatory appropriations for Pell grants, and will provide additional mandatory funding to the program by tying increases to inflation. Combined with the investment in Pell grants in the American Recovery and Reinvestment Act last year, which I was proud to support, the maximum Pell grant award will double as a result of this bill. Unfortunately, Pell grants cover less than half as much tuition at a public college or university as they did just a few decades ago, so a significant investment in the program's growth is necessary to help the more than 8 million students who participate. I met with students who attended school in Vermont this week and they shared their stories about how important this program was to them, and how it was critical to their ability to attend college. No student should be denied the opportunities of a college education because of financial burdens.

I am also pleased the changes to student lending in the reconciliation bill will help nonprofits to provide important loan servicing and counseling services to students and their families. Several States have established not-for-profit State agencies to administer financial aid and to provide their residents and students attending their schools with quality counseling services and low-cost loans. Vermont pioneered this movement by creating the Vermont Student Assistance Corporation, VSAC, more than 40 years ago. Since then, VSAC has worked hard to establish and maintain strong and longstanding working relationships with Vermont's higher education institutions as well as K–12 schools to provide outreach programs critical to the economic vitality of Vermont.

The reconciliation bill will prohibit anyone other than the Federal Government from originating new Federal loans, but unlike the lending measure the House passed in July, the reconciliation package will help nonprofits continue to provide important college access and completion activities. This measure will double the funding directed to Vermont, which will help VSAC continue to counsel students and their families about entering and completing college. Additionally, the reconciliation legislation will allow nonprofits to contract with the Federal Government to continue to service loans at a competitive market rate.

I have heard from countless Vermonters about the invaluable services VSAC provides to help students attend and complete college. Just recently, a father of twins attending college in Vermont contacted my office to share with me the support that VSAC provided. If not for VSAC, he said, he did not think he could have made it through the paperwork or learned about the scholarships that were available.

I am glad that Congress has recognized the importance of these services in States across the country and will allow for a continued role to help more students access and complete college. I look forward to continuing to work with VSAC to ensure their place as an important part of students' college experience.

Mr. BAYH. Mr. President, included within this budget reconciliation bill are provisions that make significant changes to the federal student loan programs. Like others, I strongly support the provisions that increase funding for Pell grants. These grants form the foundation of Federal student aid, and do much to increase college access.

Other provisions in the bill and the Higher Education Act also are important to students. As students increasingly look to Federal student loans to cover the costs of their college education, they are in need of federally supported services that help students to make well-informed financial decisions. In this bill, section 2103 extends and roughly doubles the authorization, to $150 million annually, for the college access challenge grants, CACG. The CACG authorizes States who receive funding under the CACG to provide subgrants to guaranty agencies to assist students and families with such services as early awareness and outreach, financial literacy, debt management, and loan counseling to impact the ability of students to successfully manage their student loan obligations and start off their postcollege and professional lives on the right foot. Congress should encourage the States to continue to work with their designated guarantors to use the opportunity of continued authorization and increased funding of the CACG to utilize the expertise of guaranty agencies in providing such services. I agree with the comments of the chairman of the House Committee on Education and Labor during House consideration of this bill—Congress intends that states receiving grants under the college access challenge grant program should partner with entities, including guaranty agencies and their nonprofit subsidiaries, to provide financial literacy, delinquency and default aversion activities, and other loan counseling activities for borrowers.

I also share the House chairman's view that the Secretary of Education has existing tools to ensure students have access to borrower and school services for financial literacy and default prevention. Under the Direct Loan Program, the Secretary is authorized to contract with guaranty agencies for services that ensure the successful operation of the program. As we move to require all institutions of higher education to participate in the Federal Direct Loan Program, students should continue to have access to the borrower and school services provided so well over the past 40 years by guaranty agencies. In my State of Indiana, our guaranty agency has a distinguished history of providing comprehensive services to help borrowers repay their loans and avoid default. Along with the House chairman, I, too, expect the Department of Education to ensure the availability of these services by exercising the Secretary's authority to contract with guaranty agencies for the provision of these services for students and schools.

Mr. DURBIN. Mr. President, our colleagues on the other side of the aisle have confused some statements made by the President and made by me regarding whether the new health law will cause premiums to go down.

The President has spoken forcefully about the impact of the new reform law on health insurance premiums. He has contrasted the effect of reform with the effect of doing nothing. He made it clear that if we passed a reform bill, premiums would go down compared to the status quo of not enacting a reform law.

A couple of weeks ago, I said on the Senate floor that no one claims premiums will go down tomorrow when we pass this legislation. I was speaking in absolute terms. Premiums have been rising at a high and unsustainable rate. With these reforms, premiums will rise more slowly.

The President and I were saying the same thing, using different words. The point is the same. With this new law, American families and businesses can have hope that their premiums will not rise as fast as they have been in the past.

The days of 39 percent premium increases, as we have seen in California, will be over once this law is fully implemented.

The days of 60 percent premium increases, as we have seen in my home State of Illinois, will be over once this law has been carried out.

And if we repeal this new law, as the Senators on the other side of the aisle advocate, premiums will continue to rise at an unsustainable rate with spikes like those we have seen this year.

Senators on the other side of the aisle are right to ask what will happen to premiums.

Every American wants to know, ''What is going to happen to the cost of my healthcare?'' And they are right to ask that question.

But the obstructionists and naysayers on the other side of the aisle are wrong when they oppose this bill and the new law based on the false claim that it will cause premiums to rise faster than the status quo. That is simply not true.

And you don't have to take my word for it. Just ask the nonpartisan Congressional Budget Office—the congressional ''umpire'' when it comes to questions of what legislation will cost or save.

Early in the health reform debate, throughout most of last year, we had useful data from the Congressional Budget Office—but it was not definitive. It was easily distorted by the opponents of reform and the defenders of the insurance companies, who want to stop all action and allow premiums to be increased by 10, 20, 39, 60 percent each year.

The initial CBO reports compared premiums in today's market with the cost of a more generous health plan that is likely to be offered in the insurance exchanges of a reformed market.

That is not a fair comparison, but it is all we had.

It showed that people would pay more if they chose better coverage. But it didn't clearly say that for coverage comparable to what is available today, premiums would be lower.

And so there was confusion.

In January, when no one was paying attention and the debate on the Senate floor had shifted to jobs, we received some important additional information from CBO.

The new data, from the people who know the numbers best at CBO, backs our conclusion that the Senate health reform bill will reduce the premiums people will pay for health insurance, compared to current law.

That clear answer came in response to a request from the senior Republican Senator from Maine, Ms. SNOWE.

At the request of Senator SNOWE, CBO estimated the premiums for a Bronze plan under the Senate reform bill.

Bronze plans will cover roughly the same proportion of an individual or family's total health care costs as the average plan sold in the individual market today.

So using Bronze plans to compare the Senate reform bill to current law provides an ''apples to apples'' comparison. It tells you what premiums you can expect if the bill passes, compared to what premiums you can expect for a similar policy if the bill is defeated. That is a fair comparison.

Here's what CBO tells us:

A Bronze plan in 2016 will cost an individual between $4,500 and $5,000 a year.

Earlier, CBO estimated that under current law, with no health reform in place, an average plan in 2016 will cost an individual $5,500.

So, under reform, the cost of a typical plan will be considerably less than the cost if we do nothing. In fact the savings will be roughly $500–$1,000 a year.

We see the same story for family coverage. According to CBO, under the Senate reform bill, a family can expect to pay between $12,000 and $12,500 for family coverage. If we do nothing, a family can expect to pay $13,100.

That is a savings of $600–$1,100 a year for American families.

So now we have the answer that many Senators, and many Americans, sought.

CBO's analysis provides a fair assessment of the effect of reform on the individual and family pocketbook.

And the answer is savings of $500 to $1,100 a year, from 2016 on.

But only if we preserve the reforms the President signed into law.

And that is just the direct effect on premiums. Millions of Americans will be eligible for subsidies that will dramatically reduce their costs beyond these basic reductions available to everyone.

But even people who don't receive subsidies will have lower premiums. Lower than if we don't implement the reform law.

Not because of assistance from the Federal Government, but because health reform legislation will give people buying power and will take the necessary steps to rein in health care costs.

The changes included in the new law will make a difference in the health care system and those changes will reap benefits for all of us.

This is confirmation that the reform bill represents an important victory for Americans struggling with the high cost of health insurance.

And now we can put a value on the savings: $500 to $1,000 a year for individuals and $600 to $1,100 a year for families.

The Senators on the other side of the aisle haven't been talking about this report, which was provided by the CBO to a member of their own party, because they don't want the American people to know that premiums will go down relative to doing nothing.

So instead, they try to find alleged discrepancies between the President and me that simply do not exist on this issue.

The evidence is clear. The Congressional Budget Office has weighed in. The facts are plain.

The health reform bill will reduce premiums compared to the do-nothing outcome pursued by the obstructionists.

Similarly, there has been some confusion about the magnitude of the tax cuts in this bill.

The tax cuts in the reform bill passed by the Congress and signed into law by the President are the largest middle-class tax cut for health care in the history of our Nation.

No Congress has provided greater tax assistance to American families and individuals and small businesses to help them afford the cost of health care.

There have been larger tax cuts unrelated to health care—not all of them wise.

But American businesses and families need help to deal with the high cost of health care, and this Congress has responded.

The new law, combined with the improvements in the reconciliation bill, will provide refundable tax credits to people with incomes up to 400 percent of the poverty level—around $88,000 for a family of four—so that they can afford their health insurance premiums.

Ordinarily, a tax credit is provided when you file your tax return after the end of the year. The new law allows the credit to be paid to the insurer month by month, so that you can afford your monthly premiums. That is a good thing if you live month to month and can't wait until the end of the year to receive the tax credit and still pay your monthly premiums.

The new law also provides tax credits to small businesses—available starting right now—to help them pay for health insurance.

These provisions will give nearly $500 billion of tax cuts and cost-sharing assistance to middle-class Americans. That is what makes this the largest middle-class tax cut for health care in the history of our nation.

We received no help from the Members on the other side of the aisle in enacting these tax cuts. This Democratic Congress did it anyway. We provided the largest middle-class tax cuts for health care ever, and we are proud to have done so.

Mr. HARKIN. Mr. President, we are concluding an historic week here in the Nation's Capital and in the U.S. Senate. Health reform is no longer a bill. It is the law of the land.

Just as the history books remember 1935 as the year FDR signed Social Security into law, and 1965 as the year Lyndon Johnson signed Medicare into law, they will now remember 2010 as the year President Barack Obama signed comprehensive health reform into law.

Of course, not only is health reform the law of the land, but, thanks to the reconciliation bill, we have also passed a landmark reform of the student lending program, permitting a major increase in Pell grants.

Appropriately, Members have cited the historic contributions of key leaders here in the Senate, including Majority Leader REID, Senator CONRAD, Senator BAUCUS, Senator DODD, and, of course, for his commitment to this cause spanning decades, the late Senator Ted Kennedy.

It is also important to etch into history, in our CONGRESSIONAL RECORD, the names of Senate staff members who have done so much to get us to this point. I have often cited the old saying that ''Senators are a constitutional impediment to the smooth functioning of staff.'' We laugh at that, but we also know that there is a lot of truth. Were it not for skilled, talented, dedicated staff members, willing to spend so many evenings and weekends away from their families, we would not have arrived at the historic triumph of passing comprehensive health reform.

I am especially grateful to the extraordinary efforts of staff members on the Committee on Health, Education, Labor and Pensions, which I chair. I would like to thank Dan Smith, Pam Smith, Michael Myers, Mark Childress, David Bowen, Jenelle Krishnamoorthy, Connie Garner, Portia Wu, John McDonough, Topher Spiro, Stacey

Sachs, Tom Kraus, Terri Roney, Craig Martinez, Taryn Morrissey, Brian Massa, Andrea Harris, Caroline Fichtenberg, Bethany Little, Luke Swarthout, David Johns, Maria Worthen, Thomas Showalter, Paulette Acevedo, Abby Bartine, Ches Garrison, Sarah Whitton, Robin Juliano, Lory Yudin, and Evan Griffis.

On the staff of Majority Leader REID, I want to thank Gary Myrick, Kate Leone, Jason Unger, Carolyn Gluck, Jacqueline Lampert, Bruce King, David Krone, Rodell Molineaux, and Randy DeValk.

On Senator DODD's staff, I thank Jim Fenton, Tamar Magarik Haro, Monica Feit, Brian DeAngelis, Madeline Gitomer, and Averi Pakulis.

On Senator BAUCUS's staff: Liz Fowler, Bill Dauster, Russ Sullivan, John Sullivan, Scott Mulhauser, Kelly Whitener, Cathy Koch, Yvette Fontenot, David Schwartz, Neleen Eisinger, Chris Dawe, and Hun Quach.

On Senator CONRAD's staff: Mary Naylor, John Righter, Joe Gaeta, Robyn Hiestand, Matt Mohning, Purva Rawal, Sarah Kuehl, Joel Friedman, Jim Esquea, and Jennifer Hanson-Kilbride.

On my personal staff, I want to thank Beth Stein, Lee Perselay, Kate Cyrul, Bergen Kenny, Dan Goldberg, Lindsay Jones, and Jim Whitmire.

Mr. President, I also want to salute the great skill and professionalism of the Senate Parliamentarian Alan Frumin, as well as Assistant Parliamentarians Elizabeth MacDonough, Peter Robinson and Leigh Hildebrand.

In addition, we owe an enormous debt of gratitude to the staff of the Congressional Budget Office. They are an extremely knowledgeable and capable team, willing to work late nights and through the weekends to model and estimate the budgetary effects of the complex provisions in this bill.

Finally, I want to thank staff members in the Senate Legislative Counsel's office. They also worked many long hours to assist my HELP Committee in drafting the language and working out the technical issues in the bill.

To all of these dedicated members of our Senate family, I say thank you for your service to this body, and thank you for your selfless service to our Nation.

Mr. DODD. Mr. President, I wish to spend a couple of minutes to express my gratitude to a lot of people. I begin by thanking my colleagues here, both Democrats and Republicans. Obviously, all of us would have liked to have had a health care bill that was more than a partisan vote. It didn't turn out that way. I am glad we ended up with the result we did.

I thank the members of the HELP Committee on which I serve, both Democrats and Republicans. Although we didn't end up with a bipartisan vote on that committee, there was a very vibrant, active, civilized discussion over many days last summer regarding the HELP Committee's portion of this health care product. Obviously, having been the acting or temporary chair of the committee in the absence of our friend and colleague from Massachusetts who was obviously ill and could not be there, I begin by thanking TOM HARKIN. You have heard people talk about him already. He has taken over the reins of that committee and has done an excellent job. I thank BARBARA MIKULSKI, my long-time friend and colleague, who did a tremendous job in dealing with various aspects of the health care debate, as TOM HARKIN did, JEFF BINGAMAN, PATTY MURRAY—again, seasoned members of the committee and Members of this body who have contributed to many pieces of legislation over the years. JACK REED, my neighbor and great friend from Rhode Island, was tremendously helpful on the committee, as well as BERNIE SANDERS of Vermont, SHERROD BROWN of Ohio, who played a critical role working with people like Senator HAGAN of North Carolina, working with SHELDON WHITEHOUSE, who was on our committee at the time and played a critical role in fashioning our public option. JEFF MERKLEY and BOB CASEY were very productive and serious members of the committee effort. AL FRANKEN and MICHAEL BENNET have since joined the committee, and SHELDON WHITEHOUSE has moved on. But I want the record to reflect my deep appreciation for their work.

Let me also thank MIKE ENZI and the people such as TOM COBURN and others, JUDD GREGG, from the committee. I can't go down the whole list, but the Republicans on the committee, while they don't necessarily like to admit it, made a contribution to the bill. One hundred sixty-one amendments—I know they are tired of hearing me talk about over the last several months—were their additions to the HELP Committee final product.

I have talked about MAX BAUCUS, my friend. We have served together, along with TOM HARKIN in this Chamber and the other, for 35 years together. The work of the Finance Committee, which bore a tremendous share of this responsibility, dealing with very complicated issues that are within the jurisdiction of that committee, was tremendously important. I won't go down and list all the members of the Finance Committee. In fact, we had several on our committee who served both on Finance and on the HELP Committee: JEFF BINGAMAN on the Democratic side; I know there were several Republicans as well who filled a dual role by serving on both committees.

I thank my friend from Montana as well for his work. He has been recognized and acknowledged by many and deservedly so over the last number of days.

I commend, if I may, the staff members of the Finance Committee, beginning with Liz Fowler and the group I ask unanimous consent to include for the RECORD. They did a wonderful job. Senator BAUCUS has referred to them already, but I also wish to thank them this afternoon for their work.

On the Budget Committee, again you have heard Senator KENT CONRAD talk about the Budget Committee staff. I ask unanimous consent that their names be printed as well at this juncture in the RECORD, if I may.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCE COMMITTEE

Liz Fowler, David Schwartz, Yvette Fontenot, Neleen Eisinger, Shawn Bishop, Chris Dawe, Andrew Hu, Bill Dauster, Russ Sullivan, Cathy Koch, Jon Selib.

BUDGET COMMITTEE

Sarah Kuehl, Purva Rawal, Jim Esquea, Mary Naylor.

Mr. DODD. I want to make particular reference to the members of my staff, beginning with Jeremy Sharp and Tamar Magarik Haro who did a wonderful job. Jeremy Sharp's father is former Congressman Phil Sharp. He was part of the class with MAX BAUCUS and TOM HARKIN and me, HENRY WAXMAN and GEORGE MILLER, who played a critical role in the debate in the House. Both Tamar and Jeremy were tireless in this effort, going back many months. I am deeply grateful to them. Jim Fenton is my legislative director and played a very important role as well in those efforts.

Then, of course, there are the other members of the HELP Committee, many of whom, of course, were staff members of Ted Kennedy. I inherited their expertise, their knowledge, their great abilities when Ted was laid up. They continued to work with us, beginning with Carey Parker who is, of course, legendary in this institution, having served with Senator Kennedy since the day he arrived 47 years ago. While not directly on the HELP Committee staff, I can't tell you what a critical role Carey Parker played time and time again during the rough spots. Michael Myers, Pam Smith, Connie Garner, Stacey Sachs, David Bowen—all were tremendously influential in the process. Mark Childress, who worked with Tom Daschle before, was at the White House for a while, came back up and stayed with us on that effort. Mark was invaluable in understanding the rhythms of the Senate, understanding the White House, and we are deeply grateful. Jenelle Krishnamoorhty, who worked with TOM HARKIN, I have gotten to know her very well, and the members of TOM's staff. I want Jenelle to know how much I appreciate her work. She did a tremendous job for us as well.

I want to thank the leader's staff as well, who were so valuable to us: Kate Leone, obviously; Carolyn Gluck; Bob Greenawalt; Bruce King; Randy Devalk; Jacqueline Lampert; and Gary Myrick, who we see here all the time pacing this Chamber at all hours of the day and night, keeping an eye on the movements of the Senate and what is occurring, keeping the leader well informed, about as knowledgeable as

anyone you will meet in understanding exactly what is happening at all moments. To Gary and the leader's staff, I apologize if I left anybody out, but I thank them for their work as well.

This bill also included the work on education issues. There were a number of people who played a very important role in that. In my office: Maddy Gitomer, Averi Pakulis, Joe Caldwell, and Anna Staton were all part of our efforts in that regard. I should have mentioned earlier Tom Kraus, Topher Spiro, and Andrea Harris who worked on HELP Committee efforts as we moved forward on the bill.

Those were a lot of names I have just recited. I said them so quickly that they may fly by. It hardly reflects the recognition they deserve for the time and effort they have put in. They will never be standing before a bank of microphones or getting their picture taken, probably won't have articles written about them and what they did or didn't do during their tenure in the Senate. But this place only functions and runs, the floor staff who are here and the respective cloakrooms who do the work every single day that make this institution work as well as it does, spending the hours, the weekends crafting ideas and compromises that allow us to move forward.

While there are a lot of people deservedly, in a very public way, getting credit for the work that has transpired over these many months, I didn't want this moment to pass without at least expressing my gratitude to them and others whose names I, unfortunately, have not mentioned, who have made this day possible.

To them, to my colleagues, to Senator REID, Speaker PELOSI, House Members who valiantly took up a Senate-passed bill that they had strong reservations about and yet understood the value of the moment.

And to President Obama, who understood the importance of this issue and insisted it come up. I remember Daniel Patrick Moynihan. MAX BAUCUS and I served with Dan Moynihan, and MAX had served with him on the Finance Committee when he chaired that committee, a very wise man who understood the movements of the executive branch and the legislative branch. He once told me that American Presidents, whether they get one or two terms, only get somewhere between 18 and 24 months to do anything really meaningful. It is those first days from January 20, Inauguration Day, to maybe as late as Election Day of the midterm elections in their first term. If they are going to do anything really important, that is the window in which they have to try. After that, it gets harder. You campaign for reelection. If you are reelected, you are a lame duck. Your ability to affect huge issues narrows.

I thank our President. Whether you agree or disagree with his politics or his policies, the fact that he took on a major issue that had been crying out for decades for resolution is testimony to his willingness to put a political administration, a political campaign on the line. For those who work with him, from his chief of staff to his advisers on these various matters, history will be and should be deeply grateful to President Barack Obama for having the courage to take up a big issue that deserved and needed resolution by the Congress for the American people. Whatever else transpires in the remaining tenure of his office, whether he serves one term or two, in large measure he will be defined by his willingness, his courage to raise this issue, when many others suggested this was a worthless task to take on, we couldn't succeed, he would be wiser to follow a course where less significant issues might be at stake.

So to the President, I thank you immensely for having the courage to take this on. I believe in the long call of history the American people will thank you as well for having the courage to bring up this important issue.

With that, again, this is one of those very few rare days we get in this institution historically, but it is one in which I am deeply proud to have been involved. I thank all who made it come to pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I had the great privilege of observing Senator DODD as he stepped into the breach for Senator Kennedy and did an extraordinary job—hour after hour after hour—listening to the comments, the suggestions of both sides of the aisle. I think about 400 amendments were filed, and 161, or so, were accepted. In that process, his leadership was extraordinarily effective and critical. So the praise he rightfully accords to others he must share in a major way. We would not be here today if Senator DODD had not stepped in while simultaneously also doing financial reform and getting us to this moment.

So I say to the Senator, thank you.

I concur, obviously, with his comments about Senator BAUCUS and express the respect I have for Senator BAUCUS. As chairman of the Finance Committee, MAX had an extraordinarily important role to play, and he played it with great wisdom and great judgment throughout.

Again, we are here today because of these two gentlemen, and my colleagues in the House.

I, too, commend the President. It would have been easy at any time in this process to fold up the book and say: Well, I have joined the ranks of all my predecessors since Franklin Roosevelt. I have tried and have not succeeded. I think at moments he might have come tantalizingly close to that conclusion. But he pressed on. Ultimately, it was his decision more than anyone else to try to do this that got it done.

As Thucydides said: The bravest of the brave are those who, seeing both the glory and the danger, go forth to seize it. These gentlemen—particularly the President—saw the danger and the glory and refused to retreat and went forward. We have a historic victory today. But our work is not done.

Mr. BYRD. Mr. President, I support the Health Care and Education Reconciliation Act. America has 47 million people without health insurance, including more than 240,000 West Virginians, and the number grows every week. More than half of West Virginia's uninsured are between the ages of 19 and 49. Health care consumes more than 15 percent of our national gross domestic product. Health care reform should matter to every West Virginian.

When the health care debate began last year, I urged the Senate to forgo using the budget reconciliation process to shield a comprehensive reform bill from debate and amendment. I am pleased that the Senate heeded that call, and opted to consider the Patient Protection and Affordable Care Act under the cloture rule and the regular procedures.

When amendments to that measure were proposed by the President, to be enacted through the budget reconciliation process, I insisted that those amendments be considered in a manner consistent with the Congressional Budget Act and section 313 of that act, the Byrd rule. The reconciliation bill must not address extraneous matter, and it must—absolutely must—reduce the deficit. This measure meets that test. I applaud the Senate for bringing the health care debate to a close in a manner that is balanced, fair, and equitable. The rights of the minority have been protected, and the Senate has upheld its historical role as a forum for debate and amendment.

While this bill as passed may not satisfy the individual concerns of each and every constituent or member of Congress, it does begin to satisfy the growing needs of millions of Americans who find themselves without access to the medical services and attention they need. Access to proper health care for every American citizen should not only be held as a necessity, it should be considered the commensurate right of any and every citizen of the mightiest and most advanced Nation the world has ever known.

Mr. President, in order to clarify for the record, I want to make it known that section 1556 of the Patient Protection and Affordable Care Act is intended to apply to all claims filed after January 1, 2005, that are pending on or after the date of enactment of that act.

It is clear that the section will apply to all claims that will be filed henceforth, including many claims filed by miners whose prior claims were denied, or by widows who never filed for benefits following the death of a husband. But section 1556 will also benefit all of the claimants who have recently filed a claim, and are awaiting or appealing a decision or order, or who are in the

midst of trying to determine whether to seek a modification of a recent order.

Section 1556 applies immediately to all pending claims, including claims that were finally awarded or denied prior to the date of enactment of the Patient Protection and Affordable Care Act, for which the claimant seeks to modify a denial, or for which other actions are taken in order to modify an award or denial, in accordance with 20 CFR 725.309(c) or 725.310. Section 1556 applies even if a final order is modified, or actions are taken to bring about the modification of an order, subsequent to the date of enactment of the Patient Protection and Affordable Care Act, in accordance with the sections of Part 725 that I mentioned. I look forward to working to ensure that claimants get a fair shake as they try to gain access to these benefits that have been so hard won.

Mrs. HAGAN. Mr. President, I rise today to speak in support of the education provisions in H.R. 4872, the Health Care and Education Affordability Reconciliation Act of 2010.

Over 40 years ago, Congress passed the Higher Education Act of 1965 with the conviction that no qualified student should be denied the opportunity to attend college simply because of the cost. Who knew that today, in the year 2010, this concern would still ring true? The passage of this legislation will provide greater access to higher education for thousands of American students.

The Health Care and Education Affordability Reconciliation Act represents the single largest investment in college affordability in history. From increasing the maximum Pell grant for low-income students to eliminating excessive subsidies for banks, this bill makes significant improvements to Federal student loan programs. Also, as students and their families look to Federal loans to pay for their post-secondary education, this legislation will allow non-profit student loan servicers in states like mine to continue servicing student loans.

This legislation provides funding for the college access challenge grant program, a program created in the College Cost Reduction and Access Act of 2007. This program was designed to assist states working in partnership with organizations with expertise in improving access to college. These guarantee agencies ensure that students have access to high-quality, affordable higher education. In my home State, the College Foundation of North Carolina serves as our State guarantee agency and plays a critical role in providing students and families with financial literacy, debt management, and loan counseling information.

I fully support the intent of the access and completion challenge grants included in this legislation. They will allow State guarantee agencies to continue the important work that they do. The College Foundation of North Carolina has done extraordinary work in this regard and, as a result, has had a default rate consistently below the national average for the past several years. As a strong advocate for financial literacy education, I can think of nothing more important than ensuring that students and families are armed with the tools they need to understand the dynamics of their student loans.

In North Carolina, we have 58 community colleges and 10 historically Black colleges and universities. The students at these institutions of higher education stand to benefit greatly from the passage of this legislation. A $2.55 billion investment over the next 10 years for Minority Serving Institutions, and more specifically Historically Black Colleges and Universities, is unprecedented. While HBCUs only make up 3 percent of all colleges and universities across the country, they graduate 40 percent of African-Americans with degrees in science, technology, engineering and mathematics, 50 percent of African-American teachers, and 40 percent of African-American health professionals. Community colleges play an instrumental role in our education and workforce systems by providing postsecondary education and job training. We need to keep our community colleges open and thriving. I can't think of a better investment as we encourage people to get the training and skills necessary to get back to work.

Making the commitment to create greater access to higher education, and ensuring that our students have the tools that they need to complete their postsecondary education is at the core of the education provisions in the Health Care and Education Affordability Reconciliation Act, and I am proud to support this legislation.

Mr. FEINGOLD. Mr. President, the Senate has considered dozens of amendments and motions to the reconciliation bill this week. The vast majority of these proposals were flawed, either because they would have undermined the important consumer, business and taxpayer protections in the health care reform bill signed into law Tuesday, or because they were not offset and thus would have reduced the savings in the reconciliation bill.

Some of these proposals, however, did have merit. In particular, amendment No. 3564 by Senator GRASSLEY would have clarified that all congressional employees, as well as certain other Federal employees, must receive their health insurance through the new health insurance exchanges. The health care reform bill already requires ''Members of Congress and congressional staff'' to receive care through the exchanges, but I support efforts to remove any ambiguity about who is covered. Another amendment by Senator GRASSLEY, No. 3569, would have slightly increased reimbursements for rural physicians in Wisconsin, building on important provisions in the new law. And I strongly support efforts to remove the unjustified ''sweeteners'' that remain in the health care reform law; unfortunately, the amendment offered by Senator MCCAIN, No. 3570, to remove those provisions also would have eliminated provisions that were entirely legitimate.

Two other amendments addressed legitimate concerns that Congress is already working to address. I am a cosponsor of legislation to clarify that coverage provided by TRICARE will be treated as minimum essential coverage under the health care reform bill. The amendment offered by Senator BURR, No. 3652, addressed this topic. Similarly, the chairman of the Veterans Committee is already seeking a legislative fix to protect the Second Amendment rights of veterans, as Senator COBURN proposed to do, No. 3700.

However, all of these amendments and motions—even the more appealing sounding ones—had the same purpose: to delay and obstruct reconciliation legislation that will fill the Medicare Part D doughnut hole, make coverage more affordable and in other ways improve the new health care reform law. I opposed these efforts to undermine health care reform, and I will continue fighting to ensure Wisconsinites get the affordable and dependable coverage they deserve.

Mr. BAUCUS. I now ask unanimous consent that Senators GRASSLEY and CONRAD be permitted to engage in a colloquy and inquiries of the Chair for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state his inquiry.

Mr. GRASSLEY. Mr. President, I have submitted a list of provisions for review by the Chair. It is my understanding that these provisions of the bill have been reviewed and further, if points of order were raised against these provisions, the Chair would have ruled that the various points of order would not have been taken. Is this the opinion of the Chair?

The VICE PRESIDENT. That the points of order would not have been well taken, yes. That is the decision of the Chair.

Mr. GRASSLEY. I thank the Chair. I ask unanimous consent to have printed in the RECORD the list of provisions just referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section 1002—Insurance Mandate
Subject to (b)(1)(D)
Merely incidental to non-budgetary components of the provision

Section 1203—DSH Methodology
Page 70 Line 4 through Page 71 Line 12
Subject to (b)(1)(A)
No budgetary effect

Section 2301—grandfathering
Subject to (b)(1)(D)
Merely incidental to non-budgetary components of the provision

Section 1401—High cost plans tax

Subject to 310(g)

Section 1401—indexing
Pg 84 lines 3 through 17
Subject to (b)(1)(A)
No budgetary impact

LIST OF POINTS OF ORDER SUBMITTED TO THE CHAIR BY SENATOR GRASSLEY

1. A point of order under Section 313(b)(1)(D) of the Budget Act against Section 1002 of the bill.
2. A point of order under Section 313(b)(1)(A) of the Budget Act against Section 1203, page 70 line 4 through page 71 line 12 of the bill.
3. A point of order under Section 313(b)(1)(D) of the Budget Act against Section 2301 of the bill.
4. A point of order against the bill under Section 310(g) of the Budget Act.
5. A point of order under Section 313(b)(1)(A) of the Budget Act against Section 1401, page 84 line 1 through 15 of the bill.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, my staff, working with the staff of the Finance and HELP Committees, has spent an enormous amount of time ensuring that this bill complies with the rules of the reconciliation process. The majority and minority staffers have spent long hours going over this bill in excruciating detail with the Parliamentarian. We just heard the Parliamentarian's determinations on some of those issues.

The Parliamentarian has further advised us that two provisions do violate the Byrd rule. The first provision concerns the formula setting the maximum Pell grant amount annually and is considered out of order. Basically, it provides an insurance policy on how that level is calculated.

The second provision says this, in its entirety: ''(D) by striking subparagraph (E); and(E) by redesignating subparagraph (F) as subparagraph (E),'' and is also considered out of order.

CBO has concluded that the two provisions do not score for budgetary purposes. The Parliamentarian gave great weight to this in making his determination.

While I wish these provisions were not being stricken, removing them would not affect the score of the program or prevent the bill from achieving the goals of the new Pell grant policy.

Mr. President, we think it is important for the historical record to have these matters laid out on the record. I thank Senator GRASSLEY and his staff for the work to make certain that the historical record is clear, and I want to thank my staff as well, and the staff of the Finance Committee for an extraordinary effort. I hope the people of this country recognize that these staffs have worked on both sides, minority and majority, weekend after weekend after weekend, night after night after night, and they deserve our commendation and our thanks.

I thank the Chair.

Mr. BAUCUS. Mr. President, there are a flood of emotions going through all of us today as we pass this reconciliation bill which improves upon the bill the President signed 2 days ago. I would like to focus only on one part—a very important part but only one part—and that is to thank the people who have worked so hard, especially in this body, to help accomplish this result.

I thank especially my friends Senator DODD, the chairman of the Banking Committee, who many times acted in the capacity as chairman of the HELP Committee, and Senator HARKIN, chairman of the HELP Committee, working so hard with their staffs. As well, I thank Senator CONRAD, especially for his acumen, his budgetary acumen. I don't know anybody who knows this stuff better than Senator CONRAD. We all rely on him very much.

I thank Leader REID for his strategic vision—he helped put the Finance Committee bill together; he saw a path forward—and his staff, who are so competent—Kate Leone, Bob Greenawalt, Randy DeValk—his top three staff.

I also thank my friend from New Hampshire, Senator GREGG, for his courtesy in managing this bill. He was very decent and a very good person to work with.

We all want to thank so many people. Once we start mentioning a couple or three names, we run the danger of offending people whose names are not mentioned. We all know that. There will be an appropriate time for us to make all the thanks, and I will make mine so sincerely because I am so grateful for all the hard work my staff has put into this.

I wish to single out one person, and that one person is sitting next to me. Her name is Liz Fowler. Liz Fowler is my chief health counsel. Liz Fowler has put my health care team together. Liz Fowler worked for me many years ago, left for the private sector, and then came back when she realized she could be there at the creation of health care reform because she wanted that to be, in a certain sense, her profession lifetime goal. She put together the White Paper last November—2008—the 87-page document which became the basis, the foundation, the blueprint from which almost all health care measures in all bills on both sides of the aisle came. She is an amazing person. She is a lawyer; she is a Ph.D. She is just so decent. She is always smiling, she is always working, always available to help any Senator, any staff. I thank Liz from the bottom of my heart. In many ways, she typifies, she represents all of the people who have worked so hard to make this bill such a great accomplishment.

I will have printed in the RECORD the names of all my professional staff. There are more than I realized, so I can't name them all. I ask unanimous consent to have that list printed in the RECORD and just regret that I cannot thank everybody personally.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE MAJORITY PROFESSIONAL STAFF

Ryan Abraham, Joseph Adams, Sarah Allen, John Angell, Randy Aussenberg, Mary Baker, Scott Berkowitz, Shawn Bishop, Mark Blair, Pat Bousliman, Joe Carnucci, Tony Clapsis, Alan Cohen, Blaise Cote, Amber Cottle, Tim Danowski, Bill Dauster, Chris Dawe, Jennifer Donohue, Neleen Eisinger.

Danielle Edwards, Andrew Fishburn, Yvette Fontenot, Liz Fowler, Jim Frisk, Christopher Goble, Michael Grant, Jewel Harper, Diedra Henry-Spires, Laura Hoffmeister, Andrew Hu, Matt Kazan, Ayesha Khanna, Tom Klouda, Cathy Koch, Christopher Law, Josh Levasseur, Richard Litsey, Carla Martin, Kerra Melvin.

Bob Merulla, Rory Murphy, Scott Mulhauser, Kelcy Poulson, Holly Porter, Hun Quach, Russell Quiniola, Tom Reeder, Matt Schmechel, Athena Schritz, David Schwartz, Erin Shields, Michael Smart, Meaghan Smith, Tiffany Smith, Challee Stefani, Greg Sullivan, Russ Sullivan, Chelsea Thomas, Kelly Whitener, Erin Windauer.

Mr. GREGG. I join the chairman of the Finance Committee in thanking so many people who participated in the process. I especially thank the staff on the dais and staff in the cloakroom who were here so late last night and do such an exceptionally professional job; otherwise, we could not move this type of legislation in a coherent way.

Obviously, I thank the chairman and I thank his staff and I thank the chairman of the Budget Committee and his staff because really there has to be cooperation across the aisle to handle something this complicated and do it in a reasonably efficient way, by Senate standards, which we did.

I especially, of course, thank the people on our side who played such a large role, our leadership but especially my staff on the Budget Committee—Cheri Reidy, who runs the committee, who does such an exceptional job; Jim Hearn, her partner; and Allison Parent. I will submit for the RECORD, as the Senator from Montana has, other members of our committee staff who have done such an exceptional job. But it seems you have to be named ''Liz'' around here to really understand health care because I have Liz Wroe on my staff, who really did such an extraordinary job for us here.

Again, I thank everyone who was so cooperative. There were an awful lot of amendments, and we could not have been successful without cooperation on both sides of the aisle.

Mr. CONRAD. Will the Senator yield?

Mr. GREGG. Yes, I will.

Mr. CONRAD. May I just say I really owe it to several people on my staff, especially my staff director, Mary Naylor. I don't know that there has been a person more dedicated to public service than Mary Naylor. What an extraordinary effort she has made, along with Bill Dauster of the Finance Committee and also my deputies, John Righter, Joel Friedman; my counsel, Joe Gaeta; and Sarah Kuehl, who led my health care team. We owe deep thanks to this staff. This has been a year-and-a-half long effort by so many;

lost weekends with their families, lost evenings.

Thank you. Thank you.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, we have a few more items of business that must be taken care of, but I didn't want the time to go by without saying something to the American people.

We all know the importance of this legislation. It is a Thursday afternoon, about 2 o'clock. We are all tired. But this has been a legislative fight that will be in the record books. I am grateful for everyone who has worked on this to make this happen.

First of all, I have had a number of people on my staff who have worked very hard—Randy DeValk, who is kind of the resource of all the Senators, Republicans and Democrats. He is a utility man. He can do anything. He is a very accomplished, fine human being and a great person to have working for you.

Kate Leone has been such a stalwart in helping me work through these issues. We started this a number of months ago. We got together every week because I didn't know a lot about health care. She and I would sit and talk for an hour every week so I became more accomplished in knowing at least the framework of this legislation we looked forward to dealing with. I have so much appreciation for her. Like Randy, they left their families at home. She left her baby at home. A lot of the times, it was very difficult for a young mother to do that. I have such respect and admiration for her skill and her being such a nice person.

Bob Greenawalt, my tax guy, has done a remarkably good job—very quiet but someone whom everyone knows in the Senate. He is someone you can go to and get a straight answer.

Senator BAUCUS, the chairman of the Finance Committee, has had a tremendous burden. It has gone on for well more than a year. He has been criticized, he has been praised, but he has always been there trying to move this ball forward, always having the idea that we could get this done when a lot of people around him said, ''It can't be done.'' I personally appreciate MAX BAUCUS and the good work he has done for these many years for the State of Montana, but in recent months America has come to know the great work he has done on this bill which is now law.

TOM HARKIN—what a wonderful human being. When I had a very difficult election in 1998, no one called more often to find out how I was doing, both before the election and after the election. He is my friend. I care a great deal about him. He has some big shoes to fill, those of Ted Kennedy. He has been so easy to work with.

CHRIS DODD—even though he was no longer running the committee because Senator Kennedy died, TOM HARKIN never got involved in it. He left everything involved with health care that the committee had up to CHRIS DODD. It worked out well. We were able to do reconciliation, and he moved into something for which he has such great passion, and that is education. So thank you very much.

KENT CONRAD and I came to the Senate together. When the history books are written, there will certainly be a chapter or two or three talking about a person who over the years has come to know more about the finances of this country than any other human being—anyone. He and I are friends. He is the reason we are here now with so little controversy on these points of order. He has been someone whom you can really, because he is such a perfectionist—frankly, he can really get on your nerves. He is someone who always wants to make sure that the ''i'' is dotted and the ''t'' is crossed. I am so grateful we are able to be where we are as a result of the good work of this honorable man from the State of North Dakota.

Finally, I have seen this man shed tears on so many occasions in the last few months. Why? Because his pal is no longer in the Senate, his buddy, his soulmate. There could not be two better friends than Ted Kennedy and CHRIS DODD. I don't know how you can be better friends than they were to each other. He has done such a good job filling in for Ted Kennedy. I know we want to get to this vote, but I love CHRIS DODD. He is such a wonderful person, and his family is remarkably good. He got home at quarter to 4 this morning, and Grace woke him up at 5 to tell her story.

CHRIS, thank you very much for what you did.

MOMENT OF SILENCE

I think it would be very appropriate, and I hope I do not offend anyone—if I do, I certainly do not mean to—I think it would be very appropriate right now to have a moment of silence for our departed friend, one of the great Senators in the history of this country, Ted Kennedy.

I ask the Chair to direct that moment of silence.

The VICE PRESIDENT. Without objection, the Chair will direct a moment of silence.

(Moment of silence.)

The VICE PRESIDENT. The majority leader is recognized.

Mr. REID. Mr. President, I ask that when the vote is called, Senators vote from their desks.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me acknowledge the majority leader also because he has been under tremendous stress. We all know that, with what has happened relative to Landra and his daughter. We appreciate the fact that he has been so professional and worked so hard while confronted with this extraordinarily difficult situation. We obviously wish everyone in his family well.

Mr. President, at this time I will make two points of order. I submit for the RECORD a statement of those points of order.

The following provision of the pending bill, H.R. 4872, the Health Care and Education Affordability Reconciliation Act, on page 118 at line 15 through 25 does not produce changes in outlay or revenues and thus is extraneous. Therefore, I raise a point of order under section 313(b)(1)(A) of the Congressional Budget Act of 1974.

The VICE PRESIDENT. The point of order is sustained.

Mr. GREGG. Mr. President, the following provision of the pending bill, H.R. 4872, the Health Care and Education Affordability Reconciliation Act, on page 120, lines 3 through 5, does not produce changes in outlays or revenues and is extraneous. Therefore, I raise a point of order under section 313(b)(1)(A) of the Congressional Budget Act of 1974.

The VICE PRESIDENT. The point of order is sustained. Both provisions are stricken.

Mr. GREGG. I thank the Chair.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in keeping with my previous statement, we on our side would not further contest either of those provisions.

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

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

The bill was read a third time.

The VICE PRESIDENT. The Senator from Montana.

Mr. BAUCUS. Mr. President, is it appropriate to ask for the yeas and nays?

The VICE PRESIDENT. Yes, it is.

Mr. BAUCUS. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is on passage of H.R. 4872, as amended by operation of section 313(e) of the Congressional Budget Act of 1974.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—56

Akaka	Byrd	Feingold
Baucus	Cantwell	Feinstein
Bayh	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Hagan
Bingaman	Conrad	Harkin
Boxer	Dodd	Inouye
Brown (OH)	Dorgan	Johnson
Burris	Durbin	Kaufman

Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Barrasso
Bennett
Bond
Brown (MA)
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Collins
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Johanns
Kyl
LeMieux
Lincoln
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Risch
Roberts
Sessions
Shelby
Snowe
Thune
Vitter
Voinovich
Wicker

NOT VOTING—1

Isakson

The bill (H.R. 4872), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, today's final passage of this Health Care and Education Reconciliation Act marks the culmination of a decades-long struggle to make health insurance affordable to hard working Americans. This has been an arduous process, but it has proven that change truly is possible. America again has risen to meet one of its foremost challenges.

Still, there is more work to be done to introduce competition into the health insurance industry. Today, health insurers do not play by the same rules of competition as do other industries. Benefiting from a 60-year-old special interest exemption, the business of insurance is not subject to the Nation's antitrust laws. These laws promote competition, which ensures that consumers will pay lower prices and receive more choices. We can surely agree that health insurers should not be allowed to collude to set prices and allocate markets.

Last fall, I introduced legislation to repeal the health insurers' antitrust exemption. I held a hearing to examine the merits of this repeal, and worked to build bipartisan support. A few weeks ago, repeal of the antitrust exemption for health insurers became the first stand-alone part of the health reform package to pass the House, in a strong bipartisan vote of 406–19. Today I want to renew my call for the Senate to take up and pass this legislation to repeal the antitrust exemption for health insurance companies.

As they begin to implement the measures included in the Patient Protection and Affordable Care Act, the Department of Health and Human Services, other Federal agencies, and the States can all greatly benefit from the competitive analysis provided by both the Department of Justice's Antitrust Division and the Federal Trade Commission, FTC. The Justice Department and the FTC have the knowledge and experience to provide informed assessments of whether a marketplace is functioning properly, and when there may be warning signs that competitive abuses are taking place. Their expertise will ensure that the basic rules of fair competition apply to those reforms included in the new health insurance reform law.

Mr. CONRAD. Mr. President, I want to add to my comments from earlier today regarding the passage of H.R. 4872, the Health Care and Education Reconciliation Act of 2010. I want to again acknowledge and thank my staff for their extraordinary effort and professionalism. My staff has worked tirelessly over many months, working late nights and weekends on health care reform and reconciliation. I greatly appreciate the sacrifices that they—and their families—have made in these efforts.

On my Budget Committee staff, I want to again thank my extraordinary staff director, Mary Naylor, as well as my deputy staff directors, John Righter and Joel Friedman, and my counsel, Joe Gaeta. In addition, I want to thank my incredible Budget health team, which is led by Sarah Kuehl, but also includes Purva Rawal, Jim Esquea, Jennifer Hanson-Kilbride, and Steve Bailey. They did extraordinary work. I also want to thank my Budget education team, Robyn Hiestand and Matt Mohning. Education was an important part of the reconciliation bill and college students will benefit greatly from the expansion of Pell grants and other assistance. I want to thank the remainder of my excellent Budget Committee staff, all of whom contributed greatly to this effort. I particularly want to thank Craig Kalkut, Ron Storhaug, and Jean Biniek for their assistance in this effort.

Finally, I want to thank the staff in my personal office. They also played a key role in this effort and represented the State of North Dakota very well. I want to thank Sara Garland, my chief of staff; Tom Mahr, my legislative director; Kate Spaziani and Dana Halvorson, my personal office health team; and Caitlin Coghlan, my education specialist. In particular, I want to thank Tom and Kate for their extraordinary efforts. They worked hand-in-hand with my Budget team in helping produce a bill that moves this nation in the right direction on health care and fiscal responsibility.

I believe it is important that the American people understand the work and sacrifice made by the staff who work here in Congress on their behalf. The last year has witnessed an incredible effort by staff on both sides of the aisle. I thank them all, and again, thank my staff in particular.

Mrs. BOXER. Mr. President, it is clear to everyone watching the debate on the Health Care and Education Reconciliation Act that amendments were offered for the sole purpose of derailing health care reform. Therefore I voted to table all amendments.

Under normal circumstances, I would have supported some of the amendments offered by my colleagues. For example, last night, an amendment was offered to clarify that the health care reform bill would not adversely affect VA and military health care programs. I am a cosponsor of freestanding legislation that would make that very same clarification. However, last night, when Senator WEBB asked unanimous consent for that legislation to be adopted separate from this bill, an objection was raised from my friends on the other side of the aisle.

I am pleased that the bill passed because it will make life better for the people I represent.

Mr. DURBIN. Mr. President, the reconciliation bill on the floor today realizes a dream of my friend and mentor, former Senator Paul Simon—consolidation of the Federal student loan program entirely into direct loans.

The very first Federal student loans were direct loans provided under the National Defense Education Act of 1958—directly from the Federal Government to students.

In 1965, the Federal Government began guaranteeing student loans provided by banks and nonprofit lenders through the Federal Family Education Loan, FFEL, Program. Through this program, the Federal Government would pay banks a certain rate of return on student loans and guarantee those loans against default.

By the early 1990s, it was clear to Paul Simon that incentivizing banks through subsidies no longer made sense. The Federal Government could make loans more cheaply and more simply directly to students.

As he said: ''Are we in the business of helping banks and guarantee agencies, or are we in the business of helping students?''

Paul Simon became the leading Senate champion of a new direct college loan program, enacted in 1992 as a small pilot program. He and others hoped that the Direct Loan Program would be quickly expanded to replace the FFEL Program.

In 1993, during a budget reconciliation fight, lobbyists for the banks and Sallie Mae joined forces to try to defeat the effort to move the student loan system into direct loans. The result was our current system: the Direct Loan Program and the FFEL Program operating side-by-side.

This system hasn't worked. Private lenders like Sallie Mae have retained the majority of the student loan market through special deals with financial aid offices and have continued to make billions off of taxpayer-funded subsidies—$6 billion per year. Taxpayers are absorbing all the risk of student loan defaults, while private corporations bank all the profit.

Senator Kennedy, a longtime proponent of direct loans, once said: ''We

waste billions of dollars in corporate welfare every year on student loans, and we cannot afford it any longer.''

I agree with Paul Simon and Ted Kennedy. And so does Chairman HARKIN, who led this bill through the HELP Committee. I join him in supporting this bill that would finally end corporate welfare in the Federal student loan program and put that money back in the hands of students.

The reconciliation bill will shift all loans into the Direct Loan Program that Paul Simon envisioned and use the $68 billion in savings to invest in education priorities.

We will put $36 billion over the next 10 years into the Pell Grant Program, a program that we know is essential for many poor families and struggling students.

For the first time, we will index the Pell grant to inflation. We will also avert a projected Pell grant budget shortfall caused by recent increased demand for Pell grants.

Without this investment, 8 million students could see their Pell grants cut by 60 percent next year, and 600,000 students could lose their scholarships completely.

The bill will cap monthly student loan payments at just 10 percent of discretionary income, so that college graduates can pursue careers in teaching or public service without the burden of student loan bills they couldn't keep up with.

We will also invest in historically Black colleges and universities, minority serving institutions, community colleges, and state-based college access programs that help students succeed in college.

And we will reduce the deficit by $10 billion over 10 years.

Families and students will benefit enormously from this bill and the realization of Paul Simon's vision. And who will suffer? Bank and lending executives who have grown rich off of unnecessary taxpayer subsidies for decades.

Paul Simon was right 20 years ago, and he is still right today. It is time to take the middleman out of the student loan industry and return our focus to students.

I would like to thank Senator HARKIN for his hard work on the student loan reform provisions in this bill and for his tireless efforts on behalf of college students across the country.

I strongly support the student loan reform provisions that are included in the reconciliation bill and I look forward to seeing Paul Simon's full Direct Loan Program finally signed into law.

Mr. ROCKEFELLER. Mr. President, I have always wondered if this day would come, when I could stand on the Senate floor before my colleagues and say those words:

We did it. We passed comprehensive health care reform.

Many have come before us and we have worked together for years. We took on a monumental task and faced obstacles at every corner.

It wasn't easy—nothing that is worth doing is easy. But we put aside our own differences and came together to pass meaningful legislation that will transform the way health care works in our country.

And it was worth every minute and every hurdle. It was worth every setback and every step forward.

Because for all those challenges, for all our debates and negotiations, I know that any trouble we faced was nothing in comparison to the daily struggle millions of Americans face everyday without health insurance. Millions that are without coverage who live everyday in terror of becoming sick—parents powerless to provide care for a sick child, workers unable to change jobs and pursue a new opportunity, families forced to choose between seeing a doctor and paying their mortgage.

When I think about the cause of reform, I think about those people and their stories.

And I want to tell you about some of them today.

I want to tell you about the Bord family of West Virginia.

The Bords are two dedicated school teachers—with health insurance, through their employer—whose son Samuel had Leukemia and needed treatment well beyond the onerous annual insurance limits, they didn't even know they had. Samuel's parents were desperate and feared for the worst. When he hit his million dollar cap, my office helped his parents find more resources.

But, the Bords were left with two heart-wrenching suggestions—consider getting a divorce so that Samuel would qualify for Medicaid and stop taking their other children—Samuel's twin brothers—to the doctor altogether, even if they got sick, in order to save every penny for Samuel.

That's right. Get a divorce and choose one child's health care needs over another's.

Those are the choices our Nation offered to these caring, hard-working parents with a sick child?

They did everything in their power but, this fall, Samuel passed away.

It breaks my heart to think of what his parents went through: not only the pain of watching their son fight a terrible disease, but also the uncertainty of paying for his treatment when the coverage they counted—on and paid for—abandoned them.

And so now, we are creating a more secure and reliable health care system that works for every American: where those who are uninsured finally have someplace to go for care; where those with health insurance know that the coverage they count on—and pay for—will be there when they need it; and where a profit driven insurance industry cannot play mercilessly with people's lives or steal their hope for a healthy future.

This new law is for all those countless people we have lost to a broken system. This is Samuel's law. We will never be able to bring him back—but we can make sure no one's health is ever left to the whims of annual and lifetime caps or pre-existing conditions or arbitrary rate hikes.

In the course of my Senate Commerce Committee investigations into the health insurance industry, I met a wonderful woman named Susan Pearl.

You see, we knew in the committee that health insurance companies were not being straightforward about how much money they were spending on actual medical care. Too many people were not getting the care they needed, yet health insurance industry profits continued to soar.

So Susan came to us. Her husband owns his own business, and they had coverage—good coverage. And they were glad to have it—their son Ian was born with muscular dystrophy, but was doing well with medical treatment.

Unfortunately, Susan's insurance then decided that her son's care—including the round-the-clock nursing necessary for advanced muscular dystrophy—was getting just too expensive for them to continue paying.

So with the full knowledge of the devastating and fatal effects of dropping coverage—Guardian Insurance abruptly rescinded, not just Ian Pearl's coverage, but the entire family policy, replacing it with another plan that was, quite simply, inadequate.

With Ian's life-saving care costing upwards of $1 million a year, Susan did everything she could to reinstate Ian on his original plan—the one she had paid into faithfully for years.

Thankfully, Susan Pearl was able to recover Ian's old coverage—but only after Guardian's deplorable practices drew worldwide media attention.

This new law means health insurance companies can no longer gamble with people's lives and rescind coverage because it's hurting their bottom line.

You shouldn't need the full focus of a Senate investigation, just to be treated fairly by your insurance company.

I think of small business owners like Kate from my home State of West Virginia who shared her story on the White House Office on Health Reform's public website www.healthreform.gov. Her 2-year-old son is the only person with health insurance coverage in her household.

Many of us know that it is often hard for small businesses to find affordable coverage for themselves and their employees.

She and her husband are small business owners and they simply could not find an affordable policy. Today, small businesses pay up to 18 percent more than large firms for the same health insurance policy, so many just don't even offer it. While small businesses make up 82 percent of businesses in West Virginia, only 37 percent of them offered health insurance coverage to their employees in 2008.

Kate wished she even had the security of catastrophic coverage. She

knows she is risking her home and economic security without health coverage, but, basic health insurance is a luxury she and her husband simply can't afford.

When it comes to health care, small business owners have been facing higher administrative costs, lower bargaining power, greater price volatility and fewer pooling options. These are not minor details. They are major problems and health care reform includes concrete solutions to begin solving them.

Now, with this new law, West Virginia businesses will have access to far more affordable coverage options. In 6 months, as many as 20,000 small businesses in West Virginia like Kate's will have access to tax credits for up to 35 percent of the cost of health coverage for their employees.

And new State-based health insurance exchanges will be designed to help small businesses cover their employees in the small group market. By expanding the pool and spreading risk across every individual in the State exchanges, we can significantly decrease premiums for small businesses and lower administrative costs for small business coverage by as much as 30 percent.

Many people have heard about Sarah Wildman, a woman who purchased insurance on the individual market right here in Washington, DC.

Sarah was an informed consumer and specifically chose a policy she believed included good maternity coverage—one of the few policies on the individual market that cover maternity care at all.

Of course, her so-called ''Maternity'' coverage didn't cover labor, delivery, or even her stay in the hospital. And as a result, Sarah was left with a $22,000 bill.

And, because she gave birth by cesarean section—she now has a ''preexisting'' condition and can no longer get coverage elsewhere.

Sarah's situation would seem absurd, if it were not so deadly serious. And it begs the question: What is the value of health insurance that offers no coverage when it's needed?

But soon she won't have to worry. This new law will mean the elimination of preexisting condition exclusions—right away for our children and as soon as the exchanges are up and running for adults.

Both the House and the Senate have spent more than a year working on a meaningful plan to move our health system forward.

For many of us this journey started in earnest three years ago in our effort to reauthorize the Children's Health Insurance Program. Protecting that program—which will cover more than 14 million children by 2013—represents yet another of this new law's enormous achievements.

But today's achievement is built on more than 50 years of effort and incremental change—some quite meaningful, but none truly comprehensive.

At last, our work has brought fundamental changes to a broken health care system, and takes an enormous step to begin making people's lives better.

I was so proud to be there with the President when he signed the Patient Protection and Affordable Care Act into law—after spending my entire career in public service committed to this cause, it was a chance to witness history in the making.

I want to thank my colleagues in the House and Senate who did the right thing for the American people. I know we are walking on the right side of history. I know many wanted to do even more, and go further. I know this bill is not perfect, but it will be transformative and that is a good thing.

I particularly want to thank two courageous colleagues on the House side—Congressmen ALLAN MOLLOHAN and NICK RAHALL who took a stand for the American people and voted to pass this legislation.

I want to thank HARRY REID for his leadership, and his unwavering vision which helped deliver a final bill to the President's desk.

And finally, I want to thank the President who came to the White House as a champion of change. And now, he has delivered.

We knew it would not be easy to change our health care system, but we persevered. All of us have stories like the ones I told.

I am enormously proud to have supported this legislation, which, more than anything, means a better health care system. It means a better America and a better life for families everywhere.

Mr. REID. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, at this time I wish to give a short statement for the RECORD, and then I will ask for the Senate to consider the nomination of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, for the Small Business Administration.

This is very troubling to me, as the chair of the Small Business Committee. Months ago now, we had Dr. Winslow Sargeant before our committee. The President nominated him to be the Chief Counsel of the Office of Advocacy for the Small Business Administration. For my colleagues who may not be aware of this office and how important it is to have a qualified individual leading it, let me say that the Office of Advocacy works to reduce the burdens of Federal policies and regulations on small business, which is an important effort that is undertaken when either Republicans or Democrats are in the majority.

We recognize that sometimes regulations, particularly overly burdensome regulations, can be difficult for small business, so this position in the Small Business Administration was actually created to advocate not on behalf of the regulations, not on behalf of the government, but on behalf of the small businesses—the millions of them that are out there struggling right now to create jobs. We want to be helpful to them, not hurtful. So it is puzzling to me why this nomination is being held up, particularly because he passed out of our committee with bipartisan support.

He has three degrees, including a Ph.D. from the University of Wisconsin-Madison in electrical engineering, and a background as a very successful small business owner himself. He not only is well educated but well aware of the many difficult challenges facing businesses today.

Dr. Sargeant cofounded Aanetcom, a technology company that was ultimately acquired. He is currently the managing director of Venture Investors, a Midwest venture capital company which focuses on funding startup health care and technology companies. In this role, Dr. Sargeant works closely with technology transfer organizations to develop policies which enable the formation of startups, giving him an unmatched insight into the needs of entrepreneurs in this challenging economic environment.

This is exactly what we need to be doing here: nominating and confirming people such as this to step into positions of power, to advocate on behalf of small businesses. So it is very troubling to me this nomination has been held up. I am going to ask for his nomination to be cleared in a moment.

I am also puzzled because he has the support of many business organizations: the National Small Business Association, the Small Business Association of California, the Small Business Technology Council, and the Small Business Association of New England—very well-respected small business organizations from one side of the country to the other that are familiar with him and his work.

With more than 80 percent of job losses coming from small businesses since the current recession began, it is critical, I believe, as the chair of this committee, that we provide our Nation's 29 million small business owners

with a strong and effective advocate here in Washington.

This position is empty. There is no one sitting in the office, at a time when small business needs a voice. There are regulatory matters coming from all sides. There are new challenges in this environment. There are trade opportunities for businesses all over the world. Our small businesses must break into those markets. Let's not even begin to talk about the regulatory nightmares here at home—just think about those regulatory nightmares as our small businesses seek markets across the oceans and over our borders. Why—why—would anyone want to hold up this position? But someone is, and we are going to find out who and why.

Dr. Sargeant also has spent a great deal of time sitting on different boards, helping to advise others on building strong businesses. He is a Kauffman Fellow, a member of the New York Academy of Sciences, and Sigma Xi. He serves as a director of the University of Wisconsin Foundation, a trustee for the Wisconsin Alumni Research Foundation, and a member of the corporation board of Northeastern University. He is an advisory board member for WiCell, the Waisman BioManufacturing Facility, the University of Wisconsin Astronomy Department, and Purdue University Discovery Research Park.

And the list of his accomplishments goes on. He has served as a technical advisory board member for startup company Intersymbol Communications, Madison-based venture firm Venture Investors, LLC, managing member of Xcelis Communications, LLC and as an advisory board member for the Maryland Venture Fund. Dr. Sargeant received the inaugural 2002 Wisconsin distinguished Young Alumni Award and was the 2003 Outstanding Engineering Alumni Awardee from Northeastern University.

Dr. Sargeant's work also extends to the community. He has been a member of the Board of Directors for the Boys and Girls Club of Madison, Wisconsin, since 2006; a member of the Accelerate Madison, Inc., a Madison, WI, organization dedicated to using information technology to spur economic growth; and active alumni organizations, such as the University of Wisconsin Foundation.

I have no doubt that Dr. Sargeant will make an excellent Chief Counsel for Advocacy and I remain baffled as to why his nomination has yet to be confirmed.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 427, the nomination of Winslow Lorenzo Sargeant, to be Chief Counsel for Advocacy, Small Business Administration; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Senator from Louisiana for her concerns about this matter. I am not a member of the committee and am not personally familiar with the nomination. But I know it is controversial with some Members on our side. I think as to the question of why, it is because we agree with the Senator that the nomination is to an important position, and there is concern about whether this is the right person for it. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. I thank my good friend, the Senator from Alabama. He and I have worked on many important issues together. He is not a member of the committee, and I appreciate that. But I wish to, through the Chair, let the Senator from Alabama know that he might want to consult with some of the members of the Small Business Committee because when we come back I am going to be asking every day on the floor of the Senate for this nomination to proceed.

I think it is fair, in the spirit of openness that so many people have called for, that we have these discussions now in a very open way on the floor of the Senate. So I hope the Senator will understand the spirit of this. This gentleman is extremely well qualified. I have had numerous calls to my office urging us to move forward.

I thank the Senator from Alabama for those comments. But if you would relay that to not only the members of the Small Business Committee but to the Republican Caucus, that would be wonderful. Thank you.

Mr. President, how many more minutes do I have?

The PRESIDING OFFICER. There is 3 minutes 20 seconds.

Ms. LANDRIEU. Thank you.

Let me, while I have the floor, call attention to this document that is on our desks. It is the Executive Calendar that is placed every day on our desks. Since we have been at our desks now for many hours, I actually had the opportunity to read it, which I do not often do.

Although the pages are not numbered, I counted them and I believe there are 12 pages. This is documentation of every person pending on the Executive Calendar for confirmation. It might be interesting to the people observing our session today to note that all of these nominations—from the Judiciary, to the Federal Elections Commission, to the Department of Energy, to military positions, Corps of Engineers positions, the Army, the Executive Office of the President, members appointed to the Amtrak Board of Directors, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Department of Commerce, the Department of Housing and Urban Development—these are people—pages and pages of names—who the President has suggested would be wonderful people to serve our government.

They have passed the committee process, most of them—or many of them, I understand—with bipartisan votes. Why they are sitting on this calendar I do not know. But we are going to find out. I realize there is sort of a place and a time and a process in the Senate, but it is important for us to know, and for these individuals who have put their lives and their careers on the line, who put their homes up for sale, who have left their former jobs thinking they were going to come to work for the Government of the United States—proud to work for our government—many at much less than they were making before they were nominated by the President. I am going to ask my colleagues on the Republican side, Why are they being held up?

There are actually two individuals I know personally—two judicial candidates from the State of Louisiana: Beth Foote and Brian Jackson—one outstanding lawyer from the Western District of Louisiana, and one outstanding lawyer from the Middle District of Louisiana. They are not technically being held up, but they are not moving forward. So we need to be moving them forward. The chairman of the committee, Chairman LEAHY, has done a wonderful job moving them through. In fact, the Senator from Alabama was extremely complimentary—who is on the Judiciary Committee—of both of those nominees because I happened to be present at their hearing. The Senator from Alabama was extremely complimentary in his views, and he is, of course, the ranking member on that committee.

When we get back, on behalf of Beth Foote and Brian Jackson and Winslow Sargeant, I hope some of my other colleagues will be happy to join me in very open and public discussions on the floor of the Senate about what might be a problem that we should know about so that we can get these people in positions of power and authority and of service, might I say, to the people of the United States of America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The Republican leader is recognized.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 333, S. 3153, and 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 motion to proceed to S. 3153, Calendar No. 333:

Tom Coburn, Jim DeMint, Mike Johanns, George S. LeMieux, Kay Bailey Hutchison, Lamar Alexander, Saxby Chambliss, Mike Crapo, John Cornyn, Jim Bunning, Michael B. Enzi, John McCain, Judd Gregg, Jeff Sessions, Robert F. Bennett, John Ensign, Mitch McConnell.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about where we are as a nation and what the future is for our children.

We have at this point in time $12.6 trillion worth of debt. We now have equivalent debt for every man, woman, and child in this country of $42,000. For our children who are under 25 years of age, in the year 2030, each one of them will be responsible for $1,113,000 worth of debt and unfunded obligations. If we think about what that means, it means that for our children who are under 25 years of age, the ability for them to experience the opportunity that we as a nation have experienced in the past 230-plus years is going to be put at risk.

We have before us some things that need to get done. They have to get done. We have two options: We can add another $9.2 billion to that $12.6 trillion we have today and bump up more than that $1,113,000, or we can relook into the mirror and say: Should we as Americans start making some of the hard choices that are going to be necessary for us to get out of the mess we have created for our children?

When I travel around the country—and I travel in Oklahoma—Americans are concerned about our future right now. What are their concerns? What does it boil down to in their hearts? In their hearts, they have this gripping sensation that what they have experienced as an American may not be available for their children. It is a painful realization. Their hope for us is that we might change that outcome for their children. We have an opportunity to start that right now.

By way of background, most of us know there is a tremendous amount of waste, fraud, abuse, and duplication in the Federal Government. Oftentimes, it is hard to weed out because every program, whether it is efficient or effective or not, has people who tout it. Our nature as politicians is to offend no one. That is our nature. How in the world do we accomplish what is going to be necessary in the next 5 to 10 years and solve this most difficult problem that we, the politicians, have created? America didn't create this. The States didn't create this. This problem was created in Washington.

As has often been said, the easiest thing in the world is to spend somebody else's money. So the earnestness with which I come to the floor is to say we ought not be doing that, especially when we know there is waste and there is fraud and there is duplication and there is abuse in much of the Federal Government.

I was reminded of the trouble the State of New Jersey is in. What the people of the State of New Jersey have said is: We recognize the problem, and we need to change things. So they elected a new Governor on the basis that he would make the tough decisions about priorities to change the future path—that he might change the path of the future for the citizens of New Jersey. He put forth a bold budget. As a matter of fact, one of the Senate Democratic leaders is helping him fix the problem.

So we have a Republican Governor with a bold plan who has come forward to the people of the State of New Jersey. They elected him by a fairly large margin and said: For us to have this great future we all want for our kids, we are going to have to do some things that aren't necessarily pleasant, but they are necessary. It is kind of like when you have a child and they have to take a medicine, or the first time you take a child to the pediatrician's office for their first set of shots. That is an easy visit. The hard visit is the second visit because they have a memory of getting the injections the first time. So all of a sudden you have resistance, you have resistance, you have resistance to a medicine or a vaccine that actually fixes the problem, but there is a small amount of pain with it.

So the Governor of New Jersey has started out on a bold, fresh course not because he is a Republican—it doesn't matter the label. The fact is, the people in New Jersey, in a bipartisan manner, recognized they had to make changes. So we have unemployment insurance. We have COBRA. We have flood insurance. We have the doc fix for 30 days. We have all of these things in front of us that we all agree we want to get done.

Where lies our disagreement? It is very simple. One says we will declare it an emergency, not pay for it, and send the bill to our grandkids. The other says: Maybe it is time we quit doing that.

What is the expectation of the American people in terms of how we should respond to that? A recent poll said 72 percent of the American people, not divided by party, pretty neutral between both parties, say the No. 1 issue in front of us as a nation is our debt.

We had a warning from the rating agencies just 2 weeks ago that the United States of America is about to lose its AAA credit rating on its bonds. If you watched bond prices yesterday, what you saw was the yield shot up. The interest payment we are going to have to pay for when we borrow a huge amount of money is going to rise.

One of the most significant things we could do to help ourselves is send a signal to the world that we are not going to wait until our bond rating crashes, that we are going to start taking the steps that are necessary for us to get back on a road to fiscal health.

With all good faith, I think the majority leader and the minority leader tried to work out an agreement where we could perhaps accomplish this. We did not get there. Therefore, we find ourselves where we are going to have to have a debate, and we are going to have to discuss in front of the American people if we do these good things—and they are good—should we get rid of things that are a whole lot less good or should we take the immoral choice and not make any choice at all and pass it on to our children and grandchildren.

That is the question of where the American people are today. The majority and the President have had a great victory on health care, with not partisan differences but policy differences with my side of the aisle. That is now the law of the land. Whether you believe CBO and how it is scored, the fact is, even if it saves that amount of money, that does not come close to solving any of our problems.

We have had these multiple month-long extensions, of which none have been paid for, at about $9 billion to $10 billion a month. We find ourselves, because we want to go home or we want to go on a codel or we want to campaign or we want to fundraise, we want to make it easy and just pass it on down to the next generation.

I cannot agree to that anymore, ever again; that, in fact, if we are going to spend money on things we know we ought to do, then the obligation ought to be on us to get rid of funds that are spent on things that are very much less important. That is the hardest thing a political body does, is that they end up isolating and irritating those who are well connected who have an interest in those lower priority items. It is hard for us because, as is our nature, we want to offend no one. But we are going to have to talk that out. I guess we are going to have to talk it out on the floor, and we are going to have to debate it. We are going to talk about what our true long-term future is if we do not change.

I would rather us not be at this point, but when I wrestle with my own conscience and as I visualize my grandchildren and the grandchildren of everybody in this body, I think it would be immoral for us not to have this debate.

I don't know what the outcome of the debate is going to be and the ultimate

result. But I can tell you it is a legitimate debate we ought to be having. We ought to not just be having it on this extender package. We ought to be having it on any new spending, in any form, that the Congress does.

One of the large segments of the Recovery Act that some of us disagreed with was the amount of money that got transferred to the States to help them through this fiscal crisis. When we look at that, when we did that, I believe—and this is my personal belief, and I am sure many of my colleagues would not agree with it—we transferred the worst habit of Washington to the States, saying there are not consequences to your spending more money than you have. Although all these States have balanced budget amendments—in my own State, even though we had to make some tough decisions because of the tremendous amount of money that came through the Recovery Act, we did not make the decisions we should. So now we are going to make them this year, and we are going to make very difficult choices about priorities in the State of Oklahoma, with a Democratic Governor and a Republican House and Senate. They are going to get the job done. They are going to accomplish it because the people of Oklahoma do not allow their government to run their government on the backs of their unborn children. We do not allow it. We forbid it. We see it as immoral.

If you think about it, it is because what we are doing is stealing future opportunity from our children. People can say that is not right, but when you run the numbers—and everybody knows the numbers—it is right.

CBO put out 2 weeks ago that we are going to have a $9.8 trillion deficit this decade, not counting last year. They also put out that $5.6 trillion of that $9.8 trillion is money that is going to be used to pay interest. We are now similar to the person who gets in trouble on their credit card. The analogy does not stop there because what happens to the person with the credit card debt? The interest rate rises because they are not paying, when they only pay the minimum.

We have now gotten to the point where the vast majority of our debt accumulation in the next 9 years is going to be associated with interest payments rather than defending the country, rather than refilling Social Security, the money we have stolen out of there, rather than picking up the deficit that is in Medicare. We are going to spend that money to pay for interest. It is a double whammy. It is money we are paying that is not helping anybody. It is not helping anybody.

I was nominated to be on the Commission President Obama issued by Executive order that has six of our Democratic colleagues in the House and Senate and six of us on the Republican side and six appointed by the President. I have had multiple conversations with many of those people already. Quite frankly, they are worried and scared for our country based on the numbers we are seeing.

How is it we would now start down a road ignoring the reality of what is in front of us?

Let me describe what is in front of us. I wish to talk about it from an international standpoint first, and then I wish to talk about it from a domestic economy standpoint.

We had the Chinese Army say 6 weeks ago to the Chinese Government: Dump a bunch of American bonds; hurt them. You have the Chinese Government that undervalues its currency, stealing our jobs, and we are borrowing money from them. They now have an impact on our foreign policy. All we have to do is talk about Iran.

The sanctions we want to place on Iran that are necessary to be placed on Iran to contain the threat of them developing nuclear weapons are not available to us. The reason they are not available to us is because China and Russia have leverage over our debt. We do not have a clear, clean, crisp foreign policy because we have this little IOU of $900 billion to China and $700 billion to Russia that we are worried might influence their handling of that and the consequences of it.

When we look at history and we look at all the republics that have ever been, the one key thing in common that happens to them that causes them to fail is what? Is that every one of them got in trouble on a fiscal basis before they withered on an international basis or on a dominance basis. Every one of them withered. They, in fact, fell because they could not support their armies, they could not support the networks they put out and developed as a governing body.

The question is, Will that happen to us? There is a potential for that to happen to us. I will tell you, yes, we are in a position now where if we do not change gears and start making priorities on both programs and benefits, drawn in the light of the priorities of our present financial situation, and start making selections about what is most important versus what is least important, we are going to be similar to the Athenian Empire.

The real thing that is going on outside Washington and throughtout America is the fear of what is happening to us. They sense it. They worry about it. We have exaggerated that by at times not paying attention to that fear and that worry. But the consequence of not starting at a point in time in which we are going to make a difference and start doing what we were elected to do, which is to select priorities and eliminate nonfunctioning, poorly functioning duplication and fraud from the Federal Government—I said I was going to talk about the other side.

What does the domestic side look like for us as we go out, having $9.8 trillion worth of more borrowing in the next 9 years, with $5.6 trillion of that in interest payments? What does that do to our domestic economy? What is the impact? The impact is, we will see changes in our standard of living because of it. They are not positive changes.

If we were to stop right now and not borrow another penny and try to manage the debt we have today, we would still see a marked increase in inflation in our country—not immediately, but all you have to do is watch the bond market to see what is going to happen and you watch the yield curve. When you see 10 years go from last year this time 2.4 percent to 3.9 percent, which is a greater than 50 percent rise in yield as we continue to flood $300 billion this week in borrowing from the Fed, what does that mean for the average American?

What that means for the average American is inflation. What that means to that $5.8 trillion in terms of interest payments is that it is a larger proportion because as the interest costs rise, the proportion of interest payments versus total debt rises. We now spend in the United States—last year, per household—$38,980 in Federal programs per household. The median family income in America is $50,000, and the Federal Government is responsible for 80 percent of that as a ratio in terms of money we spend. We only collected—and this is not last year but the year before data—$18,000 per household.

So what do the numbers say? The numbers said that last year, 43 cents out of every dollar that the government spent we borrowed. It is going to be about 48 cents or 47 cents, we don't know for sure, this year. But I would note that we had the highest monthly deficit in our history in the month of February, and we need to send a signal to the international financial market that we are aware——

Mr. REID addressed the chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Through the Chair, I would ask if my friend would yield for a question?

Mr. COBURN. I would be glad to yield for a question.

Mr. REID. Could the Senator give us an idea of how long he is going to talk?

Mr. COBURN. About another 30 or 45 minutes. I will be glad to signal that ahead of time so the Senator would not have to wait on me. I will make sure the Senator is notified before I finish.

I kind of lost my train of thought.

The fact is, about 47 cents out of every dollar that we spend this year we are going to borrow. From whom are we borrowing it? Half we are borrowing from the American taxpayer, but the other half we are floating to the same people who hold our debt today. So we are doing a couple of things that are very dangerous for us. We are increasing our dependency on financing with those who don't have the best interest in mind for us, and we are raising the level of the amount of money we borrow that we have to pay back in interest to where it is not going to be long

that all the money we are borrowing is interest.

Why is that important to the individual family? If you have a savings that has recovered somewhat from the lows of 2009—and I think the average savings has recovered about 60 percent of its losses, or 75 percent of the losses in this country—when we start inflating the value of that retirement, the value of that asset is going to decline in terms of real dollars. We are perilously close to getting into the same situation we got into in the late 1970s and the early 1980s where we had double-digit inflation, double-digit unemployment, and double-digit interest rates.

You will hear everybody say: Oh, that isn't going to happen to us again. Well, I certainly hope it doesn't, but some of the same situations are playing out today that were playing out then. So if in fact you are on a fixed income, a retirement income, and we start inflating because of our debt, who does it hurt the most? It hurts those individuals who are on a fixed income, who don't have the luxury of going back to work or don't have the capability of going back to work. What happens to them? Their standard of living goes down, along with their ability to cope.

As I talk to families across America, what they are doing, still to this day, is they are sitting down at the table and they are visiting with one another and they are saying: Here is the money in, and here is the money out. How do we increase the money in, and how do we decrease the money out? What they are doing is picking what is important. They are picking what is a priority and going without the things that are not as important.

I agree that we have 9.7 percent unemployment and we ought to be helping those people. I agree we ought to be helping with COBRA. I agree we ought to do the doc fix. We had an opportunity last night to fix it for 3 years and 9 months and pay for it, but this body rejected that. I agree those are good things. What I don't agree with is doing those good things on the backs of our grandchildren. When and if we do those good things, and we haven't paid for them, what we will have done is been dishonest with the American people, not only in our action but in our oath.

You see, it is easy to spend other people's money if in fact you are sitting up here secure with a pension and a good salary and there are no consequences to us. We will all do fine. But the vast majority of Americans will not do fine, and the future of America will not shine bright. The future will be a little dimmer because we have this tremendous yoke of heaviness and drudgery on our backs because we, in fact, would not have made the hard choices.

This isn't the first Congress. The Republicans didn't make hard choices when they were in control. It is not partisan. It is a disease of elected officials, that they think they can get away without making the hard choices because the cost for not making the hard choices comes down the road. We have been doing that now for 30 years in this country. We have not made hard choices. We have made a lot of mistakes.

No question, Republicans have made more than their fair share of those mistakes. But rather than point fingers, what we ought to say is: What is the problem? What are the symptoms of the problem, and how do you fix them?

Many economists say it is impossible for us to grow our way out of this situation. We had a nice bump in the fourth quarter, thanks to hundreds of billions of dollars that got pumped into the economy, and there truly were a lot of jobs saved by the stimulus act. Maybe not as efficiently as I would have liked, but there were jobs saved. Nobody can dispute that. The question is, are we going to continue the policies that got us into trouble?

As I practice medicine, the one mistake doctors make and that gets them into trouble is when they treat symptoms instead of the disease. Here is the best example I know. Somebody comes to you with a fever and cough, malaise, and not feeling good. Well, I as a doctor, I can give them medicine for a cough. I can fix that. And I can give them something for the fever and the muscle aches. I can fix that. But if I don't diagnose what is causing the fever, the muscle aches, and the cough, what I have done is covered up the disease. That is what we are doing. The patient may get well because the body is a miraculous part of creation, and it has tremendous defenses. The mortality rate for pneumonia at the turn of the last century was 60 percent. Today, in somebody under 80, it is about 1 percent because we have the drugs to treat the real disease not the symptoms.

What is going to describe our action? Are we going to treat the symptoms or are we going to treat the disease? My hope would be that we could lock hands and say: Here is a start. Here is $9.2 billion that we, in fact, can find a way to come together and pay for and make sure these people get these benefits that are needed in this time of difficult economic situation. We can do that, and we can set a new start—a new start of reaching across the aisle and saying this is an appropriate moral goal, just as it is an inappropriate moral goal to not pay for it. It is immoral.

Let me say it again: To steal from your children and your grandchildren with a wink and a nod and thinking there are no consequences for your borrowing against their future is immoral. It wouldn't be immoral if everything we were doing was working great; that there wasn't $350 billion worth of duplication, fraud, abuse, and waste in the Federal Government every year—$350 billion every year, fully documented. It wouldn't be. But that is where we find ourselves.

So on the one hand over here we have this waste, fraud, abuse, and duplication. Yet because we want to get out of town we don't want to do the hard work of ferreting something out of that, something that is suspected of not being effective, to pay for the $9.2 billion. And I told my leadership that I didn't have any desire to keep anybody here this weekend through Wednesday. That is not my desire. But, in fact, if we are not going to do it, if we are going to take the immoral choice and spend money that we don't have and not eliminate programs that are not effective—programs that would not deliver to the American people, programs that would not accomplish their intended purpose—and just charge that to our grandkids, I feel obliged to stand in the way of that. And it will not be easy.

We didn't have much sleep last night. It will require a lot of effort on my part. But I think the future of our country is worth that. The future of our country is worth taking the consternation of those who will be upset with me because I am taking this stand. And I want to say at the outset, if somebody had plans, I apologize that those plans might be disrupted. I had plans, and they are going to get disrupted. But I don't apologize for having a legitimate debate on whether we ought to grow a spine and start making the same kind of decisions that every family in America is making.

It doesn't matter if you are a liberal or a conservative, you are still making those decisions. It is not about social issues. The greatest moral question in front of us today is not this range of social issues that so often divide us. The greatest moral issue in front of us today is whether we will preserve this wonderful experiment and create an opportunity, through hard work and sacrifice, so that the generations that are to come will have the same benefit from it that we have had. So it may turn into a partisan debate, but that is not my goal. It needs to be a legitimate, intellectual debate about the value of being efficient, the value of doing the hard work of making choices that are of the highest priority, and eliminating those things that, although they might be good, are less good in favor of things that are absolutely necessary.

Unfortunately, in my almost 5½ years in the Senate, my side rarely does that, and neither does the other side.

How do we get out of the problem we have? How do we get out of the gridlock? How do we get out of the anger? How do we then focus on what the real problem, the real danger to the undermining of America is? The real danger to the undermining of America is the fact that we have a government that is entirely too big; the only thing it is effective and efficient at is wasting money; that we can't afford the Government we have today; that we continue to borrow money we don't have

to pay for things we don't absolutely need. How do we get out of that?

I recognize the debate. Unfortunately, I had a drafting error in what I intended to offer so we are offering pay-fors from what I think is not necessarily the best source, but it is better than not paying for it. There is $100 billion in unobligated balances sitting at the agencies in this country. It has already been used to pay for certain things we have already voted on. Nobody would feel the pinch if we did it that way.

I would be inclined to ask for a unanimous consent, but I will not do that until I am sure the other side will not object to it, to have a change in the paperwork in mine from what I originally intended but, because of a drafting error, I cannot use. But nevertheless, the legitimate debate is whether we borrow and steal from our kids or we get out of town and send the bill to our kids for something we are going to consume today.

There is a disease that is called consumption—it is syphilis. It is consumption because it consumes you. We have a disease similar to that. Our disease actions in Congress are consuming away the opportunity of America, much of it because we lack perspective but most of it because we lack the will to make the difficult choices that are in front of us. I wonder—actually, I am sometimes astonished—why people do not go home from here at night tremendously concerned about our future, enough so that it causes us to come together to do the best, right thing for America. Is the best, right thing for America to borrow this $9.2 billion? Is that the best, right thing for America? Or would it be that we eliminate programs that are not nearly as effective or lessen programs that are not nearly as effective as these are going to be for those people who are depending on us today? Not just the best, right thing in the short term, because another disease that plagues us is we fail to consider the long term oftentimes—not all the time. But we become short-term thinkers, thinking about, where is the political advantage? How do I look good? How do I accomplish what I want to accomplish for me or my State? I think it is important that we understand there is no State in this country that can be healthy if our country is not healthy—if the country isn't economically healthy, if it is not socially healthy. If it is not, then we have not done our job.

My apologies to the leader for putting him in this position. It is with a very intended sense of commitment that I want us to try to pay for this. I understand there is disagreement in that regard, but I look forward to trying to solve this problem, and if we can, I look forward to having the debate as it goes forward.

I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I say to my friend from Oklahoma, he has not put me in an awkward position at all. We would have been happy just to vote on this.

That being the case, what I will do—and I alert everybody we are not going to rush this, so people will have time to get here—I move to table the motion to proceed.

I ask for the yeas and nays.

Mr. COBURN. 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. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—59

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—40

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	LeMieux	
Cornyn	Lugar	

NOT VOTING—1

Isakson

The motion was agreed to.

Mrs. MCCASKILL. I move to reconsider the vote.

Mr. BROWN of Ohio. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

UNEMPLOYMENT INSURANCE

Mr. REED. Madam President, even though we have made an extraordinary advance in health care reform, we still have millions of Americans who are without jobs and in need of unemployment insurance. We are in a situation that requires action.

Early this month, we were able to pass a 30-day extension by a vote of 78 to 19. It was overwhelmingly adopted, but it was not quickly adopted because of the delay and the procedures imposed upon the process. We might in this Chamber understand the nuances of rules and procedures, but for the people who have been without work for up to a year or more, the nuances escape them. They need help. The reality is, on April 5 this extension will expire. We will not be in session, so we are here today to continue the work that we must do as Members of this Senate.

We have already passed in this body a year-long extension along with some other tax provisions—again, under the leadership of Chairman BAUCUS. That provision is over in the House, and it is unlikely to move today or tomorrow. The House sent us a provision for another 1-month extension. That is bottled up. But, again, all of these legislative initiatives do not put the check in the mail for those who are without work.

That is what we have to do. We have to pass another extension, at least to get us from April into next month and beyond. Of course, I think the year-long extension until the end of this calendar year is the right approach. It has already been adopted, and I hope we can return and embrace that proposal.

If we do not move, at a minimum, for a temporary extension, approximately 1,200 Rhode Islanders will start losing their benefits each week starting April 5. By the end of April, three-quarters of 1 million unemployed workers across the Nation will lose their benefits.

This is at a moment when we are beginning to see some economic traction, some reports of progress in labor markets. Just today it was reported that initial unemployment claims fell by 14,000—a number much larger than the experts expected. Now we are in a very difficult moment when we look at the good news being that ''the claims fell.'' But that is a prelude to the point we have to achieve: when not only the claims fall but the jobs start growing and growing and growing.

We have come a long ways since President Obama took office: 700,000 people a month who were losing their job—with huge, catastrophic, ramifications throughout the economy. That is beginning to turn around. But until we are back to a robust employment situation, we cannot ignore people who need help through the unemployment compensation system.

I believe the major point at this juncture between the two sides is the issue of how do we pay for this, its cost. We have adopted, as Democrats, what was ignored and then dismissed by Republicans, which is the concept of pay-go, of paying for government activities either by revenue increases or by offsetting reductions. But we have always understood that in emergencies these pay-go rules properly can be suspended;

that we can go ahead and deal with an emergency.

Frankly, this situation we are in today, that is triggering all this concern—and rightfully so—of the deficit is not something that was created by President Obama. He walked in with a $1.3 trillion deficit—in sharp contrast to President George W. Bush, who walked into office with a $5.6 trillion surplus over 10 years. That was not the result of just the economy humming along, that was the result of very difficult choices that were made in this body and in the House of Representatives under the leadership of President Clinton and, once again, under the leadership of my colleagues such as MAX BAUCUS.

But that surplus, that opportunity of a robust employment picture where unemployment was around 5 percent, that was the legacy of President Clinton. Frankly, the legacy of President Bush is significant deficits and significant unemployment and financial crisis. More debt was added in that administration—$3 trillion—than all previous administrations combined, from George Washington all the way up to George W. Bush.

So this deficit is a real problem. But a lot of it was the result of decisions that were made by that administration to finance activities not through pay-go but through just piling it on the deficit. Tax cuts were not paid for, and the tax cuts were skewed in the nature of a progressive tax to the wealthiest. Iraq, Afghanistan—none of those wars were paid for through offsets or anything else. The prescription drug program, Part D, was not paid for. It was, again, added to the tab of future generations. It is interesting, today we have actually tried to fix that with the passage of the health care bill by closing the doughnut hole.

So at this moment, when we face a true employment emergency, when people say: Well, we are now going to insist upon complete offsets, it misses what was done casually and repeatedly during the Bush administration for areas that you could argue were not true emergencies. Now we face a critical emergency. In my State of Rhode Island, we have a 12.7 percent unemployment rate. If we do not start supporting and turning that around, it will get worse rather than better. We have never in recent history—going over several decades—ever suspended emergency unemployment benefits when the unemployment rate was at least 7.4 percent or higher. We are at nearly 10 percent unemployment nationally, and in some States—again, in Rhode Island, it is close to 13 percent. Until we lower joblessness significantly, we are still in an employment emergency.

The other aspect of this, too, is unemployment compensation is one of the major activities for stimulating the economy. The bang for the buck is significant. There is $1.90 of economic activity for every $1 invested in unemployment insurance. It makes sense. People need the money to go to the store to buy food for their children. They need to pay for the gas to look for a job. That money will come in and be multiplied in the economy.

The irony, too, of trying to use, in some respects, the stimulus money to pay for the unemployment is it is basically taking away money we have designed to get the economy moving and spending it for a program that will also help the economy move. But you are going to get a lot less bang for the buck in terms of decreasing our overall commitment to that economic activity in the country.

So we have to move. I would urge an immediate extension of the unemployment compensation legislation to give us a chance to return and work with our colleagues in the House for the legislation that will at least guarantee an unemployment extension until the end of this calendar year. But we have to move. We have to act. We should do so now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

UNANIMOUS-CONSENT REQUEST—H.R. 4851

Mr. BAUCUS. Madam President, I would like to follow up a little bit and address the same subject addressed by my good friend from Rhode Island, Senator REED.

Just a little reminder first. On March 10, the Senate passed legislation to extend both tax provisions and safety net programs through to the end of 2010. That legislation included $34 billion worth of tax cuts, an extension of unemployment benefits, an extension of COBRA health benefits for laid-off workers, and several other items. That legislation was also partially paid for. The Senate bill differs from similar legislation passed by the House, and we have not yet had a chance to reconcile these differences—one bill in each body.

In the next couple weeks, however, several of these programs will expire. Beginning April 5, some laid-off workers will begin losing their unemployment benefits. That is not long from now. Workers laid off after March 31 will lose the 65-percent tax credit currently available to purchase temporary health insurance. After March 31, doctors will see 20 percent reductions in their reimbursements under Medicare.

We should not let these programs expire. Today, we should extend them for a month, at least, while we try to meld the Senate and the House versions into one bill that the President can sign.

I think all of us can recall 2 days at the beginning of this month when Congress did let these programs temporarily expire. It was not our finest hour. I hope we will not do the same this month.

So I ask, what is holding us up from keeping these programs in place? There is no controversy about whether to extend the programs for 1 month. Both Republicans and Democrats have proposed doing that. Both propose extending the programs for at least 1 month until we get the yearlong bill resolved. There is only an honest disagreement over whether to provide offsets for this bill.

Most Republicans believe the package should be fully offset. My good friend from Iowa offered an amendment to do just that. Most Democrats believe unemployment benefits during a recession when we have seen unemployment rates rise to double digits signify an emergency and need not be offset.

We are still in a very dire situation. In a moment, I will propound a unanimous consent request that seeks to resolve these differences. We should do that. Clearly, we should for the benefit of thousands of Americans who are struggling as a result of the downsizing that has occurred across our Nation in this recession.

They are the ones bearing the brunt of our failure. They are the ones bearing the brunt of our inaction and of our—to be honest—partisan differences. It is astounding to me we just cannot get together for the sake of people who otherwise will lose their unemployment checks, who will not have the benefit of COBRA health insurance, and seniors who are in jeopardy because their doctors are not going to get paid for Medicare. There is no one to blame but us.

The COBRA tax credit has helped millions of unemployed workers and their families afford health care while looking for a job. Without this assistance, the average family would need to pay $1,100 per month to keep their health insurance, which is simply unaffordable for most unemployed workers. This provision would extend the COBRA tax credit through April 30 to ensure newly unemployed workers can also receive assistance in affording their health insurance.

Unemployment insurance benefits have helped millions of Americans stay afloat after they have lost their job. We want them to keep those benefits, at least for awhile. Folks who lose a job then face an economy that has few and sometimes no options for returning to work in their community and in their chosen field. In fact, I read recently that there are five people looking for every single job opening—five, at least five—in America.

Approximately 1 million workers—that is about 200,000 per week—will lose their benefits in April alone. Not only will this cause them and their families untold hardship—just think of it, no job, no unemployment insurance—it will also cause important money to stop flowing through their communities, and that could very well lead to an immediate application for food stamps.

Unlike last month, when the program lapsed for just 2 days because of the upcoming recess, the programs will lapse this time for at least a week. The State

agencies will have absolutely no ability to keep their programs up and running. They will have to terminate benefits.

Over 6 million workers are depending on extended benefits and they are distraught. Yet again, this debate is going down to the wire, causing them unnecessary stress, unnecessary anxiety. They have already been through enough. They deserve better. They deserve our support.

Unemployment benefits are used for basic necessities—food and shelter—while the laid-off worker seeks a new job. These benefits are critical to a worker and his or her family and to the economies of the community. I hope we do what is right and find a solution to help the people whom we work for.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs; that the bill be read three times, passed, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object, I wish to ask the chairman of the committee a question.

Mr. BAUCUS. I yield.

Mr. COBURN. Is this bill you have just called up and asked unanimous consent to move forward on paid for?

Mr. BAUCUS. This is a bill which requires urgent attention. It is not paid for.

Mr. COBURN. Given that fact, as I stated in my earlier speech, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. WEBB. Madam President, I assume we are now in morning business.

The PRESIDING OFFICER. That is correct.

Mr. WEBB. I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS BENEFITS

Mr. WEBB. Madam President, last night we had an issue involving the well-being of our veterans who I think got caught up in the give-and-take of the debate on the health care bill, particularly the procedural aspects of it. An amendment was offered to the bill by Senator BURR, and a counteroffer was made to solve these two disparities, one regarding TRICARE and another regarding a certain section of title 38 with respect to veterans health care through unanimous consent, since one of the bills had already been voted on unanimously in the House and the other one certainly there is no real objection to. The request to pass these bills immediately, which would have made them law today, was objected to. Senator BURR's amendment also went down.

I wish to say first, I don't think there is any debate in this body about the dedication that Senator BURR has to our veterans. I think that goes for all Members of this body. There is no one in this body who isn't fully dedicated to the well-being of our veterans and our Active-Duty military people as well. I think it is a shame that the procedural aspects of what we were debating overcame something that should have been a simple process.

In that spirit, I have been discussing this matter with Senator BURR, and we are going to take two amendments that were offered last night for unanimous consent to see if we can't clear them on both sides and to have these protections, these express protections for the medical care of those who are serving and those who have served take their rightful place as protected in the larger aspect of this health care reform. We are going to work to clear them on both sides, hopefully, to get this matter resolved. We can have our political debates and we will have our political debates, but all of us need to come together to make sure that those who serve fully understand the dedication of this body.

So I hope the other side will help us move these two amendments forward. I appreciate Senator BURR's support in that effort. Also, as I said, I very much appreciate the dedication he has always shown to our veterans. He is the ranking Republican on the Veterans' Committee, and no one is in any way questioning that aspect of his service in the Senate.

So I just wished to again point out that we are going to attempt to clear these today. We can resolve this matter within a day or two. It will become law. Our veterans and those serving will know they are fully protected.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, first, I wish to salute my colleague from Virginia. There has been no one in this body who has stood more firmly and more intelligently and more successfully for veterans than the junior Senator from Virginia, and I thank him. I hope the other side will heed what he has asked, which is not anything to do with politics but simply in the benefit of our veterans.

A JOB WELL DONE

Mr. SCHUMER. Madam President, second—and I am going to speak on a local matter in a minute—I wish to compliment Senators REID and BAUCUS and HARKIN and DODD for the great job they have done. What a momentous day it is. Today is a moment to ignore the politics—how it will affect this party or this election or this President. For the next decade and henceforth, there are going to be 1 million people each week whose lives are made better by what we have done today. There is going to be a young person, God forbid, who is in an automobile accident and because she has good health insurance, she will get cured and live a better life; whereas, until now, she wouldn't. There is going to be somebody who has cancer, and in the past their insurance company would have said: Forget it. Now they are going to get that treatment. There is going to be a poor person who walks into a community health center and gets diagnosed early and cured and able to live a productive life. There are going to be countless young people who are worried. My daughter called me right after the House passed health insurance at 1 in the morning and she said: Dad—she is getting out of law school. She is going to have no health insurance until she starts her job 4 or 5 months from now, and she was worried about whether she could afford to buy it. She said: Dad, I got health insurance. I can be on yours.

So it is little instances and big instances. Every day, every week, every month people's lives are going to be made so much better by what we have done. That is what we ought to think about today, regardless of our differences. I am proud to win a small part of that, but again, I salute some of the giants who led us here: the President, whose faith in getting this done never waivered; Speaker PELOSI and her crew over in the House; and, of course, our leader, HARRY REID, who, in his low-key but relentless way, makes sure we do what we have to do and unites our cause.

NASA SPACE SHUTTLE RETIREMENT

Mr. SCHUMER. Madam President, I wish to spend the rest of this time talking about a local matter of some concern. One of the nice things about being a Senator, you work on big matters and small matters and they are all enjoyable and all are important. This isn't small but more local, shall I say.

With NASA searching for a new home for three soon-to-be-retired space shuttles, it is time to convince NASA that the Big Apple has the right stuff to showcase one of these iconic spacecraft.

The perfect location for a retired space shuttle is the Intrepid Sea, Air & Space Museum on Manhattan's West Side in my hometown of New York City.

Yes, it will be a huge boon to New York's economy and a magnet for tourists.

But showcasing a genuine space shuttle will not only bring visitors by the millions, it will inspire multitudes to learn, explore and dream, of adventure.

It is perfect for NASA, too: The agency's explicit goal is to have these magnificent vehicles seen—and their history understood—by the greatest number of people possible.

No other location in the nation can offer the millions and millions of visitors who will stream into the Intrepid to view and experience the shuttle.

Housing an iconic spacecraft in New York City—the media center of the world—guarantees it will appear in countless news and entertainment programs broadcast throughout the nation and world, providing incalculable public-relations value to NASA.

Just yesterday I spoke to NASA Administrator Charles Bolden and he has informed me that the Intrepid is in good shape to be the permanent hangar for one of the shuttles.

The Intrepid is competing with museums in 25 other cities to win one of the shuttles, including Washington's Smithsonian National Air and Space Museum.

NASA has been clear that they intend to award the shuttles to the sites where the most people could view them.

With the Intrepid already drawing one million visitors a year it is clear that the Intrepid is the best possible spot for a shuttle.

NASA also requires any potential host location to raise significant funds.

I have no doubt that the Intrepid's drawing power and New York City's deep and diverse philanthropic community are more than able to compile all the resources needed.

Yet skeptics may ask why a space shuttle should be brought to New York City.

Perhaps they don't know that the Intrepid led the recovery of astronauts during the Mercury and Gemini programs in the 1960s.

The exhibit will be sure to attract heavy foot traffic too: The Intrepid will house the shuttle in a glass enclosure on Pier 86—close to Times Square and many other tourist attractions, accessible from major airports, passenger-ship terminals and highways.

Countless boys and girls, as well as adults, with boundless imaginations, will be able to stroll over to the West Side and take in the truly magnificent icon of science, exploration and innovation.

With 20 institutions across the country competing to receive one of the retired shuttles, *Discovery*, *Endeavour* and *Atlantis*, we should all join the fight to bring a space shuttle to the greatest city in the world. a no-brainer.

It is a non-brainer.

I, along with some of my New York colleagues, are working hard to land the shuttle here, and I hope we are able to convince NASA that we are ready, willing—and very able—to be the home for a shuttle.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SCHUMER. Madam President, I object until we discuss the order of business.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I assure my colleagues that——

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Without objection, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. SCHUMER addressed the Chair.)

The PRESIDING OFFICER. The Senator from New York.

ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that first the Senator from Oklahoma be recognized for 5 minutes, then the Senator from North Dakota be recognized for 10 minutes and that no motions be in order during the time of their speeches and immediately thereafter we resort back to a quorum call.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Madam President, while the Senator from New York is here, I might go over 5 minutes to 6 minutes or 7 minutes. I wonder if he will object and modify his request.

Mr. SCHUMER. Madam President, I ask unanimous consent that my request be modified so that the Senator from Oklahoma may have up to 10 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT BENEFITS

Mr. COBURN. Madam President, I wish to spend a short period of time, and hopefully it will not even be 5 minutes.

What we have seen on the floor this afternoon is a motion to accomplish what the chairman of the Finance Committee wanted us to accomplish, without adding to the debt. We did not reach agreement on that motion. It was tabled. Then what we saw was a motion to proceed to take care of these issues by adding $9.2 billion to the debt. That is the real debate: are we going to pay for what we do? There is not an agreement to move forward and pay for it, and there is not an agreement to move forward and not pay for it.

There is a process here called cloture, which means that by Wednesday, if all time is consumed, this problem would be solved and it would be dealt with. It is unfortunate that the potential is that we may go home and not deal with this issue, having us vote against tabling a motion to supply these needed priorities but also making sure we do not add to the debt as we do it.

I look forward to the rest of the afternoon. I will not consume any additional time but will note that I do not care how we pay for it as long as it is legitimate, as long as we do not add to our kids' debt. I am hoping and willing to negotiate on any area of waste in the Federal Government that we can eliminate to pay for it. We cannot pay for part of it; we need to pay for all of it because we violate the principle of stealing from our kids.

I advise the Senator from Alabama that we have unanimous consent and I cannot break off, and the Senator from North Dakota will be recognized after I yield the floor, so I cannot in good conscience yield to the Senator from Alabama.

Mr. SESSIONS. I understand. I am proud of the commitment the Senator from Oklahoma has made and totally recognize it.

Mr. COBURN. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a pretty disappointing thing to see on the floor of the Senate—a discussion about the potential of having unemployment insurance at this point in time lapse, let it lapse during one of the steepest recessions since the Great Depression.

Unemployment insurance is not some abstraction when we have 15 million, 16 million, 17 million people who got up this morning in this country and looked for work, people who lost their jobs and then searched valiantly to find a new job and could not find a new job, and so they pay their rent, they buy food, they provide for their children, they buy school clothes with unemployment insurance.

We are told: We cannot reach an agreement, so we will just let it expire. We will not extend it. It will be OK.

It will be OK for everybody here who gets up and showers in the morning and puts on a nice blue suit and comes to work. There is nobody here who is unemployed, but there are a whole lot of people in this country who are unemployed.

If ever there were a need to extend unemployment insurance, it is now. We cannot do that to the most vulnerable people in this country.

It is very interesting. It was not too many months ago that there was a proposal on the floor of the Senate: Let's give $700 billion to the biggest financial firms in America to bail them out. They ran this country into the ditch with unbelievable greed and speculation and recklessness. Then after running this country into the economic ditch, there is a bill brought to the Congress that says: We need to bail them out, $700 billion—a three-page bill. They said: We need to have it passed in 3 days—$700 billion. I did not vote for it, but there are plenty of people who did who now say it is too much

to extend unemployment benefits to people who are out of work.

It is the same old story, and it has been going on for decades in this country—big shots get in trouble, and you give them an aspirin, fluff up the pillow, put them to bed, and ask if there is anything else you can do for them. Ordinary folks get in trouble, lose their job through no fault of their own, and then when push comes to shove, they are told: You know what, we just cannot agree. Your unemployment insurance has run out. Get along. Tough luck. I find that unbelievable.

Let me go back. The fact is, we have budget deficits. They are serious, and they are unsustainable. We have to deal with them, there is no question about that. But it is important for us to understand how all of this happened.

Now we come to this moment, and we choose to say that unemployment insurance is where we are going to make the stand. Help for people who have lost their jobs—that is where we are going to make the stand.

It was 10 years ago on the floor of this Senate when we were told: We have the first budget surplus in 30 years, and they expect budget surpluses as far as the eye can see.

President Bush came to town and said: We are going to give large tax cuts, and we are going to give the biggest tax cuts to the wealthiest Americans. If you earn $1 million, guess what, we are going to give you something very special. You get an $80,000 tax cut a year.

I said: I will not support that. Let's be a little conservative. What if we do not have these budget surpluses in the outyears? What if they do not exist?

They said: Don't worry about that, it will be fine.

They drove through a tax cut that benefited the wealthiest Americans. Then we were in a recession. Then 9/11, a war in Afghanistan, a war in Iraq, and then supplemental after supplemental request to increase defense spending, none of it paid—none of it—all of it emergency.

Then at the end of that period, when the biggest financial firms ran this country into the ditch, the question was, What is going to happen to this economy? We were told: Now you have to have a $700 billion bailout for the biggest institutions in the country. That was done. Nobody paid for that. That was all ladled right on top of the debt. But today, in this ''let them eat cake'' moment, we are told: No, no, let's just let unemployment insurance expire. Just let it expire. It will be fine.

It will be fine for everybody in this Chamber who wears a suit and claims it will be fine because they are not unemployed. But what about those people who are unemployed and are right at the cusp of losing their home? They have lost their job. They have lost hope. The only thing that keeps them going to pay the rent and to pay for food and to try to help their kids is the unemployment insurance while they are looking for a job. And this Congress has people who stand up to say: We will not allow them to extend unemployment insurance, even after they voted to give $700 billion to the biggest financial firms in America that ran the country into this big economic wreck we have had. I do not understand that at all. How do you go home and tell people that is what your priority is? How do you do that?

If there is anything that ought to represent a priority for us, it is to say to those who are the most vulnerable in our society, those who have lost their jobs with a recession they did not create, those who are looking for work in the morning and cannot find it, those who now have no income because they have lost their jobs, probably lost their homes, and many of them lost hope—we say to them: It will be fine; you do not need this money to get along.

Unemployment insurance is just that—it is insurance. That is why it is called insurance. Every one of their paychecks while they were working paid for a portion of this. I just cannot believe that this afternoon we would decide it is not a priority for us to help the most vulnerable in this country, especially during this period in which we have just ladled money out the door in terms of tens and tens of billions of dollars in emergency funding for almost everything.

I held 20 hearings on the issue of waste, fraud, and abuse in contracting in the war in Iraq. They threw money away. In fact, not just threw it away, they actually loaded $100 bills on pallets and sent them over in C–130s and shoveled them out the back of pickup trucks, for God's sake, wasting taxpayers' money. I did not hear anybody stand up on the floor and say: Here is where we draw the line. No, you draw the line with the most vulnerable people. You won't notice you don't have the funds to buy your food, pay your rent, or for your kids.

We have more responsibility than this, in my judgment. I hope by the end of this afternoon we will decide to meet that responsibility.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 4851

Mr. REID. Madam President, I ask unanimous consent that, at a time to be determined by the majority leader following consultation with the Republican leader, the Senate proceed to Calendar No. 323, H.R. 4851, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 2 hours, with all time equally divided and controlled between the two leaders or their designees; that the only amendments in order be the following, with no motions to commit in order, and that the amendments be subject to an affirmative 60-vote threshold; that if the amendments achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve that threshold, then they be withdrawn: Baucus amendment, partial offset; McConnell or designee, full offset; that debate on each amendment be limited to 60 minutes each, with the time equally divided and controlled in the usual form; that upon disposition of the listed amendments, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Madam President, under this scenario, we will pass this bill and add to the debt. Because of that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I regret that my Republican colleagues have once again objected to giving out-of-work Americans the unemployment and health benefits they need.

Since they have evidently forgotten, I remind them that unemployment is high in every one of our States—it is over 13 percent in Nevada—and 10 percent nationwide.

I understand that Republicans are upset they didn't get their way. I know they are disappointed that Democrats have listened to the American people, and that we succeeded in finally delivering the change our citizens have demanded and deserved for decades.

But Republicans should not take out their anger on the least fortunate, which is exactly what they are doing by objecting to these extensions. They should not kick the unemployed while they are down.

Several Republicans said this week that after health reform became law, they would retaliate by not cooperating with Democrats for the rest of this year. I will trust the American people to judge whether that threat was made in their best interests or in the interests of a political party.

So far, Republicans have made good on that promise by refusing to let committees meet—including, inexplicably and inexcusably, a committee hearing yesterday on police training in Afghanistan.

Republicans then offered amendments to the final health bill on such irrelevant topics as gay marriage and foreign embassies.

And now they are using the unemployed as political pawns. They even objected to holding a vote on their own proposal for this extension.

That is such an unfortunate posture, and such an irresponsible response.

Let us put the other side's newfound principles in perspective:

They refuse to pay the bill for two ongoing wars.

They refuse to pay the bill for entitlement expansions, like their prescription drug program.

They refuse to pay for the bill for the tax giveaways they gave to multi-millionaires who don't need them and didn't ask for them.

But while one out of 10 Americans struggles to pay his or her own bills while trying to find a full-time job, Republicans have suddenly found religion.

These objections are not only disingenuous. They are dangerous.

I hope they can muster the compassion to help families in every one of our States make ends meet for just a few weeks.

QUORUM CALL

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Coburn	McConnell	Stabenow
Durbin	Menedez	Thune
Johanns	Reid	Udall (CO)
Kyl	Risch	Vitter
Leahy	Sanders	
Levin	Sessions	

The PRESIDING OFFICER (Mr. BURRIS). A quorum is not present.

The majority leader is recognized.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 35, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—58

Akaka	Cantwell	Franken
Baucus	Cardin	Gillibrand
Bayh	Carper	Hagan
Begich	Casey	Harkin
Bennet	Conrad	Inouye
Bingaman	Dodd	Johanns
Boxer	Dorgan	Johnson
Brown (MA)	Durbin	Kaufman
Brown (OH)	Feingold	Kerry
Burris	Feinstein	Klobuchar
Kohl	Mikulski	Stabenow
Landrieu	Nelson (NE)	Tester
Lautenberg	Nelson (FL)	Udall (CO)
Leahy	Pryor	Udall (NM)
Levin	Reed	Warner
Lieberman	Reid	Webb
Lincoln	Sanders	Whitehouse
McCaskill	Schumer	Wyden
Menendez	Shaheen	
Merkley	Specter	

NAYS—35

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Snowe
Cochran	Inhofe	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lugar	

NOT VOTING—7

Bunning	Isakson	Wicker
Byrd	Murray	
Hutchison	Rockefeller	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 323, H.R. 4851, and 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 323, H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes.

Harry Reid, Richard Durbin, Patty Murray, Patrick J. Leahy, Jack Reed, Christopher J. Dodd, Mark Udall, Debbie Stabenow, Amy Klobuchar, Sheldon Whitehouse, Max Baucus, Dianne Feinstein, Kirsten E. Gillibrand, Kent Conrad, Byron L. Dorgan, John D. Rockefeller, IV, Jeff Bingaman, Robert Menendez.

Mr. REID. Mr. President, I am soon going to call up an adjournment resolution. But there has always been a misunderstanding as to what an adjournment resolution is. The mere fact we are going to adopt an adjournment resolution tonight does not mean we are going to run to the airports tonight. We have, under this adjournment resolution, the ability to work past tonight, and we are going to do that. We are going to be in a period of morning business tomorrow from 9:30 to 12:30. We are going to be talking about the unemployment compensation extension. That time is going to be equally divided. There is going to be some time spent tonight after this adjournment resolution is adopted, until about 9 or 9:30, talking about unemployment compensation.

So I want everyone to understand, the fact that this adjournment resolution is adopted does not mean we are all leaving here tonight. In fact, we have until Wednesday under the adjournment resolution.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I now call up the adjournment resolution and ask for the yeas and nays on adoption of the concurrent resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 257) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, very briefly prior to the vote, Senator COBURN and other Republicans will be here tonight and tomorrow to discuss the importance of passing the unemployment insurance package, but also the importance of paying for it. So we will be here and engaged in a vigorous discussion about the appropriateness of the measure as well as about the importance of paying for it.

Mr. REID. Mr. President, I ask, has this matter been seconded?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Georgia (Mr. ISAKSON), the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 39, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—49

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bingaman	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Durbin	Lincoln	Webb
Feingold	McCaskill	Whitehouse
Feinstein	Mikulski	
Franken	Nelson (NE)	

NAYS—39

Barrasso	Cornyn	McCain
Bennet	DeMint	McConnell
Bennett	Ensign	Menendez
Bond	Enzi	Merkley
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lugar	Wyden

NOT VOTING—12

Alexander	Dorgan	Murkowski
Boxer	Hutchison	Murray
Byrd	Isakson	Rockefeller
Crapo	Kerry	Wicker

The concurrent resolution (H. Con. Res. 257) was agreed to, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, March 24, 2010, through Monday, March 29, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 13, 2010, 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, March 25, 2010, through Wednesday, March 31, 2010, 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, April 12, 2010, 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.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED—Continued

Mr. DURBIN. Mr. President, I have spoken with Senator COBURN, and he and I reached an agreement about which I will propound a unanimous consent request.

I ask unanimous consent that the time between 8:30 p.m. and 9:30 p.m. be evenly divided between his side and our side in 15-minute segments; the first 15-minute segment will be for our side, the Democratic side, for those Members wishing to speak in favor of the 30-day extension; the next 30 minutes to Senator COBURN on the Republican side for those sharing his position; and the last 15 minutes back to our side until we reach the end of this debate at 9:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Then at 9:30 p.m., there may be some procedural issues unrelated to the substantive issue which we will be discussing between 8:30 p.m. and 9:30 p.m., but that has to be worked out between both sides.

To initiate the debate on this side, I yield to the Senator from Rhode Island, Mr. REED, for such time as he may consume within the 15-minute segment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, on April 5, the extension that was recently voted for extended unemployment compensation benefits will expire. We need to at least provide for a temporary extension while we await the resolution of a much broader piece of legislation that is in the House today which would provide for an extension of unemployment benefits from today until the end of the calendar year, as well as FMAP payments to the States and other provisions.

This is absolutely critical. In my home State of Rhode Island, we have basically a 13-percent unemployment rate—12.7 percent. We have a record number of long-term unemployed people. This is not a situation, as in the past, where there was a temporary labor crisis. This has been going on in Rhode Island for almost 2 years or more, and people have reached the end of their resources and the end of their patience. For many, the only thing that is sustaining them—and not particularly well—is the fact they are still getting some unemployment benefits.

So we have to move very aggressively to provide a solution. We have never, in the last several decades—reaching back at least as far as the 1980s—denied extended unemployment benefits as long as the unemployment rate nationally was at least 7.4 percent. It is 10 percent, and in many States it is higher than that—Rhode Island being one of those States. So this would break tradition in terms of disrupting, interrupting, preventing extended benefits at a time when we have 10 percent unemployment.

We have persistently seen this, accurately and realistically, as an emergency—an emergency that allows us to provide funding without offsets. That is something that I think still is compelling. This is an emergency. Perhaps one of the ironies that will take place on this floor in the next several weeks is that we will call up a supplemental budget from the Department of Defense which, as I understand, will not be offset totally. One of the ironies is that we will be providing benefits—because part of our strategy in Afghanistan and Iraq is civic engagement—we will be providing employment opportunities and investment in infrastructure for Afghans and Iraqis without offset, which is my understanding at the moment. The irony, of course, is that for our own citizens we are claiming: No, we can't do that.

The other side has accumulated, under the Bush administration, a huge debt. In fact, in the term of the Bush administration, the national debt grew astronomically. Part of it was because repeatedly the Republican side refused to provide offsets to the funding for the war in Iraq, the war in Afghanistan, and Medicare Part D, which was an entitlement payment for seniors in terms of their drug prescriptions. They thought that paying for things was an undue constraint on their plans. But now that we are in a crisis that affects Americans, there is the insistence during this emergency of paying for it, which contradicts practice and contradicts the real needs out there.

One final point. We are now beginning to see some very limited progress on the employment front. This week's report about jobs caused a very positive reaction in the marketplace because the number of first-time claimants for unemployment compensation dropped much further than they thought. That suggests we are beginning to bottom out. There are other reports that suggest we will see some job growth beginning. That is because of the stimulus efforts we have undertaken today and in the past.

Part of that stimulus effort has been unemployment compensation insurance. For every dollar we invest in unemployment compensation, there is $1.90 growth in economic activity. That is the result of studies over many years. So when we don't invest in these types of programs, we are not only denying sustenance to many families, we are also not providing the kind of economic stimulus that the country needs to move forward.

So for all those reasons and more, I hope we can move, in the course of this evening or tomorrow, to adopt a measure that will allow us to continue the funding for unemployment compensation.

With that, I thank the Senator from Illinois, and I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I wish to thank the Senator from Illinois for his leadership on this issue, as well as my friend from Rhode Island who has been such a staunch fighter, and other colleagues on the floor.

I can't help but think: Here they go again. One more time we are in a situation where we need to extend unemployment benefits for people who are out of work, through no fault of their own—breadwinners not bringing home the bread, through no fault of their own—and we are right back where we were before with the Senator from Kentucky, who held up the ability for us to move forward to help families, to help people who have lost their jobs or are out of work and looking for work, who are caught up in an economic tsunami, an economic disaster, through no fault of their own. Here we are again.

We just left a debate where we went most of last night with the same kind of effort to block, to stall, to say no, and to try to stop us from moving ahead and doing something very important for families, small businesses, tackling the national debt in this country, and with health insurance reform. We just went through hours and hours and hours with our colleagues on the other side becoming just a party of no and playing games, holding up things politically, finding tricks to make people vote on things they support, knowing if they do, that will stop us from moving forward on health insurance reform.

We finished that. We made it through. We cast the votes and achieved the goal for the American people of saving money for middle-class families, saving money for small businesses, saving money for seniors on their medicines, and putting in place something that will make a difference in bringing down cost and making sure every family can finally have a family doctor. The same day we finally get through all that, here we are again.

I come from the State with the highest unemployment in this country, and it is not because people in Michigan don't want to work. People in Michigan know how to work. They work very hard. They are out looking for work. People are trying to hold it together, some with part-time jobs right now, trying to just get through until they can get back a job that is going to allow them to be able to take care of their families and have some sense of security; to stop holding their breath while they are waiting for things to turn around. But we are in a situation right now where we have six people looking for every job. Six people are vying for every job.

People are caught in an economic disaster that they didn't create, and our job has been to help them get through that so they can keep a roof over their head, food on the table, take care of their kids as we work to create an economic situation, partnering with business, to turn this around. Things are beginning to turn around but not fast enough for any of us. We are working very hard to turn that around, but the reality is we still have more than 700,000 people in Michigan who have lost a job and who want to work. They are out of work, through no fault of their own, and find themselves in a situation where they are looking to their government to understand the situation for their family and place some value on that.

We seem to be able to pay for things when people think it is important. I have been here long enough to live through a situation where tax cuts for the wealthiest Americans somehow were passed even though they weren't paid for—and more than once. My guess is there will be proposals to do it again. But when you are talking about somebody who has worked all their lives and finds themselves in a situation where they do not have a job because of what is happening in the economy, then we say, but for you—for you—we are going to have a different set of rules. We are going to have a different set of rules. We are not going to treat this as a disaster—an economic disaster—as we have at every other time in our country where we move forward with emergency spending. For you, because you are not as important as those folks on Wall Street or the folks who got the big tax cuts, we are going to have a different set of rules.

Well, that is why we are here, because we don't think that is fair. We don't think that is right. It is not right.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Ms. STABENOW. Mr. President, as I yield the floor, I wish to say we are going to be here, and we are going to keep fighting over and over again, as things move forward this year and beyond, on behalf of the people who want a job and who don't have one today, who are counting on us to help them make it through this and do what they need to do to care for their families.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Michigan, and I yield the remaining time of the 15 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I join my colleagues in talking about the challenge that is faced by America's working families. Back home in Oregon, our economy has been hit pretty hard. We have a timber industry, and when you aren't building houses across the country, then you can't sell lumber. So we have mills going out of business across the State of Oregon and a lot of people unemployed—a lot of unemployed people who would be working in the woods cutting down the trees as well as working in the mills. Then we have the challenge of our manufacturing industry that has been hit pretty hard too. We build a lot of RVs and light planes, and those products aren't selling too well in this recession. We have a fruit industry and we have a Christmas tree industry. We ship a lot of that overseas, but the foreign demand is down, and domestic demand is down as well. We have those Mexican tariffs that have been applied to Christmas trees and fruit as well, which has had a pretty strong impact.

You pile up all of this on a State that is on the Pacific Rim and add to that the fact that the entire Pacific Rim economy is depressed, and you have a State that not so long ago was second in the Nation only to Michigan in terms of unemployment.

Well, things have improved a little in Oregon. We are no longer second worst, partly because many other States have continued to get worse. We are at about 11 percent. That is just about twice the unemployment we had not so long ago. That is a lot of struggling families. Unemployment is a program that helps keep the economy in gear during a difficult recession. It helps break the headlong rush into a depression. It helps families stabilize while they are looking for a job.

Unemployment compensation is not a sweet deal. You don't get paid a great deal with unemployment but maybe just enough to get by so your house isn't one more foreclosed property; so you are not one more family on the street, wondering where you are going to live; so there isn't one more set of children whose schooling has been disrupted and their path in life has been disrupted and as a parent you wonder how it will impact them down the road. This is about us watching out for each other here in America.

I can tell you it has been very frustrating to me to watch Members of this body during the last two administrations decide to do things in which they said: You know what, we are going to give away the Treasury to the wealthiest Americans, and we are not going to have any way of paying for it because we just to want give away money to the wealthy. So the wealthy are doing very well in America. But what about the workers in our Nation? The average compensation for a working family plateaued the year I graduated from high school—1974. During the 36 years since, working families have been earning the same amount. Yet the productivity of our Nation has gone up enormously. Where did all that wealth go? All that wealth went to the wealthiest Americans. Then my colleagues across the aisle are going to stand up tonight and self-righteously proclaim we should not do this without paying.

The PRESIDING OFFICER. The time of the majority has expired.

Mr. MERKLEY. We need to extend this unemployment for working families, not kick them when they are down.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I think we had an agreement with the majority whip that

some unanimous consent requests would come in; is that correct? I will be happy to yield out of our time to the majority whip.

Mr. DURBIN. Mr. President, I am now going to be asking unanimous consent that would extend the unemployment benefits for an additional 30 days. I make it formally in this form.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, it is my understanding if we were to do that we would add $9.2 billion to the debt. I am wondering if that is correct. The same unanimous consent request was asked earlier today, and the head of the Finance Committee said it would add $9.2 billion to the debt. So given the fact that it will add to the debt rather than us making choices, I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. COBURN. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate so much Senator COBURN's leadership on this very important matter. I think we are at a defining moment. I take offense for those who say we have no interest in extending unemployment insurance. My State has high unemployment. We were doing very well, and it has doubled now from where we were in unemployment.

My home area is one of the worst in the State. I am well aware of that. Members of the Senate on this side of the aisle strongly favor extending unemployment insurance and actually extending other benefits, too, such as the doctors fix that we need to do, the COBRA and FMAP and matters of that kind which are in the legislation and we believe should be passed into law. There is just one thing that I would raise, and that is that we want it to be in a way that does not increase, again, the debt because here we go again.

Our colleagues passed an amendment, passed the pay-go law a few weeks ago, and within a few days they were violating it. This violates it again. What we need to ask ourselves, then, is how we are going to help people who are in need. Are we going to do it in a responsible way or will we take the easy way out, pass the debt on to our children and grandchildren without the least concern, it seems, about how we are going to pay for it?

My colleague just recently said we should call it an emergency. Unemployment insurance is fundamentally one of our established government programs, he said, because that allows us to provide this benefit without an offset. That is precisely what the deal is, you understand. He was quite honest about it. We do not have to pay for it; we don't have to look for money; we don't have to cut waste, fraud, and abuse; we don't have to reach into the stimulus bill that we passed, which was announced to be for unemployment insurance as one of its primary motives and use that money that is unspent—and $100 billion or $200 billion still remains unspent. Why don't we use that money? It would not then increase the debt larger than we now have.

We proposed a number of other offsets, offsets that our Democratic colleagues have utilized in legislation they have offered. We have suggested to our colleagues, what other containment of spending would you propose, and we would be willing to consider if you would use that to pay for this. But the day of just continuing to increase our debt is passed.

This Senate needs to face the truth, and the truth is we will double the entire debt of the United States in 5 years, ending 2013. We will triple the entire debt of the United States in 2019. In 2019 the interest on the debt that we will be paying in that 1 year will be $800 billion. Just last year the interest on the total debt of the United States was $170 billion. We cannot continue this. Every economist who has ever testified before our Budget Committee has said repeatedly this is unsustainable. When do we stop if it is unsustainable? Members of our Senate say it is unsustainable, on both sides of the aisle. When do we stop?

Senator COBURN had the courage to say: Now, we can pay for this. We have moneys unspent that we can use to pay for the extension of unemployment insurance, and we will not agree that we will just add more to our debt.

I have in my pocket, I just happened to notice, pictures of three of my grandchildren. I have had three—one born in November, one born 2 weeks ago, one born Sunday. We are talking about hundreds of thousands of dollars that they are going to have to pay off.

It is an addiction and a habit that we must break. This is $9 billion added to the debt. I hope and pray this courage by Senator COBURN that calls us to account and says let's face the music and let's be honest with ourselves is respected, as I respect it. I think the American people respect it. When I am out talking in my townhall meetings and in my communities and in the airplanes, they tell me: You guys are spending recklessly. We can't believe it. What has happened?

The American people understand we cannot do this. There is no free lunch. Nothing comes from nothing. Somebody pays, and we cannot just spend and take the easy way every time without facing the consequences of a debt that we create. When we spend more than we take in, we borrow the money. We borrow it on the open market and we pay interest on the debt.

I want to say my Democratic colleagues are at it again, spending more and not paying for it. Have the Republicans failed in their responsibility when they had the Presidency and a majority in the Senate? Yes, we should have done much better. But we have never seen the deficits we are seeing today—never, ever.

President Bush had a record deficit of $450 billion his last year in office. This year, ending September 30, it was $1.4 trillion—$1,400 billion—three times. This year, when September 30 arrives, our budget experts tell us our annual deficit for this 1 year will be $1.5 trillion, and we will average $1 trillion a year for the years to come, more than twice the highest deficit we have ever had. We cannot do that. This is serious business.

I hope and pray the stimulus package will give us some benefit. I know it will. When we spend $800 billion, every penny of it is borrowed, to be paid back someday, or the interest paid back by our children or grandchildren. This stimulus package, hopefully, will give us some lift, but we will carry the debt.

Do you know what the Congressional Budget Office told us when they analyzed the $800 billion stimulus package? They said: Yes, it will provide a benefit for a few years. You will get a lift in the economy. But over 10 years, just over 10 years, it will have a net negative to the economy, a slight negative because you have to carry this debt, and it is crowding out private sector borrowing because the government borrowed it first. The government has to pay interest to all these people around the world who loan us this money.

There is no easy way out of this. It is time for us to be mature and grown up and make good decisions. It is time to say no to this legislation unless it is paid for, and we can pay for it. There are plenty of places in our budget it can be paid for.

I thank colleagues for allowing me to share these thoughts. I thank Senator COBURN for raising this important issue, for his courage in saying it is time to do better. We can do better. We can do this in the right way. We came close tonight to getting it done, I thought, in a paid-for way—so close. If we stand in there, maybe in a week or 2 we will be able to take care of the unemployment insurance and pay for it in a sound way.

I yield the floor.

Mr. COBURN. I yield 7½ minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, I am proud to rise tonight and follow, first of all, Senator SESSIONS. He has come to the floor many times on this issue and talked about the crisis that is building in our Nation relative to the spending and the debt. He always speaks with such eloquence.

I also want to say thank you to my colleague, Senator COBURN, for giving me an opportunity to come down tonight and offer a few thoughts in the

time that we have. I appreciate it immensely.

Senator COBURN puts himself in a very difficult situation by standing on principle because, of course, he makes himself a target of somebody who wants to say he is not caring about the people who are out there and looking for work. I know him and very much that is the opposite. But here is the point. Here is what we are facing in this Nation. We are literally getting to a stage in our history where the cascading amount of debt is like a huge snowball that now is gaining enormous momentum as it comes down the mountain. It is just growing bigger and bigger.

I am going to head back home to Nebraska tomorrow. I am going to have an opportunity to get across the State. I have some—we call them community coffees but townhall meetings. I am going to talk to the people of Nebraska. I will guarantee that one of the first things on their agenda will be to raise concern about the spending and the debt they see going on here in Washington.

Let me, if I might, take a moment and talk about the ethic of the State that I come from because I think it is enormously important in terms of what we are doing. I might add, I have had an opportunity as county commissioner, as city council member, a mayor, and a Governor to represent this great State.

In my job as mayor of Lincoln, I was a strong mayor, so I was the guy responsible for the budget. Here is how we did it. There was only so much money that was available, and what we would do is we would put a list down, page after page, of very important priorities for the community. At some point on this list there would be a line drawn and my budget director would say to me: Mayor, if you want to go below that line and fund some of these other important priorities, you are going to have to look above that line and figure out what you can live without because it is at this line that we have to quit spending. Otherwise, our bond rating will be in jeopardy. Otherwise, the economic stability of this community will be in jeopardy.

You know what. We made some very hard choices. We had some things we would have loved to have done, but we began to realize we just couldn't fit them into the budget.

Then I had the good fortune of becoming the Governor of the State of Nebraska, and it didn't change anything. The Nebraska Constitution says we can only borrow $50,000. Maybe at some point in our State's history that was a handsome sum of money, but in effect what the constitution says is we cannot borrow money.

While other Governors were balancing budgets by issuing bonds and debt, we did not have that alternative. I had really three choices: raise taxes, which I did not like and opposed, cut spending, or do both. And I cut spending.

You could look at many places in that budget and say, well, MIKE, why did you choose this versus that? And you could have a great debate about why this priority versus that priority. But in the end, what we were doing was trying to choose the priorities for our State without borrowing money, without putting our State in debt, while maintaining economic stability.

I want to share that our State has fared as well as any State in the country during this very tough economic time. Our unemployment rate is about 4½ percent. We value our businesses, we create jobs, and we do not spend money we do not have.

I came out here a year ago—a little more than a year ago—to join the Senate. I am as proud today as I was then to be here on the Senate floor. But here is what I will tell you: I am worried about where we are headed with this budget. You see, this $9 billion is very manageable. We want to provide unemployment insurance to the people who need it. We all do. We want to help these people. But we have a multitrillion-dollar budget here, and in effect what we are saying to the American people is that we cannot find $9 billion to offset the cost of that.

We can do better than that because, if that is what we are acknowledging, that we cannot find $9 billion to offset the cost of that important priority, then, my goodness, how will we ever deal with a budget deficit that is over $1 trillion annually—annually—as far as the eye can see.

I see I am running out of time, but I want to end with this thought. I had a wonderful group of schoolkids from Nebraska in today, from Superior, NE. I have been to Superior many times. It is a great community. And these kids are great kids. As I was talking about the various things that had happened here, I said something to them that I hope made the point of the need to take responsible action on this budget. I said this year I will celebrate my 60th birthday. God will not keep me on this Earth long enough to pay the debt that has been incurred.

It is no consolation to Nebraskans that I go home and say to them: I have been here over a year, and I figured out who is at fault, because, you know what, they are not caring about who is at fault. They are saying: MIKE, we elected you to go back there and lend your voice to try to fix these problems.

It will be of no consolation for me to go home and say, well, it was the Democrats or it was the Republicans. It will be no consolation.

The PRESIDING OFFICER (Ms. CANTWELL.) The Senator has used the time that has been yielded to him.

Mr. COBURN. I continue to yield.

The PRESIDING OFFICER. The Senator may continue.

Mr. JOHANNS. I said to those kids: I will not be on Earth long enough to pay this debt. I said to them: That means that will fall to you.

Do you know what I am saying to those kids? I am saying that the quality of their lives will be impacted by the fact that we could not take responsible action to deal with this debt.

I would like to say to them: You will not have any more wars. But they will have their own wars to fight. They will have their own pandemics to deal with. They will have their own recessions they have to somehow fund and finance. And they will have their own challenges they will have to deal with. You know what. If we do not start coming to grips with this debt, they will not have the resources to manage their way through those challenges.

You see, tonight is not about unemployment insurance. We want to help those people. Tonight is about making the statement that we have to take control of this because it is taking control of the future of those young people.

I yield the floor and the remainder of my time to Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I will consume the remainder of our time.

I thank Senator JOHANNS and Senator SESSIONS for being here.

We have heard the word ''emergency.'' The emergency that is in front of us is, we are a boat upside down fiscally, and there has to be a set of competing priorities for how we right that boat. But the No. 1 way we do not right the boat is to continue to add to the debt when we have programs that are not working and are wasting money, that are consuming precious resources we need to spend in other areas.

I am particularly interested in the very fast revisionist history that has been presented by the Senator from Michigan.

Let me tell you what happened here today. What happened here today was that a bill was offered and a motion to proceed on a bill that would accomplish this was totally paid for. That motion was tabled, with all of the Republican Senators voting against that, and some Democrats. We worked, through the next couple of hours, negotiating with the majority leader, with great help from Senator DURBIN, the senior Senator from Michigan, and a compromise was reached that we would, in fact, make sure no interruption would happen over the next 2 weeks to those who are dependent on unemployment insurance. That was communicated to the House of Representatives and the majority there, and it was rejected.

Then the final thing that happened is we had an adjournment resolution, for which everyone on our side of the aisle voted against to stay here. Now, that probably was not a truly sincere vote. I would put that out to my colleagues. But the fact is, the Senate does not have to go home. And the reflection for this not passing should not fall on the Senate; it should fall on the fact that the Senate came together and agreed on a solution that was not acceptable to the leadership in the House of Representatives.

So if there is a problem with what we have done today, it is that when we compromised in the Senate, the House would not take it. And we did compromise. We compromised on spending. We compromised on time. We compromised on making sure the people who needed to have this extension were going to get it.

I started out the debate earlier today on the basis of, where are we going in our country and what is our problem? Our problem is that we are drowning in debt, that our foreign policy is affected by it today, our ability to borrow is affected by it, and the manipulation of our ability to stabilize our own economy is affected by it. But, most importantly, what we do today has dramatic impact on those who know us.

It is unfortunate that we did not work out a deal tonight. So we are going to have a week of exposure for people who actually need the help. It is actually going to be harder on the bureaucrats to handle this. But it did not happen.

But I think the bigger question is, Should we just lay down and add more money to the debt because we could not get agreement across the Capitol? And so what we are going to do, when we come back, the day after we get back, we are going to have a cloture vote, which I think will be very difficult to achieve, but it may be achieved, because the same principle is going to lie here.

With over $300 billion worth of waste, fraud, and duplication in the Federal budget every year, there are many of us who believe sincerely that it is time to stop spending money on lower priorities, time to stop calling things an emergency when we actually have the money in waste and fraud and duplication that we can use to pay for this.

We needed to start somewhere. The unfortunate aspect that we did not accomplish that this evening means some people will suffer. But I want you to contrast that with what the suffering is going to be in 2019 within our country when we have double-digit interest rates because we can no longer maintain our borrowing; when we are, in the next 9 years, going to pay $5.6 trillion in interest on $9.8 trillion we are going to borrow. Of that $9.8 trillion, $5.6 trillion is going to be interest payments.

What is coming is a tsunami to our country. So I feel a failure tonight because I could not accomplish both goals, both protecting our children and their future opportunity and taking care of those who need us right now. But the principle is still there.

We have to, in fact, start making tough choices. If we learn to do that together, the country benefits. And the future of our children is at hand. But we can no longer make the decision that we steal from our children to take care of things we are responsible for today. And I understand the resistance to that, but the fact is, our future depends on us starting today. It does not matter if you are liberal in philosophy or conservative in philosophy, the economics will be borne home to everyone. It has to stop. And we have to start with us.

I appreciate the congeniality of my friend from Illinois. Tough week for us all—probably more tough for us than you. I congratulate you on your victory on the yearlong battle with a difference in philosophy on how we fix health care. But I know that 20 years from now, the Senator from Illinois and I will suffer the same pain if our kids are diminished by our lack of action here. So I will say, let's let it not be so. Let's let it not be so. Let's start making hard choices. Let's start doing what is in the best long-term interests of our country.

With that, I yield back a minute of our time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me thank the Senator from Oklahoma for his professionalism and his own decorum during the course of this debate. We want to maintain that on this side of the aisle.

SATELLITE TELEVISION EXTENSION ACT OF 2019

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3186, the Satellite Television Extension Act of 2010.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3186) to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3186) was ordered to a third reading, read the third time, and passed, as follows:

S. 3186

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the ''Satellite Televison Extension Act of 2010''.

SEC. 2. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(B) in subsection (e), by striking ''March 28, 2010'' and inserting ''April 30, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''March 28, 2010'', and inserting ''April 30, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(2) in paragraph (3)(C), by striking ''March 29, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''May 1, 2010''.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3187 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3187) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3187) was ordered to a third reading, read the third time, and passed, as follows:

S. 3187

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 ''Federal Aviation Administration Extension Act of 2010''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''April 1, 2010'' and inserting ''May 1, 2010''; and

(2) by inserting ''or the Federal Aviation Administration Extension Act of 2010'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''April 1, 2010'' and inserting ''May 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

''(7) $2,333,333,333 for the 7-month period beginning on October 1, 2009.''.

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 7-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were $4,000,000,000; and

(B) then reduce by 42 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''April 1, 2010.'' and inserting ''May 1, 2010.''.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''; and

(2) by striking ''June 30, 2010,'' and inserting ''July 31, 2010,''.

(c) Section 44303(b) of such title is amended by striking ''June 30, 2010,'' and inserting ''July 31, 2010,''.

(d) Section 47107(s)(3) of such title is amended by striking ''April 1, 2010.'' and inserting ''May 1, 2010.''.

(e) Section 47115(j) of such title is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(f) Section 47141(f) of such title is amended by striking ''March 31, 2010.'' and inserting ''April 30, 2010.''.

(g) Section 49108 of such title is amended by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $5,454,183,000 for the 7-month period beginning on October 1, 2009.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

''(6) $1,712,785,083 for the 7-month period beginning on October 1, 2009.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

''(14) $111,125,000 for the 7-month period beginning on October 1, 2009.''.

EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4938, an act to provide for a 30-day extension of the Small Business Loan Guarantee Program which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4938) to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4938) was ordered to be read a third time, was read the third time, and passed.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED—Continued

Mr. DURBIN. Madam President. I yield 5 minutes to the Senator from Vermont.

Mr. SANDERS. I thank my friend for yielding.

Madam President, the Senator from Oklahoma and the Senators who spoke before him are obviously right. This country has a record-breaking deficit, a huge national debt, and it is an issue that has to be dealt with. The debate is, how do we deal with it? Let me very briefly mention some of the factors—not all, but some of the factors, some of the policies that got us into the national debt situation we are in right now. Six years ago or so, President Bush decided to take us to war in Iraq. That war was misguided. It was a mistake. But in terms of the issue of tonight, that war was not paid for and will end up costing this country some $2 or $3 trillion. Many of my friends on the other side who now decry the national debt voted for that war without worrying about how it was going to be paid for.

During the Bush era, despite the growing gap between the very wealthiest people and everybody else, our Republican friends, who then controlled the House, the Senate, and the White House, decided that the very richest people, millionaires and billionaires, needed huge tax breaks, hundreds of billions of dollars in tax breaks. That is what they wanted. I didn't want it. I didn't vote for it.

During the Bush era, we passed a Medicare Part D prescription drug bill, a huge bill written by the insurance companies. We could have had a much better bill, if we negotiated prices with the pharmaceutical industry. We chose not to do that. A prescription drug Part D bill, unpaid for. That is what they voted for.

After the bailout, after the collapse of Wall Street, President Bush and others came together and said: We ought to bail them out. Unpaid for. I brought an amendment on the floor to pay for that. It fell. Unpaid for.

Ironically, within the next couple of weeks or months—I am not sure which—many of our friends are going to come back to the floor and say: We need to loosen up the estate tax. We need to give massive tax breaks to the wealthiest three-tenths of 1 percent of the population, the very richest people in the country. Estimates are it is going to cost $350 billion over 10 years, giving it to the richest people.

My point is, if we are going to deal seriously with our national debt and our deficit—enormous problems—let's be honest and let us get our priorities right.

In terms of today's debate, let us not on the one hand say we are going to give massive tax breaks to millionaires and billionaires by loosening up on the estate tax, but today we cannot regard as an emergency situation extending unemployment compensation to people who are in desperate economic trouble.

Since December of 2007, over 8 million Americans have lost their jobs. Sixteen-and-a-half percent of the American workforce is today either unemployed or underemployed. Here is the important point. Over 6 million Americans have been out of work for more than 6 months, the highest on record. What we are experiencing now is not only unacceptably high unemployment but a level of long-term unemployment this country has never seen before. In other words, people are losing their jobs, but they are not getting them back, not in 2 weeks, not in 4 weeks. Month after month people are wondering how they are going to get a job, how they will feed their family, how they will take care of basic needs. That is what we are talking about today.

When we talk about deficit reduction and dealing with the national debt, in my view we don't do that by denying unemployment benefits to families in desperate need. I think we take into consideration the reality that the top 1 percent of this country now earns more income than the bottom 50 percent. And those very same people, the top 1 percent, over the last number of years have been given huge amounts in tax breaks. We take into consideration the fact that as a nation, we are spending a very significant and growing amount of money on the military. There is study after study which indicates there are significant amounts of money that can be saved, if we take a hard look at military spending, including a number of weapons systems that are not designed to fight international terrorism but to continue the effort in the Cold War which no longer exists.

It seems to me we have two issues we have to address. No. 1, how do we create the jobs this country desperately needs? How do we protect the most vulnerable people? And simultaneously, how do we address the deficit crisis and our national debt?

I suggest now is the time to rethink the priorities that have existed for a number of years. Now is the time to ask the wealthiest people to start paying their fair share of taxes. Now is the time to take a hard look at all of our Federal agencies for waste and fraud and abuse but also including the military.

The issue is not whether we deal with the national debt and our deficit. The question is, how we do it, and how we do it in a way that protects the middle class and some of the most vulnerable people in society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Vermont and those who are gathered this evening. This was such an important day. Some in this Chamber may have heard some cheering in the hall. I believe that signifies that the House of Representatives has finally passed the reconciliation bill which passed this Chamber earlier this afternoon. Now health care reform, with its improvements, is on its way to being signed by the President and becoming the law of the land. It is a day of great celebration for those of us who had the privilege and honor to vote for it but to participate as well in the difficult task of putting this bill together—a controversial bill; lots of people hate it; lots of people love it across America. Many of us believe it is an extraordinary improvement. It is progress in America. It will give families across America a fighting chance to get health insurance they can afford, to be able to fight the health insurance companies that turn them down when they need it the most.

Thirty million Americans will have health insurance who don't have it today. It is going to give seniors on Medicare better assistance to pay for their prescription drugs. It is a plus in many directions.

We left the euphoria and happiness of that moment on the floor, when they announced the vote of 56 to 43, and within minutes, we were told there is another battle. This time the Republicans have come to the floor and refused to extend unemployment benefits to those unemployed in America. The date that occurs is April 5. In State after State, hundreds and then thousands of people will see their unemployment checks stop. These are people who lost a job and they can't find one. We estimate there are five unemployed people for every available job. I have met with the unemployed in my State. They are desperate. They have tried everything they could think of. We think our economy is starting to turn but not quickly enough for them. Out of work for weeks, months, sometimes years, they have exhausted their savings. They are living literally hand to mouth. Some have lost their health insurance. The only thing that keeps them going, that keeps the lights on and the food on the table, is the unemployment check.

The Republicans came to the floor today and said: Cut it off. They said cut it off, because they believe this is the moment and this is the issue to take a stand against the national deficit.

Do we have a national debt that should concern us all? Of course. The deficit we have is growing because of the recession, unemployment, fewer tax revenues by the government, and we understand that. Should we deal with it? Of course. But it is interesting that these Republicans would take their stand on fiscal conservatism and deficit reduction when it comes to unemployment benefits.

Twenty-four hours ago, Senator GREGG of New Hampshire, a Republican, floor manager for their side, offered an amendment on the floor to the reconciliation bill to pay for the compensation of doctors treating patients under Medicare. It added $65 billion to the deficit, and it was not paid for. Every Republican voted for it. I think it is a good thing to do. It is a policy we should support, because we want doctors to treat Medicare patients. But how can these same Republican Senators ignore the fact that they voted to do so last night and then come here tonight and say: Unemployment benefits for a month in America? That will cost $9 billion. It is time to take a stand against the deficit. Sixty-five billion last night, these same Senators voted to add to the deficit; $9 billion for the unemployed today, they say, is the straw that broke the camel's back.

This is unfair and unfortunate. Here is what we know. Every dollar in an unemployment compensation check that goes to an unemployed person is spent directly into the economy. The CBO says there is no faster and better way to inject billions of dollars into the economy that translates into the purchase of goods and services, helping small businesses and creating jobs. For the question of economic development, unemployment compensation is the most valuable thing to do. What happens to these poor people when we cut off their unemployment compensation? I am not sure where they will go.

Bill from Illinois writes: I have been unemployed as a steel salesman since June of 2009. I am sitting in the Naperville library, as I do every day, applying for jobs on line. And still no luck. I will be ruined financially if you stop my unemployment benefits. Please extend them.

Elliot from Illinois writes: As a citizen of the United States and a U.S. Navy veteran, I cannot believe the Senate would let unemployment funding stop for the millions of people struggling to make ends meet. Just one unemployment check not processing will hurt thousands of people and, with the lack of life-supporting employment, will push a bunch of folks closer to the edge of foreclosure and other losses.

I acknowledge this deficit and this debt and what we need to do about it. This issue is a defining issue for this Congress and this Nation. If we have reached the point that we will turn around and walk away from those who have lost their jobs through no fault of their own, if we will turn a blind eye to families who are doing without the basics of life, if we believe this is the best fiscal policy for America, then we have lost our way. We are a caring nation. We care for one another. We are a community, a community that reaches out, through the taxes we pay and the good deeds that many do, to help the less fortunate. Yet when it comes to unemployment benefits, the Republican Senators have said: This is where we make our stand. This is where we enforce our deficit.

Well, I think they have taken off and created more victims in our economy at a time when so many have lost their jobs.

I looked at the States represented by the Republican Senators who spoke earlier today. The Senator from Nebraska is fortunate in one respect. His State has an unemployment rate of 4.6 percent. The Senator from Oklahoma, he, too, is fortunate. His State has an unemployment rate of 6.7 percent. My State is up at 12 percent unemployment, and others such as Michigan are over 14 percent unemployment.

This is a crisis in our State, and it is a crisis that will be made worse when these checks are cut off. I would urge my colleagues to view this unemployment benefit request as the emergency that it is. If nations can rise to the occasion of disasters—unanticipated calamities, natural disasters such as floods and hurricanes—if we can view those as emergencies, shouldn't we look at the hurricanes that have hit the lives of those unemployed Americans and be ready to stand by their side?

I hope when we return after the break over Easter and have our chance to vote, we can finally bring forward enough moderate Republicans on that side of the aisle to join us and say: Yes, we need to fight the deficit, but let's not do it at the expense of the neediest people in America.

Madam President, I yield the floor at this time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAL MINING PERMITTING PROCESS

Mr. MCCONNELL. Madam President, I rise to sound an alarm about a threat to coal-mining businesses in Kentucky. Coal is a vital part of my State's economy, and a vital part of America's energy portfolio. The coal industry creates over 60,000 jobs in Kentucky, including approximately 15,000 coal miners. More than half the country's electricity is generated by coal, electricity those workers help generate.

But this important sector of the economy now faces a back-door attempt to restrict coal mining, one that was implemented without a hearing or a vote by this administration's Environmental Protection Agency. The EPA is overstepping its authority by using an approval process meant to assess the environmental impact of mining operations as a means to halt those mining operations altogether.

According to one study by the Senate Environment and Public Works Committee, it could be estimated that roughly 3,500 mining jobs in Kentucky are in jeopardy if the EPA does not let go its stranglehold on the growth of that industry. And mining industry jobs are not the only jobs lost thanks to this wrongheaded, bureaucratic overregulation. For every coal-mining job, 11 other jobs are dependent on it. That means up to 38,500 jobs in my State alone could be affected.

Let me give a concrete example of how what the EPA is doing directly affects jobs. Out of 49 Kentucky applicants for permits under section 404 of the Clean Water Act, only one application—that is right, one—is actually under review. 1 out of 49. Actually, that should be 1 out of 42 because seven applicants were kept waiting so long by the EPA's foot-dragging tactic that they had no choice but to withdraw their applications.

After all, during this whole length of time that the EPA unfairly prolongs the process, mine operators must still spend resources to keep their mines ready to operate. Eventually paying these costs while earning no profit in return forces many of these businesses to just give up.

While the rest of the permits are technically pending a review, in reality they are in limbo and essentially dead as long as the EPA refuses to even begin its official review process. This ''run out the clock'' tactic is bad news for Kentucky's economy.

I know I don't have to tell my colleagues we are in a recession. Unemployment is higher than any of us would like it to be. In Kentucky it is 10.5 percent, higher than the national average. My highest priority as the Senator from Kentucky is to help everyone from my State who wants a job to find one.

That is why I must speak out against what the EPA is doing. Their attack on an important Kentucky industry hampers the growth of jobs, and it especially hampers the growth of small businesses—the greatest engines of job creation.

The EPA has turned the section 404 permitting process, already a cumbersome process to begin with, into an illegitimate, backdoor means of shutting down Kentucky coal mines. This is outside the scope of their authority and the law. It represents a fundamental departure from the permitting process as originally envisioned by Congress.

This Senate needs to make it clear to the EPA that they must complete the permit review process in a timely manner, and provide complete transparency along the way to all sides. They cannot continue to impose a backdoor ban on mining operations in Kentucky through an illegitimate process.

Let me add one more thing. The section 404 permit review process is only one aspect of the EPA's war on coal. They are also seeking to impose a backdoor national energy tax by regulating carbon dioxide emissions from coal plants under the Clean Air Act, which will hurt our economy and endanger millions of jobs across the country. The Senate will have an opportunity to vote on the EPA's actions in that regard in the near future.

MINIMUM ESSENTIAL COVERAGE

Mr. AKAKA. Madam President, as chairman of the Senate Committee on Veterans' Affairs, concerns have been raised to me about a technical error in the health care reform bill that was recently passed, the Patient Protection and Affordable Care Act, H.R. 3590. In drafting the PPACA, a provision was included which designates health care provided under VA's authority as meeting the minimum required health care coverage that an individual is required to maintain.

However, due to the way this exemption was worded, this definition may exclude children with spina bifida, who are seriously disabled and to whom VA provides reimbursement for comprehensive health care. The underlying bill gave authority to the Secretary of Health and Human Services to designate other care, which could include the VA spina bifida program, as meeting the definition of minimum essential coverage. This bill would simply clarify what was originally intended.

Chapter 18 of title 38 contains the Spina Bifida Health Care Program, whichis a health benefit program administered by the Department of Veterans Affairs to provide reimbursement for comprehensive health care for children with spina bifida who are born to veterans of the Vietnam War and to some veterans who served in Korea during specified times, as well as children of women Vietnam veterans with certain birth defects. The program provides reimbursement for medical services and supplies.

My legislation corrects this small error. Additionally, this legislation would clarify that recipients of CHAMPVA would also be considered as meeting the requirement for minimum essential coverage. This legislation is currently supported by 59 cosponsors, including my friend from North Carolina, and the ranking member on my Committee, Senator BURR. Additionally, the Veterans of Foreign Wars, Disabled American Veterans, and the Military Officers Association of America have endorsed this bill.

Thank you, Madam President and I thank my colleagues for their support in making this small but important clarification for veterans.

HONORING OUR ARMED FORCES

CHIEF SPECIAL WARFARE OPERATOR ADAM LEE BROWN

Mrs. LINCOLN. Madam President, today I honor Chief Special Warfare Operator Adam Lee Brown, 36, a Navy SEAL from Hot Springs who died in Afghanistan March 18. My heart goes out to the family of Chief Special Warfare Operator Brown, who made the ultimate sacrifice on behalf of our Nation. According to those who knew him best, he was a caring, compassionate individual, who always put others ahead of himself. He was in his eighth tour of duty in Afghanistan and is survived by his wife, two young children, and his parents.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military service members and their families. More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning service members and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

CALIFORNIA CASUALTIES FROM IRAQ AND AFGHANISTAN

Mrs. BOXER. Madam President, I rise today to pay tribute to 14 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since December 16, 2009. This brings to 147 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 14 percent of all U.S. deaths in Afghanistan.

PFC Serge Kropov, 21, of Hawley, PA, died December 20, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Private First Class

Kropov was assigned to Marine Aircraft Group 16, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station Miramar, CA.

LCpl Omar G. Roebuck, 23, of Moreno Valley, CA, died December 22, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Lance Corporal Roebuck was assigned to 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

SSG David H. Gutierrez, 35, of San Francisco, CA, died December 25, 2009, at Kandahar Air Field, Afghanistan, of wounds suffered when insurgents attacked his dismounted patrol with an improvised explosive device in Howz-e Madad. Staff Sergeant Gutierrez was assigned to the 2nd Battalion, 1st Infantry Regiment, 5th Brigade, 2nd Infantry Division, Fort Lewis, WA.

SSG Anton R. Phillips, 31, of Inglewood, CA, died December 31, 2009, at Forward Operating Base Methar Lam, Afghanistan. Staff Sergeant Phillips was assigned to G Forward Support Company, 77th Field Artillery Regiment, 2nd Battalion, Task Force Wildhorse, Forward Operating Base Methar Lam, Afghanistan.

LCpl Jeremy M. Kane, 22, of Towson, MD, died January 23, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Kane was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SGT David J. Smith, 25, of Frederick, MD, died January 26, 2010, from wounds received January 23 while supporting combat operations in Helmand Province, Afghanistan. Sergeant Smith was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SSG Mark A. Stets, 39, of El Cajon, CA, died February 3, 2010, in Timagara, Pakistan, from wounds suffered when insurgents attacked his unit with an improvised explosive device. Staff Sergeant Stets was assigned to the 8th Psychological Operations Battalion, Airborne, 4th Psychological Operations Group, Airborne, Fort Bragg, NC.

LCpl Alejandro J. Yazzie, 23, of Rock Point, AZ, died February 16, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Yazzie was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Charles A. Williams, 29, of Fair Oaks, CA, died February 7, 2010, at Camp Nathan Smith, Afghanistan, of injuries sustained while supporting combat operations. Private First Class Williams was assigned to the 97th Military Police Battalion, 18th Military Police Brigade, Fort Riley, KA.

LCpl Joshua H. Birchfield, 24, of Westville, IN, died February 19, 2010, while supporting combat operations in Farah province, Afghanistan. Lance Corporal Birchfield was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SSG Michael David P. Cardenaz, 29, of Corona, CA, died February 20, 2010, in Kunar, Afghanistan, when enemy forces attacked his unit with rocket-propelled grenades. Staff Sergeant Cardenaz was assigned to the 2nd Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SPC Ian T.D. Gelig, 25, of Stevenson Ranch, CA, died March 1, 2010, in Kandahar, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with an improvised explosive device. Specialist Gelig was assigned to the 782nd Brigade Support Battalion, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

LCpl Carlos A. Aragon, 19, of Orem, UT, died March 1, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Aragon was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

LCpl Nigel K. Olsen, 21, of Orem, UT, died March 4, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Olsen was assigned to the 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

I would also like to pay tribute to a young American who was killed serving our country in Iraq during this same time period. This brings to 883 the number of servicemembers either from California or based in California who have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

PFC Scott G. Barnett, 24, of Concord, CA, died January 28 in Tallil, Iraq, of injuries sustained while supporting combat operations. Private First Class Barnett was assigned to the 412th Aviation Support Battalion, 12th Combat Aviation Brigade, Katterbach, Germany.

EXPIRING DOMESTIC SURVEILLANCE PROVISIONS

Mr. WYDEN. Madam President, the U.S. Senate recently approved a 1-year extension of the expiring provisions of the Patriot Act with a voice vote. The extension was subsequently approved by the House and signed into law by President Obama. As I have argued for years that the Patriot Act is in need of serious reform, I would like to outline the changes I will keep working for as a member of the Senate Select Committee on Intelligence.

Many of my colleagues who agree with me that reforms are needed think it would be difficult to have a constructive debate on domestic surveillance in the Senate right now. They think that next year will be a better time to have this debate, and that waiting will lead to a better opportunity to restore the best possible balance between fighting terrorism ferociously and protecting American rights and freedoms.

Personally, I think that the reforms I am outlining today should have been made years ago. But based on the debate on the Patriot Act that took place in the Senate Judiciary Committee last fall, I agree that those of us who believe in reform need to spend more time making our case to our colleagues and the American people. So I will briefly address those reforms that I think are necessary, and the ways that I would like to see this debate move forward between now and next February, when these provisions will come up for renewal again.

The three expiring provisions all involve domestic surveillance in one way or another. One regards the use of roving wiretaps for intelligence purposes, one regards the surveillance of so-called ''lone wolf'' terrorist suspects, and one involves government access to business records. I have cosponsored legislation that would create additional safeguards on the use of roving wiretaps, and I think that it is appropriate to debate whether the ''lone wolf'' statute should be reformed or repealed, particularly given the fact that it has never been used. But it is the business records provision, section 215 of the Patriot Act, which I believe is most in need of reform.

Section 215 of the Patriot Act is referred to as the ''business records'' provision, but it actually covers any personal information that is held by any sort of institution or third party—including banks, hospitals, libraries, and retail stores of all types. And it doesn't just apply to documents; it applies to ''any tangible thing'', which means it covers things like blood or tissue samples as well.

Prior to 9/11, if the FBI or another government agency was conducting an intelligence investigation and wanted to obtain an individual's personal records from the business or institution that was holding them, the government agency had to have evidence indicating that the person whose records they wanted was a terrorist or a spy. Section 215 of the Patriot Act lowered this standard to permit the government to collect any records deemed ''relevant to an investigation''.

''Relevant'' is an incredibly broad standard. In fact, it could potentially permit the government to collect the personal information of large numbers of law-abiding Americans who have no connection to terrorism whatsoever.

As an alternative to ''relevance'', I and other senators have advocated for what I call the ''nexus to terrorism'' standard. Under this standard, the government could use the Patriot Act to obtain any records pertaining to a terrorist suspect, or the suspect's activities, or any individual that the suspect has been in contact with or directly

linked to in any way. This is a much broader standard than the one that existed before 9/11, and it would give the FBI and other government agencies significant flexibility in terrorism investigations. But it is much tighter than the standard that is currently written into law as part of the Patriot Act, and it would greatly reduce potential intrusions on the privacy of law-abiding Americans.

Switching to a ''nexus to terrorism'' standard is not a radical proposal. In 2005, the Senate passed a bill that would have replaced the ''relevance'' standard with one requiring a ''nexus to terrorism''. In fact, this bill was passed by unanimous consent. And President Obama cosponsored similar legislation in 2007. So this proposal has received significant bipartisan support in the past. And in my judgment, it would go a long, long way toward restoring the balance between security and freedom that is so important to Americans.

I have cosponsored legislation that would make ''nexus to terrorism'' the standard for accessing individuals' business records for intelligence purposes. Over the next year, I will continue to argue for the merits of this standard. I will also continue to press for more transparency about how the Patriot Act has actually been interpreted and applied in practice. As I have said before, there is key information that is relevant to the debate on the Patriot Act that is currently classified. Over the past two and a half years, I have pressed the executive branch to declassify this information in a responsible way, so that members of Congress and the public can have an informed debate about what the law should actually be.

I have raised this issue numerous times, in classified letters and in meetings with high-level Administration officials. Many of these classified letters were also signed by other senators, including Senator FEINGOLD and Senator DURBIN. In a partial response to our requests, the Attorney General and the Director of National Intelligence have prepared a classified paper that contains details about how some of the Patriot Act's authorities have actually been used, and this paper is now available to all members of Congress, who can read it in the Intelligence Committee's secure office spaces.

Providing this classified paper to Congress is a good first step, and I would certainly encourage all of my colleagues to come down to the Intelligence Committee and read it, but by itself this step does not go nearly far enough. Ensuring that members of Congress have information about how the law has been interpreted and applied is obviously essential, but it is just as essential for the public to have this information as well. Most members of the public do not expect to have detailed information about how intelligence collection is actually conducted, but they do expect to understand the boundaries of what the law does and does not allow, so that they can ratify or reject the decisions that public officials make on their behalf.

I am particularly concerned about this because I believe that there is a discrepancy between what most Americans believe is legal and what the government is actually doing under the Patriot Act. In my view, any discrepancy of this sort is intolerable and untenable, and can only be fixed by greater transparency and openness. This is why I think it is so important for the executive branch to declassify the information that I have asked them to take action on.

I expect that convincing the executive branch to take decisive action on this issue will not be easy, and that it will not happen quickly. But I have been engaged on this issue for two and a half years already, so I think it should be clear by now that I do not intend to give up. As Congress prepares to resume debate on the Patriot Act next year, I will continue to press the administration to find a way to release this information in a manner that serves the public interest and does not harm national security. And I hope that my colleagues will join me in this effort.

INDEPENDENT PAYMENT ADVISORY BOARD

Mr. SPECTER. Madam President, I have sought recognition to address transparency concerns with the Independent Payment Advisory Board established in H.R. 3590.

As Medicare enrollment grows, the issue of cost-containment becomes more pressing. To address this issue the Independent Payment Advisory Board was included as part of health reform legislation. The Board's task is to slow the rate of growth in the Medicare Program—a goal which is important if the program is going to remain solvent for years to come. It has been suggested that this Board will operate in secret, without public input and its meetings and decision-making process will not be transparent. This belief is inaccurate. The legislation ensures that the Board operates in an open and transparent way that facilitates open discussion and input from the public at large and from Medicare beneficiaries. The legislation specifically authorizes the Board to hold open and public meetings and I would expect that the Board will do this often as it gathers input from various stakeholders in the health care sector and Medicare beneficiaries.

Further, the bill creates a Consumer Advisory Council to advise the Board of the impact that its recommendations will have on consumers and Medicare beneficiaries. The Advisory Council is directed to meet at least twice a year in a forum open to the public. I fully intend and expect that as the Board creates its recommendations it will give ample weight to the views and concerns of the Consumer Advisory Council, as it is consumers that will ultimately be impacted by the decisions of the Independent Payment Advisory Board.

The Board and the Consumer Advisory Council must engage in an open and transparent decision making process, with ample opportunity for input from Medicare beneficiaries as well as other health care stakeholders as is intended by this legislation.

GLOBAL INTERNET FREEDOM CAUCUS

Mr. KAUFMAN. Madam President, yesterday I was joined by Senators BROWNBACK, LIEBERMAN and CASEY, in introducing the newly formed Senate Caucus for Global Internet Freedom. I ask unanimous consent that the text of my comments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BROWNBACK and I created this caucus—together with Senators DURBIN, LIEBERMAN, CASEY, MCCAIN, JOHANNS, BARRASSO, MENENDEZ, and RISCH—to promote the right to free expression, free press, free assembly, and free speech via the Internet and other forms of connective technology.

The Internet has presented infinite opportunities for communication throughout the world. It is an incredible tool for reaching people of all nationalities, faiths, and ethnicities in their own language, and promoting new channels for education and news. The free exchange of ideas in a globalized world is essential to economic and political progress, and we are gathered here today to reaffirm our commitment to this issue.

The Caucus will provide bipartisan leadership within the Congress supporting robust engagement by the public and private sectors to secure digital freedoms throughout the world. Joining with our colleagues who have established a similar caucus in the House, the Senate will continue to advance global Internet freedom as an essential communications tool. The power to connect and access information is a fundamental right which we seek to protect, and the caucus establishes an additional vehicle for doing so.

Our goals are three-fold. First, we will continue to draw attention to this critical issue. Second, we will continue to highlight attempts by foreign governments to restrict the Internet through resolutions, legislation, and hearings. And third, we will continue to promote methods of evading Internet restrictions, including censorship circumvention technology and tools.

I emphasize that we will ''continue'' to take these steps because—while today marks the formal creation of the Caucus—this bipartisan group of Senators has been working to advocate for global Internet freedom for more than

a year. We have worked together to pass numerous resolutions supporting global Internet and press freedom, and highlighting restrictions in China and Iran. Many of us also authored the Victims of Iranian Censorship, or VOICE Act, which passed as part of the FY2010 Defense Authorization and was the only bill specifically regarding Iran signed into law last year.

The VOICE Act authorized funding for additional U.S. broadcasting into Iran and the development of censorship circumvention tools. This effort was spearheaded by Senators MCCAIN, LIEBERMAN, CASEY, GRAHAM and myself, while Senator BROWNBACK has worked to secure funding for such technology in consecutive Foreign Operations Appropriations spending bills.

The 111th Congress, with strong bipartisan support, has done more to promote Internet freedom than any other Congress in history. We have set a standard that places cyber-journalists on equal footing with the broadcast and print press; we have funded the dissemination and use of censorship evasion technology at an unprecedented level; we have made Internet freedom a foreign policy priority and an integral part of the international agenda on human rights; and we will continue to take important policy positions on this pressing issue.

More remains to be done, and the caucus will fill that role. Internet restrictions, censorship, manipulation, and monitoring continues to rise in China, Iran, and elsewhere around the world. The annual Freedom House Freedom of the Net Report shows a decline of digital freedom every year. Nations around the world are using sophisticated censorship techniques and abusing national security laws to crackdown on access to web-based information, communication, and news.

Today, we reaffirm our commitment to this cause, and look forward to continuing to work together to promote Internet freedom around the globe.

189TH ANNIVERSARY OF GREECE'S INDEPENDENCE

Ms. SNOWE. Madam President, I rise today to commemorate the 189th anniversary of the day in 1821 when the people of Greece declared independence from the Ottoman Empire, launching the country's heroic 8-year struggle to end centuries of political, religious and cultural repression of their proud and ancient culture. This is a truly cherished milestone for the Greek people, Greek Americans, and for all the friends of Greece around the globe.

The ancient Greeks developed the concept of democracy, in which the supreme power to govern is vested in the people, and it was based on this political model and philosophy that our Founding Fathers formed our democratic republic. Today, our two nations are not only faithful allies, but also close friends bound by a shared heritage of democratic values and together we are at the forefront of freedom, democracy, peace, stability, and human rights.

Nearly two centuries after the rebirth of Greek independence, there is much to celebrate, but there are also many significant challenges which we face in the 21st century. Ongoing provocations by Turkey in the Aegean and irredentist actions by the Former Yugoslav Republic of Macedonia thwart Greece's quest for a stable southeastern Europe free of past centuries' often devastating territorial disputes. Protecting the Ecumenical Patriarchate of Constantinople the leader of Greek Orthodox Christians around the world from persecution, and ending the illegal occupation of the north of Cyprus remain as enormous imperatives that will require constructive engagement and a strong commitment from those willing to champion human rights.

Overcoming these hurdles will require us to strengthen the relationship that exists between our two great nations, so as to defend our foundational principles and ensure our vitality in the centuries to come. On this anniversary of Greek independence, let us not only celebrate and congratulate our friends in Greece, but also rededicate ourselves to bolstering the relationship that exists between our countries.

Madam President, as the first Greek-American woman elected to both the U.S. House and U.S. Senate, I extend my warm congratulations and best wishes to the people of Greece and all Greek Americans as we celebrate the 189th anniversary of Greece's independence.

RED CROSS MONTH

Mr. LEMIEUX. Madam President, I rise to commemorate Red Cross Month. The American Red Cross is an exceptional organization, dedicated to helping people in time of need and providing a level of services that no other agencies provide. Led by volunteers and guided by its Congressional Charter and the Fundamental Principles of the International Red Cross Movement, this group provides relief to victims of disaster and helps people prevent, prepare for and respond to emergencies.

The American Red Cross has an expansive and influential reach around the globe and in our neighborhoods at home. From assisting victims of house fires or catastrophic storms here in my home State of Florida to helping those affected by the devastating earthquake that took place in Haiti a couple of months ago, the American Red Cross is there, mobilizing our fellow Floridians in its mission to alleviate human suffering and to assist us in disaster preparedness, lifesaving training and addressing an array of emergencies. Locally, the American Red Cross is also a leader in providing aquatic safety programs—something of great importance to the State of Florida. Every day the Red Cross trains our friends and neighbors in lifesaving CPR, first aid, swimming lessons, drowning prevention and water safety instruction.

Globally, the American Red Cross International Services Program reestablishes communication with loved ones separated by armed conflicts or natural disaster. Recently, the Red Cross provided family linkages from Haiti earthquake survivors to family members living abroad. In addition, our American Red Cross is unique in its mission to use archives located around the world to trace missing Holocaust family members.

A community-funded and supported organization, the American Red Cross provides around-the-clock emergency services, every day, 24/7. When the American Red Cross arrives on the scene, its staff and volunteers are armed with compassion and support. As we saw during the response to the earthquake in Haiti, you can always count on our Florida chapters of the American Red Cross to be in the forefront when our community needs them, time and time again.

I am proud to join with my colleagues in recognizing the Red Cross and thanking the staff and volunteers for their many contributions to our neighborhoods, communities and State.

TRIBUTE TO LANCE MACKEY

Ms. MURKOWSKI. Madam President, I am excited today to congratulate Alaskan dog musher Lance Mackey and his team of dogs that carried him across the Iditarod finish line for a first-place finish in Nome, AK, at 6:59 p.m. on March 16, 2010. The Iditarod is known as the toughest race on Earth. The trail spans across a significant portion of Alaska, and is roughly 1,100 miles long. The race begins in Willow, AK, and mushers cross the finish line in Nome—a small community on the coast of Norton Sound of the Bering Sea. Mackey and his team rode into Nome just 51 seconds short of 9 days on the trail—this is the second fastest time in the 38-year history of the race. He crossed the finish line with 11 of the 16 dogs he started the race with—tired but still strong after the 1,000-mile journey. This victory landed Mackey his fourth win in a row—a title no Iditarod musher has claimed before.

Mackey's trademark strategy of long runs and little or no rest has consistently landed him victories over the other faster dog teams competing against him. His lead dogs this year, or superstars as he calls them, are named Maple and Rev. Alaskans and fans of this great race are well aware that in order to race among the great dog mushers, a pair of lead dogs with endurance and good judgment is just as important as a strong musher. The Iditarod is not for the faint of heart—the trail is made up of some of the harshest terrain in North America and if the musher and his lead dogs are not in sync, there are about a million things that can go wrong. Mackey has

shown a true bond with his team of dogs year after year, and this race was no different.

Lance Mackey's story is not only amazing because of his determination and skill in the sport of dog mushing but his victories over personal life challenges which are also significant. He is a cancer survivor—a victory that preceded his success in the sport of dog mushing. Lance is a lifelong Alaskan and a friend to many. He married his high school sweetheart and they have four children together. His family cheered him on as he took first, and was by his side when he was diagnosed with throat cancer after finishing the 2001 Iditarod race, where he took 36th place. After that race, Lance did not give up. He had extensive surgery and radiation and competed again the very next year. Although he had to drop out of that race to take time off to recover from his cancer and the surgery, Mackey's dedication and love of the sport is clear. He is now cancer free.

Mackey went on to win the Yukon Quest several times, one of the two major sled dog races in Alaska. In 2007 and 2008, he won both the Yukon Quest and the Iditarod, two incredibly difficult races, with only a week and a half in between each race to rest before he moved on to the next event. For the first time in the history of the races, Lance had won both, and he did so 2 years in a row.

I would like to take a moment to highlight just how unique this sport is—not only to Alaska, but to America as well. The Iditarod and the Yukon Quest are the world's two longest sled dog races. Both races span over 1,000 miles of rugged mountains, frozen tundra, and dense forests. These races truly know how to test a man or woman's dedication and determination. Not only does the ruthless terrain of Alaska pose immense obstacles to the mushers, but weather can be a major deterrent. Temperatures on the trail during the race have dropped down to 30 below zero. I don't know how many Members in this Chamber have experienced 30 below zero weather, but I can assure you it is no cakewalk. When that wind kicks up, gusts can shoot down through valleys and across the tundra at 100 miles per hour. You can imagine what the wind chill factor is as you are racing a dog sled team across vast open spaces for 1,100 miles. To give you an idea of just how long this race truly is—the distance between this Chamber here in Washington and Miami, FL, would fall roughly 100 miles short of the length of the trail. And the Iditarod trail spans only a mere portion of our great State.

The Iditarod commemorates the diphtheria serum relay that took place in 1925. The diphtheria vaccine was needed in Nome to counteract an outbreak that was threatening the community. Alaskan mushers came together and ran a series of dog teams to Nome carrying the vaccine to save the lives of those who were infected. This story is treasured in Alaska and each year, during the Iditarod, we remember the true spirit of the Alaska Natives and early pioneers and the obstacles they faced and ultimately overcame.

Today, the Iditarod is no longer run as a relay, but it is a race of individual dog sled teams. The Alaskan wilderness the teams travel through is as exceptionally beautiful as it is difficult. Mackey said after his win that this was the most tiring race yet for his team, and also the toughest in terms of competition. Rookie musher Pat Moon crashed after hitting a tree and falling unconscious and Bruce Linton of Kasilof, AK, who is diabetic, reported that his insulin froze while mushing along the Yukon River. Sixteen of the original seventy-one mushers dropped from the race this year. Many dogs, including five from Mackey's team, were dropped from the race and sent to Anchorage to await their mushers to return. Hans Gatt of Whitehorse, Canada, also a Yukon Quest winner, trailed Lance Mackey by only an hour. He was followed by Jeff King, a four-time Iditarod winner.

Mackey says that what he does well is understand his team, allowing for calculated risks that can change a race in an instant. He said:

> I don't think that I do anything with my running to jeopardize the dogs, or the future of the dogs. I gamble but I'm not going to win the Iditarod at the expense of my team.

Lance Mackey, like all mushers, cares deeply for the health and condition of their four-legged athletes. Last year the Anchorage Daily News stated while covering the race:

> A musher doesn't win by making dogs run. He wins by making dogs want to run.

Lance describes working with his dogs this way:

> The biggest challenge working with a large team of dogs is the individual personalities. Like a classroom full of kids, all with issues, wants, questions, some barking wildly to get my attention, and then there are some who just do what needs to be done and require only a nod or a smile. Every dog is different. Every need is different. That is what I love. The reward is seeing them all come together as a team working for a common goal.

I had the opportunity when I was up in the State for the ceremonial start of the Iditarod to go around and talk with the mushers and visit with the dogs. You can really tell how close the mushers are with their teams and when they come together as a team they can truly go the distance. We should acknowledge and respect them.

On Tuesday, March 16, thousands gathered at the famous burled wood arch on Front Street in Nome, AK, to cheer on Lance Mackey as his dogs carried him to victory over his talented competitors from all over the world. It is my honor today to stand before the Senate to congratulate Lance Mackey and his team, and to recognize this amazing race. The only one of its kind. Lance continues to be a world-class musher and a true Alaskan hero, along with his remarkable team. I join Alaskans in congratulating Lance Mackey on yet another Iditarod victory.

RECOGNIZING MIDDLETON, IDAHO

Mr. RISCH. Madam President, today I congratulate and acknowledge the 100th anniversary of the founding of the city of Middleton, ID. On April 10, 2010, the citizens of Middleton will gather at Roadside Park to commemorate the 100th year of its founding. This is a very historic and special day for this western Idaho community.

From its early days as a settlement in 1863, Middleton's history has embodied the frontier spirit and entrepreneurship that makes the United States a promised land of opportunity. After a gold rush struck Boise Basin, Middleton became the earliest settlement in what is now Canyon County. Middleton was named for its location on the old Oregon Trail midway between Boise City and Olds Ferry on the Snake River.

Primarily an agricultural community, Middleton became a center for milling in the West in 1871 when J.M. Stephenson and J.C. Isaacs opened their flour mill. The turn of the century brought the Idaho Northern Railway to Middleton and with it a bank, hotel and other business development. A few short years later, the town was officially incorporated on April 10, 1910.

Today, Middleton remains rooted in agriculture with potatoes, sugar beets, corn, mint, grains and dairy among its products. At the same time, it is one of Idaho's fastest-growing communities with greater portions of the Treasure Valley workforce moving there to enjoy the amenities of country living and small-town friendliness.

In 2006, Middleton celebrated the election of a hometown girl, Donna Jones, Idaho's first female State controller. Donna was raised in Middleton, went to school there, and married in the historic Methodist church.

Middleton gained national prominence in the summer of 2007, when the community came together to build a home for the Stockdale family on the television show ''Extreme Makeover Home Edition.'' Over the course of a week, hundreds of volunteers worked side by side in 100-degree heat to accomplish the task, demonstrating the true spirit of their community.

Middleton has much to celebrate and look forward to in its next century as it provides important goods and services at home and abroad. Congratulations to the city of Middleton for 100 years of service and success.

ADDITIONAL STATEMENTS

REMEMBERING MIDGE COSTANZA

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in paying tribute to Midge Costanza, a dear friend and great American who passed away this week. This woman of

great passion, compassion, vitality, kindness, and commitment died after a long battle with cancer in San Diego, CA, where she had lived and worked for the past 20 years.

I first heard of Midge in 1976, when President-elect Jimmy Carter made history by making her the first woman ever named Assistant to the President. As President Carter's public liaison, she reached out to Americans who had previously been denied access to the White House.

By the time I first ran for Senate in 1992, Midge had moved to San Diego, where she worked tirelessly on behalf of my campaign. She ran our San Diego office, introduced me to local leaders, and often spoke on my behalf at rallies and other speaking engagements. She was a riveting speaker who inspired even the toughest crowd.

The daughter of Sicilian immigrants, Midge was born in 1932 in LeRoy, NY, and grew up in Rochester. After high school, she went to work and became active in several community organizations. Soon she was volunteering for Democratic political campaigns, including Averell Harriman's successful campaign for governor of New York. In 1964, she served as the Monroe County director for Robert F. Kennedy's Senate campaign.

Midge served a member of the Democratic National Committee from 1972 to 1977. In 1973, she ran for an at-large seat on the Rochester City Council and won in a landslide. In 1974, she lost a congressional race to a popular Republican incumbent. Two years later, she served as State cochair for Jimmy Carter's Presidential campaign. At the 1976 Democratic National Convention, she gave an inspiring speech seconding Carter's nomination.

After leaving the White House, Midge served on the board of directors for several organizations, including the National Gay Rights Advocates and the AIDS research group Search Alliance.

Following my 1992 campaign, Midge worked on the 1994 campaigns of gubernatorial candidate Kathleen Brown and Congresswoman Lynn Schenk. Over the years, she also coached many candidates in strategy and public speaking.

In 2000, she was appointed Special Assistant to the Governor by California Governor Gray Davis and served as his liaison for women's groups and issues.

Since 2003, Midge has been an adjunct professor at San Diego State University and established the Midge Costanza Institute for the Study of Politics and Public Policy at SDSU.

For the past 5 years, Midge has served as public affairs officer for San Diego district attorney Bonnie Dumanis. Last year, when she and the district attorney visited my Washington office, we shared some laughs and stories about our early days together.

Shortly before Midge died, she received a call from President Carter, who expressed his love for her and his gratitude for her outstanding service to the Nation. Today I want to echo those sentiments and bid a fond farewell to my dear friend Midge Costanza. Midge was a great role model for women in public service. Her insight and wit will be missed by all of us who knew her.●

REMEMBERING DR. EDGAR WAYBURN

● Mrs. BOXER. Madam President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary environmental pioneer and wilderness champion, Dr. Edgar Wayburn. Ed was a soft spoken yet remarkably successful conservationist whose legacy is enjoyed by millions. Ed passed away on March 5, 2010, at his home in San Francisco at the age of 103.

Born in Macon, GA, in 1906, Ed made his first trip to California in 1927, at the age of 21. He was immediately struck by the awe-inspiring vistas of Yosemite National Park and the Sierra Nevada. He was captivated by the majestic beauty of California and knew he would one day return. After graduating from Harvard Medical School, Ed served in the U.S. Air Force during World War II. In 1939, Ed joined the fledgling Sierra Club, an organization he would later serve as the president of five times. By 1947, Ed was living in the San Francisco Bay area and had grown active in efforts to protect the beautiful landscapes of coastal California.

Ed's career in conservation spanned 60 years, during which he was never compensated financially for his efforts. Ed maintained his private medical practice while dedicating evenings, weekends, and vacation time to his relentless pursuit of protecting lands for public enjoyment. In California, Ed was instrumental in the creation of Redwood National Park, the Golden Gate National Recreation Area, and Point Reyes National Seashore. Working tirelessly alongside the late Congressman Phil Burton, Ed won support for protecting these parks, which today are some of my great state's most revered natural treasures.

Ed's environmental legacy stretches far beyond California. He and his beloved wife Peggy, who passed away in 2002, worked tirelessly to protect the Alaskan wilderness. After Ed and Peggy's first life-changing visit to Alaska, they inspired a national campaign that ultimately culminated in the passage of the Alaska National Interest Lands Conservation Act, signed into law by President Carter in 1980. As a result, the National Park system nearly doubled in size, adding 10 new national parks with the stroke of the President's pen. To this day, the Alaska Lands Act is the largest public lands legislation in the history of the United States.

Ed Wayburn possessed a deep understanding of the value of our public lands and precious wild places. In Ed's 2004 publication ''Your Land and Mine,'' he states that ''in destroying wilderness, we deny ourselves the full extent of what it means to be alive. In preserving wilderness, we not only recognize our place in the chain of life, but we also invite ourselves to reach, to explore, to wonder, and to make a difference.'' Ed held an unshakable belief in the natural world's ability to provide humanity with critical opportunities for introspection and inspiration. As a doctor, Ed understood the connection between an individual's well-being and the health of the environment. As a leader, he understood the importance of providing the public with wild places to foster that connection.

In August of 1999, President Clinton presented Ed with the Presidential Medal of Freedom. President Clinton said of Ed, ''He has saved more of our wilderness than any person alive.'' The Presidential Medal of Freedom is the highest civilian honor an American can receive, and signifies the magnitude of the legacy left to us by this great and humble man.

Ed has left an indelible mark on the landscape of America. He was a compassionate physician, an inspiring conservationist, and a wonderful family man who served his country both in and out of uniform. Though he will be deeply missed, Ed has left us with so many priceless gifts. The parks he helped to build, and the lands he helped to protect, will be enjoyed by Americans and visitors to our great nation for many generations to come. And as our world continues to change, and wild places grow increasingly rare, the gifts that Ed bestowed upon us will become evermore valuable.

Ed is survived by his daughters Laurie, Cynthia, and Diana; his son William; and his three grandchildren. My thoughts and prayers are with Ed's family during this difficult time.●

REMEMBERING THOMAS F. STROOCK

● Mr. ENZI. Madam President, Diana and I, along with so many of our neighbors, family and friends from every corner of Wyoming were very sorry to learn of the passing of Thomas Stroock. Tom was one of Wyoming's most remarkable citizens, a rugged individualist who wore many hats in life and traveled many roads—all of which always brought him back to the State he loved and called home—Wyoming.

God puts us where He wants and needs us to be and how what we do—and what we fail to do—can have a great impact on the world around us and make the lives of all those we meet very different than they might otherwise have been. That is the kind of lesson you could draw from the life of Thomas Stroock. Born in New York City, Tom quickly showed the kind of character and values that would guide him throughout his many chosen careers. He was an excellent student, and

when the opportunity presented itself, he enrolled at Yale University, and then enlisted in the U.S. Marine Corps so he could serve his country at a time when tensions were running high around the world.

After he completed his service in the Corps and graduated from Yale, he made what he would always say was the most important and the smartest move of his life when he married Marta. Marta was to be a strong and powerful influence as she helped to give his life balance and direction. Thus began a marriage that was to last for 60 years.

Now that Tom had found the love of his life, it was time for Tom and Marta to start making plans for their lives together. A business opportunity had brought them to Casper, WY, but they had no plans to stay. Fortunately, the beauty of the surrounding area, and the spirit and hospitality of the people they met soon changed their minds. So much so that when Tom's employer wanted to transfer him from Casper he decided instead to try his hand at running his own firm. That is how the Stroock Leasing Corporation came to be born.

Tom, to no one's surprise, soon proved to have an excellent mind for business. In just a few years, Tom had founded other business entities and he was making even greater strides on the path to success.

For many people that would have been enough. They would have been content to just sit back and enjoy all that life had already brought their way. That is how it would have been for most people, but not for Tom and Marta.

Tom's unshakeable determination to do everything he possibly could to improve the lives of those around him—to make his part of the world a better place wherever he happened to be—which had always served as his internal compass—now became stronger than ever. It became part of his personal mission statement that he worked very hard to fulfill time and time again, at home and abroad.

That is why, now that his businesses were doing so well, Tom decided to take that philosophy to the next level. He ran for and won a seat on the Natrona County School Board so he could help to make the local schools more effective and efficient. Tom knew from his own life the benefits that a good education can provide and he wanted all of our state's young people to have that same chance.

Then, after serving on the school board, he was elected to represent Natrona County in the Wyoming State Senate—a post to which he was reelected several times. In both positions Tom showed that he was a master strategist. In the State legislature, no one ever paid closer attention to Wyoming's resources and our stream of revenue than Tom did. He watched every penny—how each one was earned and how each one was spent. Wyoming was then placed on better and more sound financial footing because of what he did.

Throughout his life Tom was profoundly influenced by his years at Yale. It was there that he met George H.W. Bush and the two soon became good friends. He must have been impressed with Tom because, when he was elected President and the opportunity presented itself, he named Tom Stroock to serve as our Ambassador to Guatemala.

Tom preferred Guatemala to the other available posts because it was in the midst of a great civil war and of all the nations in the area, Tom felt that he could do the most good there.

At the conclusion of his service in Guatemala, Tom and Marta headed right back home to Wyoming. To no one's surprise, Tom hit the ground running and was once again involved in a wide variety of issues that ranged from the status of our energy industry to the future of the University of Wyoming. He even wrote some guest columns for the Star-Tribune. Never one to mince words or water down his ideas and views, his columns often raised eyebrows—and the attention of people with other points of view!

During these years, he also found the time to start and fund the Stroock Forum on Wyoming Lands and People. The Forum, which was held every year, brought an interesting speaker to Wyoming to share their views on many different issues.

As we look back in the years to come, we will always remember Tom as one of our state's strongest leaders. He led the best way—by example—and by so doing encouraged others to follow his lead and do their best at whatever they felt called to do in life.

Tom's service can best be summed up by the words Mike Leon of Sheridan used when he was in the Legislature to emphasize the importance of maintaining the individuality of our state. Tom quoted them himself in one of his speeches—''We don't want to make Wyoming like every place else, when every place else wants to be just like Wyoming.''

That was Tom's No. 1 goal in life—to make things better in Wyoming or wherever he happened to find himself, but, as he did, to ensure that each place maintained its own style and character so that it would never become a place that was just like every other.

In their travels, and throughout their lives, Tom and Marta have made everywhere they have been a better place for their having passed by. Together they were a remarkable team and they produced tremendous results and touched more lives than we will ever know.

Diana and I join with all those who knew and loved Tom in expressing our great sympathy for the loss we all share. We will keep all of Tom's family, his many friends and all those who were a part of his extended family in our prayers. He has gifted our state and our people with a legacy of which we can all be very proud. He will be greatly missed and he will never be forgotten.●

CONGRATULATING STEVENS POINT POINTERS

● Mr. FEINGOLD. Madam President, I am pleased to offer my congratulations to the University of Wisconsin—Stevens Point Pointers men's basketball team on capturing their third national title after their exciting win in the 2010 NCAA Division III Basketball Championship. The Pointers' hard work year-round has made them widely respected, and this achievement has made many Wisconsinites and Pointers fans very proud.

The team's perseverance and commitment to excellence throughout the season were on display during their journey to this year's title game, where guts and determination produced a thrilling game from start to finish. Despite being down by 10 points in the second half, the Pointers came back and defeated Williams College 78–73 to win the title and finish the year with a record of 29–4.

These remarkable student-athletes, as well as Coach Bob Semling and his coaching staff, have continued the Pointers' winning tradition and admirably represented Wisconsin at the very highest levels of athletic competition. The Pointers represent the best of Wisconsin's competitive spirit. Congratulations once again to the University of Wisconsin—Stevens Point community, and Head Coach Bob Semling, Assistant Coaches Lance Randall and J.R. Blount, and the student athletes of the 2010 NCAA Division III Champions Pointers basketball team.●

RECOGNIZING WASHBURN & DOUGHTY ASSOCIATES, INC.

● Ms. SNOWE. Madam President, today I honor a small business in my home State of Maine that has faced substantial adversity and demonstrated incredible resolve and determination. Located on the beautiful Damariscotta River in midcoast Maine, Washburn & Doughty Associates, Inc., has manufactured steel and aluminum commercial vessels since 1977. Founded by Bruce Doughty, Bruce Washburn, and Carl Pianka, the company delivers an assortment of tugboats, commercial passenger vessels, fishing boats, barges, ferries, and research vessels to a wide variety of clients.

In July of 2008, at their facility in East Boothbay, a fire torched the company's central construction location, leaving the operation in shambles. The company faced a steep uphill climb as they began seeking grants, loans, and insurance funds to recover their operation. Following the blaze, the company battled the Maine winter and forged ahead to continue building its vessels outdoors.

With fortitude and grit the company was the only boatyard in Maine to win

a grant under the American Recovery and Reinvestment Act. The boat maker earned a $2.6 million grant under the Maritime Administration's Small Shipyards Grant Program which it has put to use in helping to design a new, state-of-the-art construction building. The spacious facility, which was unveiled in September of last year, measures 42,000 square feet and is able to maneuver vessels up to 200 feet long and 50 feet wide. It features two construction bays, each equipped with two, 20-ton cranes. A central mezzanine contains shop space and offices for production support, supervision, design, and engineering. The company also purchased modern shipbuilding tools and equipment to sharpen their boatmaking skills.

In conjunction with this critical Federal aid, many members of the local community collaborated to help the company, raising an astonishing $140,000 to help replace tools and provide general assistance to the employees. Indeed, the town of Boothbay joined countless organizations like the Boothbay Harbor Region Chamber of Commerce and the Boothbay Region Land Trust to support Washburn & Doughty and its outstanding workers. Their working in concert is truly a testament to Maine's culture of cooperation and its deep sense of community values.

Since the fire of 2008, Washburn & Doughty Associates, Inc. has rebounded at an incredible pace. Late last year, the company posted positive job growth, having gone from 92 employees during early 2008 to 125 employees at present. This 35-percent increase in employment can be directly attributed to the steely resolve and dedicated work ethic of the men and women of Maine's working waterfront.

Undeniably, Bruce Doughty and Bruce Washburn embody these attributes as evidenced by their deep and abiding commitment to the firm's dedicated workforce and their unwavering resolve to rebuild. When times were bleak, they maintained their unyielding focus, and despite encountering countless hurdles along the way, persevered, rebuilt the company, and further solidified its reputation as one of the top steel construction shipyards in the Northeast. I applaud the strong efforts of everyone at Washburn & Doughty to rebuild their company in such an impressive manner, and wish them a smooth road forward full of success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:56 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 bills, in which it requests the concurrence of the Senate:

H.R. 1879. An act to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the ''James Chaney, Andrew Goodman, and Michael Schwerner Federal Building''.

H.R. 4098. An act to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes.

H.R. 4899. An act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010.

At 12:35 p.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. 4849. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes.

At 5:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

At 9:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the amendments of the Senate to the bill (H.R. 4872) entitled ''An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1879. An act to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; to the Committee on Veterans' Affairs.

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the ''James Chaney, Andrew Goodman, and Michael Schwerner Federal Building''; to the Committee on Environment and Public Works.

H.R. 4098. An act to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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–5206. 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 ''Cloquintocet-mexyl; Pesticide Tolerances'' (FRL No. 8816–3) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5207. 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 ''Clopyralid; Pesticide Tolerances'' (FRL No. 8814–2) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5208. 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 ''Ammonium Salts of Fatty Acids (C8–C18 Saturated); Exemption from the Requirement of a Tolerance'' (FRL No. 8809–6) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5209. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Chief Management Officer, Department of Defense, received in the Office of the President of the Senate on March 24, 2010; to the Committee on Armed Services.

EC–5210. A communication from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting, pursuant to law, the annual National Guard and Reserve Equipment Report for fiscal year 2010; to the Committee on Armed Services.

EC–5211. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to the Department's annual audit of the American Red Cross consolidated financial statements for the year ending June 30, 2009; to the Committee on Armed Services.

EC–5212. A communication from the Deputy to the Chairman for Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Deposit Insurance Regulations; Temporary Increase in Standard Coverage Amount; Mortgage Servicing Accounts; Revocable Trust Accounts; International Banking; Foreign Banks'' (RIN3064–AD36) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments and an amendment to the title:

S. 1635. A bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes (Rept. No. 111–166).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1830. A bill to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David A. Capp, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Anne M. Tompkins, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Kelly McDade Nesbit, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

Peter Christopher Munoz, of Michigan, to be United States Marshal for the Western District of Michigan for the term of four years.

(Nominations without an asterisk were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. SANDERS, Mr. MERKLEY, and Mr. CARDIN):

S. 3164. A bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 3165. A bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself, Mr. KYL, Mr. MENENDEZ, Mr. WICKER, Mr. KERRY, Mr. COCHRAN, Ms. LANDRIEU, Mr. BURR, Mrs. GILLIBRAND, Mr. BOND, Mr. NELSON of Florida, Mr. LEMIEUX, Mrs. LINCOLN, Mr. SPECTER, Mr. LIEBERMAN, Mr. DODD, Ms. CANTWELL, and Mr. VITTER):

S. 3166. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for persons with investment losses due to fraud or embezzlement; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. COBURN):

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY:

S. 3168. A bill to authorize the Secretary of the Interior to acquire certain non-Federal land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY:

S. 3169. A bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender Supervision on policies and minimum standards to better protect public and officer safety; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. INOUYE):

S. 3170. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. RISCH):

S. 3171. A bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself and Mr. KERRY):

S. 3172. A bill to support counternarcotics and related efforts in the Inter-American region; to the Committee on Foreign Relations.

By Mr. COBURN:

S. 3173. A bill to fully offset the cost of the extension of unemployment benefits and other Federal aid; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3174. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice-President, Members of Congress, political appointees, and congressional staff; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MURKOWSKI:

S. 3175. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. SPECTER, and Mrs. MURRAY):

S. 3176. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. WARNER, and Mr. GRAHAM):

S. 3177. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, Mrs. GILLIBRAND, and Mr. UDALL of New Mexico):

S. 3178. 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 Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 3179. A bill to amend the Public Health Service Act to designate certain medical facilities of the Department of Veterans Affairs as health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEMIEUX (for himself, Mr. HATCH, Mr. SESSIONS, Mr. WICKER, and Mr. COCHRAN):

S. 3180. A bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. 3181. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3182. A bill to provide for equal access to COBRA continuation coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. MENENDEZ):

S. 3183. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. BROWNBACK, and Mr. CARDIN):

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3185. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 3186. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes; considered and passed.

By Mr. ROCKEFELLER:

S. 3187. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; considered and passed.

By Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. BEGICH, and Mr. CRAPO):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND):

S. Res. 469. A resolution recognizing the 60th Anniversary of the Fulbright Program in Thailand; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. BYRD, and Mr. HARKIN):

S. Res. 470. A resolution recognizing the 40th anniversary of the date of enactment of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. DODD, Ms. COLLINS, and Mr. LEMIEUX):

S. Con. Res. 56. A concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1500

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1500, a bill to amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 2728

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2728, a bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent.

S. 2985

At the request of Mr. PRYOR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2985, a bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Startup Savings Account.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. AKAKA) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3081

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S. 3081, a bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes.

S. 3123

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3123, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

S. 3148

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3148, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage.

S. 3162

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3162, a bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

AMENDMENT NO. 3574

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3574 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3575

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3575 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3697

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 3165. A bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to join the Committee's Ranking Member, Senator OLYMPIA SNOWE of Maine, and my distinguished colleague from Illinois, Senator RICHARD DURBIN, in introducing the Small Business Community Partners Relief Act of 2010. This bi-partisan legislation will provide much-needed relief to Women's Business Centers, WBCs, and SBA Microloan intermediaries—two Small Business Administration, SBA, resource partners that provide critical assistance to our Nation's 29 million small businesses.

For my colleagues who may not be familiar with these programs, let me first explain the vital role of WBCs and Microloan intermediaries and the importance of aiding the small businesses these centers target.

Women's Business Centers provide quality counseling and training services to all entrepreneurs, primarily women, and especially those who are socially and economically disadvantaged. More than 110 centers across the country help more than 150,000 clients annually on a vast array of topics—from how to write a business plan to where to get financing. Many WBCs provide multilingual services and a number offer daycare services, allowing mothers with children to attend training classes.

Microloan intermediaries provide small, short-term loans to start-ups or small growing firms that cannot access credit through traditional loan programs. Like WBCs, the 160 Microloan

intermediaries throughout the nation also help entrepreneurs manage their start-up and expand while creating or saving thousands of jobs. Also like WBCs, the Microloan intermediaries tend to serve disadvantaged businesses in areas of the country that have been hit the hardest by the recession. About 48 percent of microloans go to small businesses owned by women, and about 53 percent to minority-owned small businesses.

Aiding women and minority small business owners is vital to the economic success of our nation because women-owned and minority-owned businesses are the fastest growing segments of the small business community—creating hundreds of thousands of jobs. Women-owned businesses contribute nearly $3 trillion to our economy and create or save 23 million jobs each year, according to the Center for Women's Business Research. Minority-owned firms contribute nearly $700 billion to the economy and create or save 4.7 million jobs, according to the Department of Commerce's Minority Business Development Agency.

While minority and women-owned firms do contribute greatly to the economy, they still need our help. Even though the number of minority-owned firms has grown by 35 percent, the average gross receipts for those firms dropped by 16 percent. Women-owned firms meanwhile have lower revenues and fewer employees than their male-owned counterparts—although 6 percent of men-owned businesses have revenues of $1 million or more, only 3 percent of women-owned firms reach the $1 million marker.

In this economic downturn, minority and women-owned businesses are struggling even more than usual. When they go to their local WBC or Microloan intermediary they are finding these centers of aid and counseling struggling as well. That's because, in order to receive Federal money, the centers and intermediaries must also find matching local funds. This funding often comes from local governments, universities and private entities. But these partners have had to tighten their belts, cutting much of their funding to the WBCs and Microloan intermediaries.

Without matching funding from their local partners, some WBCs and Microloan intermediaries have had to reduce or refuse Federal money. Nine WBCs have closed or requested reduced funding in the last year and many intermediaries are struggling to keep their doors open, even in the face of record demand for their services.

The Small Business Community Partner Relief Act would enable the SBA Administrator to temporarily waive the non-Federal match funding requirement, allowing struggling WBCs and Microloan intermediaries to receive the full amount of Federal support available. This change will make it possible for the centers and intermediaries to continue serving those small businesses that need help the most in these difficult times.

I look forward to working with Ranking Member SNOWE, Senator DURBIN and my colleagues in the Senate to make this necessary change a reality for the hundreds of centers and intermediaries throughout the country, and the millions of small businesses that rely on these programs to help them survive, grow and create jobs.

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. 3165

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 ''Small Business Community Partner Relief Act of 2010''.

SEC. 2. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking ''As a condition'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition'';

(B) by striking ''the Administration'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.''; and

(2) in paragraph (4)(B)—

(A) by striking ''As a condition'' and all that follows through ''the Administration shall require'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require''; and

(B) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.''.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking ''As a condition'' and inserting ''Subject to paragraph (5), as a condition''; and

(2) by adding at the end the following:

''(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

''(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may not waive the requirement for a recipient organization to obtain non-Federal funds under this paragraph for more than a total of 2 fiscal years.

''(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

''(i) the economic conditions affecting the recipient organization;

''(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

''(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

''(iv) the performance of the recipient organization.

''(C) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.''.

By Mr CARPER (for himself and Mr. COBURN):

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I introduce the Census Oversight Efficiency and Management Reform Act of 2010.

With exactly one week left until Census Day, I think we can all take pride in the excellent work that the Census Bureau has done over the past few months to get the 2010 Census back on

track. The Census Bureau's significance and the importance of its work cannot be overstated.

In fact, the requirement to enumerate the population is enshrined in the American Constitution. And the founding fathers asked us to do this each 10 years, as a cornerstone of their aspiration for effective representative democracy. They even went so far as to levy a $20 fine for noncompliance in 1790. They knew the fairness of our government required everyone to participate in the census.

Over the time, the Census process and procedure has changed remarkably from when the very first Census was conducted on horseback to today where Census workers utilize cutting edge technology to collect and transmit data. Even as the technology surrounding the Census has evolved the importance of its work has remained constant throughout American history. Yet despite its critical importance, the past three censuses have been deemed ''at risk'' and have been the subject of great controversy under Democratic and Republican administrations alike.

Just over 2 years ago, there were serious last-minute census design changes due to the failure of a project involving the census takers using handheld computers which threatened to derail the 2010 Census. Further, the cost of census taking has continued to escalate over the years. The cost of the 2010 Census is estimated to be $14.7 billion, making it the most expensive census in history.

Looking ahead, research and development for the 2020 Census is already underway and we must begin to think now about how we can advance the Census Bureau into a 21st century statistical agency.

The legislation that I am introducing today would make the Director of the Census Bureau a presidential appointment of 5 years, creating continuity across administrations. The bill would also require annual reporting on the Bureau's performance goals and risk mitigation strategies.

This will provide Congress with regular updates throughout the decade on the progress being made and an earlier warning when there are problems on the horizon. Further, encouraging the use of the Internet for data collection in the decennial census presents important opportunities for cost reductions and improvements in data quality.

I believe that these legislative reforms will ensure that the 2020 Census will be conducted without the operational problems we have seen in the past and with the most efficient use of taxpayer dollars possible.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3167

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 ''Census Oversight Efficiency and Management Reform Act of 2010''.

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; Deputy Director of the Census; authority and duties

''(a) DEFINITIONS.—As used in this section—

''(1) 'Director' means the Director of the Census;

''(2) 'Deputy Director' means the Deputy Director of the Census; and

''(3) 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

''(b) DIRECTOR OF THE CENSUS.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

''(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in management and experience in the collection, analysis, and use of statistical data.

''(2) GENERAL AUTHORITY AND DUTIES.—

''(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

''(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.

''(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

''(3) TERM OF OFFICE.—

''(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(C) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 30 days before the removal.

''(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

''(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

''(6) ADVISORY COMMITTEES.—The Director may establish advisory committees to provide advice with respect to any function of the Director. Members of any such committee shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

''(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

''(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

''(9) BUDGET REQUESTS.—At the time the Director submits a budget request to the Secretary for inclusion in the President's budget request for a fiscal year submitted under section 1105 of title 31, and prior to the submission of the Department of Commerce budget to the Office of Management and Budget, the Director shall provide that budget information to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, as well as the Committees on Appropriations of the House of Representatives and the Senate. All other budget requests from the Bureau to the Secretary shall be made available to the Committees on Appropriations of the House of Representatives and the Senate.

''(10) OTHER AUTHORITIES.—

''(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

''(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

''(c) DEPUTY DIRECTOR.—

''(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

''(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

''(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

''21. Director of the Census; Deputy Director of the Census; authority and duties.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

''§ 17. Annual reports

''(a) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

''(1) A description of the Bureau's performance goals for each significant decennial operation, including the performance measures for each operation.

''(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

''(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

''(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

''(5) A detailed description of all contracts over $50,000,000 entered into for each significant decennial operation, including—

''(A) any changes made to the contracts from the previous fiscal year;

''(B) justification for the changes; and

''(C) actions planned or taken to control growth in such contract costs.

''(b) For purposes of this section, the term 'significant decennial operation' includes any program or information technology related to—

''(1) the development of an accurate address list;

''(2) data collection, processing, and dissemination;

''(3) recruiting and hiring of temporary employees;

''(4) marketing, communications, and partnerships; and

''(5) coverage measurement.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

''17. Annual reports.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

By Ms. MURKOWSKI:

S. 3175. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation in the Senate that has already been introduced in the House of Representatives by Alaska Congressman DON YOUNG to clarify federal mining law and remedy a problem that has arisen with the extension process for ''small'' miner land claims.

Under revisions to the Federal Mining Law of 1872, 30 U.S.C. 28(f), holders of unpatented mineral claims must pay a claim maintenance fee originally set at $100 per claim by a deadline, set by regulation, of September 1st each year. Since 2004 that fee has risen to $125 per claim. But Congress also has provided a claim maintenance fee waiver for ''small'' miners, those who hold 10 or fewer claims, that they do not have to submit the fee, but that they must file to renew their claims and submit an affidavit of annual labor by Dec. 31st each year, certifying that they had performed more than $100 of work on the claim in the preceding year, 30 U.S.C. 28f(d)(1). The waiver provision further states: ''If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: cure such defect or defects or pay the $100 claim maintenance fee due for such a period.''

Since the last revision to the law last decade, there have been a series of incidents where miners argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff or for unexplained reasons the applications or documents were not recorded as having been received in a timely fashion—and that BLM has then moved to terminate the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM resulted in loss or the late recording of claim applications.

There have been a number of cases where Congress has been asked to override BLM determinations and reinstate mining claims simply because of the disputes over whether the claims had been filed in a timely manner. Congress in 2003 reinstated such claims in a previous Alaska case, and claims in another incident were reinstated following a U.S. District Court case in the 10th Circuit in 2009 in the case of Miller v. United States.

This bill is intended to short circuit continued litigation and pleas for claim reinstatement by clarifying the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should they not be received and processed by BLM officials. If all defects are not cured within 60 days—the obvious intent of Congress in passing the original act—then claims still will be subject to voidance.

The transition rule included in this measure will solve two pending cases in Alaska, one where a holder of nine claims on the Kenai Peninsula, near Hope, Alaska, has lost title to claims that he had held from 1982 to 2004. In this case, John Trautner had a consistent record of having paid the annual labor assessment fee for the previous 22 years and the local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline, not just a record that the affidavit of annual labor had arrived. In the second case Don and Judy Mullikin of Homer, Alaska, is in the process of losing title to nine claims on the Seward Peninsula outside of Nome in Alaska because the Anchorage BLM office has no record of them receiving the paperwork, even though the owners have computer time stamps of them having completed the paperwork five months before the deadline, but no other evidence of filing to meet BLM regulations in support of an appeal. These are claims that have been worked in Alaska yearly since 1937 and are the main livelihood for the Mullikins.

This legislation, supported by the Alaska Miners Association, clearly is intended to remedy a simple drafting error in congressional crafting of the small miner claim defect process. While only a few cases of potential clerical errors have occurred over the past decade, it still makes sense for Congress to clarify that claim holders

have a right to know that their applications have not been processed, in time for them to cure application-claim defects prior to being informed of the loss of the claim rights forever. Simple equity and due process requires no less.

Given the minute cost of this administrative change to the Department of the Interior, but its big impact on affected small mineral claim holders, I hope this bill can be considered and approved promptly this year.

By Mr. DURBIN (for himself, Mr. SPECTER, and Mrs. MURRAY):

S. 3176. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today I am introducing the Department of Justice Global Advisory Committee Authorization Act of 2010. This legislation will make it easier and less costly for local, state, tribal and federal agencies to share public safety and criminal justice information and to better protect our communities. I am pleased to be joined by Senator ARLEN SPECTER, the chairman of the Crime and Drugs Subcommittee, and Senator PATTY MURRAY in introducing this legislation. I look forward to working with all my colleagues to see it enacted into law.

Ensuring the public's safety often depends on effective information sharing. In recent years, criminal gangs, fugitives, illegal trafficking networks, cybercriminals and terrorist organizations have increased their ability to operate across jurisdictional boundaries. However, too often the public safety agencies charged with combating these threats have operated without all the information that should be available to them. Inconsistent information-sharing protocols and databases that are not interoperable with one another are barriers the law enforcement and public safety communities have identified. Quite simply, if we want to combat the threats of the 21st century, we need a 21st century information-sharing framework.

The U.S. Department of Justice has long recognized the need to bring law enforcement and public safety stakeholders together to take on this challenge of improving information sharing. In 1998, the Justice Department established the Global Justice Information Sharing Initiative Advisory Committee, also known as the ''Global Advisory Committee''. Chartered under the Federal Advisory Committee Act, the Global Advisory Committee brings together key representatives from law enforcement, judicial, correctional, and public safety agencies to advise the Attorney General on information-sharing policies, practices and technical solutions.

Over the years, the Global Advisory Committee has developed a strong track record of consolidating stakeholder views and developing consensus information-sharing solutions that local, state, tribal and federal agencies all agree upon. The Committee has recruited experts on a pro bono basis to develop new interoperable technological standards, and they have already developed a criminal justice information sharing standard—the Global Justice XML Data Model—and a broader justice and homeland security information exchange—the National Information Exchange Model—that enable agencies to convert their own database information into a common format which can be shared.

The Global Advisory Committee also created the ''National Criminal Intelligence Sharing Plan,'' a blueprint for agency intelligence-sharing procedures that has been endorsed by the Departments of Justice and Homeland Security. And the Committee has drafted ''Fusion Center Guidelines'' which have helped communities throughout the country establish information-sharing ''fusion centers'' for responding to security threats. The Justice Department plans to involve the Committee in crafting new information-sharing strategies and protocols for combating gang violence, improving correctional information, and sharing fugitive information.

In addition to its work developing information-sharing standards, the charter and bylaws of the Global Advisory Committee prioritize civil liberties and privacy protection and promote database security and shared information accuracy. The Committee has established a working group specifically dedicated to protecting privacy and information quality, and has also created resources to help jurisdictions develop privacy and civil liberties programs.

The Global Advisory Committee's work has already led to cost savings in the design and procurement of interoperable information systems. These cost-saving benefits are likely to grow if the Committee's information-sharing standards become increasingly adopted and if interoperability among local, state, tribal and federal databases increases. With Congress's help, the Committee can revolutionize efficient information-sharing among public safety and law enforcement agencies, which will both lower information technology costs and help prevent and fight crime.

While the Global Advisory Committee's value has been recognized throughout the law enforcement and public safety communities, it has not yet been recognized by Congress. The legislation I am introducing today will give Congress's blessing to the Committee by authorizing the Justice Department to provide it with technical and financial support and dedicated funding.

Currently, under the Federal Advisory Committee Act, the Global Advisory Committee must terminate and reestablish itself every two years, but my legislation will keep the Committee in continuous operation. The bill also directs the Committee to make recommendations to the Attorney General on interoperability and information-sharing practices and technologies, and to report to Congress at least annually on its recommendations. My legislation also expresses the sense of Congress that agencies across the country should adopt the Global Advisory Committee's recommendations in order to improve their information sharing. The bill further directs the Attorney General to submit a report to Congress regarding the state of information sharing between corrections and law enforcement agencies through the Interstate Compact for Adult Offender Supervision, including suggestions for improvement.

This legislation has been endorsed by the National District Attorneys Association, the National Sheriffs Association, the National Narcotics Officers' Associations' Coalition, the National Criminal Justice Association, the National Association of Counties, the American Probation and Parole Association, the American Correctional Association, the Association of State Correctional Administrators, and the National Consortium for Justice Information and Statistics, SEARCH.

The Global Advisory Committee has already achieved great success in bringing together local, state, tribal and federal agencies to develop consensus information-sharing solutions. With Congressional authorization and a consistent funding stream, the Committee can build upon that success in a way that will benefit justice and public safety agencies across the nation. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3176

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 ''Department of Justice Global Advisory Committee Authorization Act of 2010''.

SEC. 2. GLOBAL JUSTICE INFORMATION SHARING INITIATIVE ADVISORY COMMITTEE.

(a) DEFINITION.—In this section, the term ''Committee'' means the Global Justice Information Sharing Initiative (Global) Advisory Committee established by the Attorney General.

(b) AUTHORIZATION.—Notwithstanding section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall not terminate unless terminated by an Act of Congress. The Attorney General is authorized to provide technical and financial assistance and support services to the Committee to carry out the activities of the Committee, including the activities described in subsection (c).

(c) ACTIVITIES.—In addition to any activities assigned to the Committee by the Attorney General, the Committee shall—

(1) gather views from agencies of local, State, and tribal governments and the Federal Government and other entities that work to support public safety and justice;

(2) recommend to the Attorney General measures to improve the administration of justice and protect the public by promoting practices and technologies for database interoperability and the secure sharing of justice and public safety information between local, State, and tribal governments and the Federal Government; and

(3) submit to Congress an annual report regarding issues considered by the Committee and recommendations made to the Attorney General by the Committee.

(d) SENSE OF CONGRESS.—It is the sense of Congress that local, State, and tribal governments and other relevant entities should use the recommendations developed and disseminated by the Committee in accordance with this Act to evaluate, improve, and develop effective strategies and technologies to improve public safety and information sharing.

(e) FUNDING.—There are authorized to be appropriated to the Attorney General for the activities of the Committee such sums as may be necessary out of the funds made available to the Department of Justice for State and local law enforcement assistance.

SEC. 3. REPORT OF THE ATTORNEY GENERAL ON INFORMATION SHARING BETWEEN CORRECTIONS AGENCIES, LAW ENFORCEMENT AGENCIES, AND THE INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION.

(a) REVIEW.—The Attorney General, based on input from local, State, and tribal governments through the Committee and other components of the Department of Justice, shall review the state of information sharing between corrections and law enforcement agencies of local, State, and tribal governments and of the Federal Government.

(b) CONTENTS.—The review by the Attorney General under subsection (a) shall—

(1) identify policy and technical barriers to effective information sharing;

(2) identify best practices for effective information sharing; and

(3) assess ways for information sharing to improve the awareness and safety of law enforcement and corrections officials, including information sharing by the Interstate Commission for Adult Offenders Supervision.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report regarding the review under this section, including a discussion of the recommendations of the Committee and the efforts of the Department of Justice to address the recommendations.

By Mr. BINGAMAN (for himself, Mr. WARNER, and Mr. GRAHAM):

S. 3177. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased to join Senator WARNER and Senator GRAHAM in introducing the Home Star Energy Retrofit Act of 2010. This legislation will save consumers money, create American skilled labor jobs, and reduce home energy consumption.

If enacted, HOME STAR will build on existing policies and initiatives that have already proved effective. The program is supported by a broad coalition of over 600 groups including construction contractors, building products and mechanical manufacturers, retail sales businesses, environmental groups and labor advocates.

HOME STAR will provide point-of-sale instant savings to encourage homeowners to install residential energy upgrades such as air sealing, insulation, and high efficiency furnaces and water heaters.

HOME STAR will have a two-tiered approach that will offer flexibility to homeowners when choosing retrofits to install. Under the Silver Star program, rebates averaging $1,000 will be offered for the installation of each eligible energy-saving measure such as new insulation and high-efficiency heating and cooling systems, up to maximum of $3,000 per home. Under the Gold Star program, there will be performance-based grants of $3,000 for a 20 percent reduction in home energy consumption and $1,000 for each additional 5 percent of verified energy reduction as determined by a comparison of the energy consumption of the home before and after the retrofit.

HOME STAR will also create American jobs in the construction industry, which has lost 1.6 million jobs since December 2007, with unemployment rates topping 25 percent in some regions. HOME STAR leverages private investment to create a strong market for home energy retrofits, and will put hundreds of thousands of unemployed Americans back to work as well as stimulating demand for building materials produced by American factories.

Finally, HOME STAR will reduce home energy consumption and dependence on foreign oil. HOME STAR helps Americans pay for cost-effective home improvements, create permanent reductions in household energy bills, and reduce our national carbon footprint. Residential energy efficiency improvements covered by the HOME STAR program reduce energy waste in most homes by 20 to 40 percent. When combined with low-interest financing, these retrofits can be cash-flow positive upon project completion. An initiative with a potential to retrofit over 3 million homes, HOME STAR will achieve significant reductions in building-related greenhouse gas emissions while generating long-term energy savings for American consumers and reducing energy usage by an amount equal to four 300-megawatt power plants.

In the interest of time we will postpone our remarks on this important bill until the Senate is back in session. Meanwhile, members will have an opportunity to review the legislation with their constituents. We hope that many members of the Senate will become cosponsors of the bill.

Mr. President, I ask unanimous consent that 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. 3177

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 ''Home Star Energy Retrofit Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a residential energy efficiency contractor that meets the minimum applicable requirements established under section 4.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential energy efficiency construction workforce that is entirely certified in the appropriate job skills for all employees performing installation work under—

(A) an applicable third party skills standard established by—

(i) the BPI;

(ii) the North American Technician Excellence; or

(iii) the Laborers' International Union of North America; or

(B) other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) DOE.—The term ''DOE'' means the Department of Energy.

(7) ELECTRIC UTILITY.—The term ''electric utility'' means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(9) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing System'' means the Federal Rebate Processing System established under section 3(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Gold Star Home Energy Retrofit Program'' means the Gold Star Home Energy Retrofit Program established under section 8.

(11) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) HOME STAR LOAN PROGRAM.—The term ''Home Star loan program'' means the Home Star energy efficiency loan program established under section 15(a).

(13) HOME STAR RETROFIT REBATE PROGRAM.—The term ''Home Star Retrofit Rebate Program'' means the Home Star Retrofit Rebate Program established under section 3(a).

(14) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(15) NATIONAL HOME PERFORMANCE COUNCIL.—The term ''National Home Performance Council'' means the National Home Performance Council, Inc.

(16) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State

agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(17) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a residential energy efficiency contractor that meets minimum applicable requirements established under section 4.

(18) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program established under this Act or recognized by the Secretary under this Act, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this Act.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(19) QUALITY ASSURANCE PROVIDER.—The term ''quality assurance provider'' means any entity that meets the minimum applicable requirements established under section 6.

(20) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 5.

(21) RESNET.—The term ''RESNET'' means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(22) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(23) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Silver Star Home Energy Retrofit Program'' means the Silver Star Home Energy Retrofit Program established under section 7.

(24) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

SEC. 3. HOME STAR RETROFIT REBATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) FEDERAL REBATE PROCESSING SYSTEM.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(A) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(B) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(i) how to determine whether particular efficiency measures are eligible for rebates; and

(ii) how to participate in the program; and

(C) make available, on a designated website, model forms for compliance with all applicable requirements of this Act, to be submitted by—

(i) each qualified contractor on completion of an eligible home energy retrofit; and

(ii) each quality assurance provider on completion of field verification.

(2) MODEL FORMS.—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) PUBLIC INFORMATION CAMPAIGN.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

SEC. 4. CONTRACTORS.

(a) CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Silver Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least $1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this Act with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of —

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this Act; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Gold Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor—

(1) meets the requirements for qualified contractors under subsection (a); and

(2) is accredited—

(A) by the BPI; or

(B) under other standards approved by the Secretary, in consultation with the Administrator.

SEC. 5. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors by—

(1) reviewing the proposed rebate application for completeness and accuracy;

(2) reviewing measures for eligibility in accordance with this Act;

(3) providing data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) as soon as practicable but not later than 30 days after the date of receipt, distributing funds received from DOE to contractors, vendors, or other persons who have been approved for rebates by a quality assurance provider, if funding to contractors, vendors, or other persons is required by the Secretary.

(b) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential energy efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential energy efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State energy office regarding participation in the existing energy efficiency programs that will be delivering the Home Star Program.

(c) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the energy savings from the participation of the utilities toward State-level energy savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 6. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this Act if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home energy efficiency retrofits;

(3) confirms compliance with the requirements of a ''certified workforce''; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the simulated energy savings under the Gold Star program, based on the requirements of this Act.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this Act if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential energy efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 7. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy retrofit of a home for the installation of energy savings measures—

(1) selected from the list of energy savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy savings measures for a home energy retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of a total conditioned space floor area.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R–19 of cavity insulation or R–15 of continuous insulation to existing crawl space insulation; or

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows or skylights, or 75 percent of the exterior windows and skylights in a home, whichever is less, with windows or skylights that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows and skylights under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under section 25(c) of the Internal Revenue Code of 1986.

(8)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 92 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home;

(bb) has a distribution system (such as ducts or vents) that allows heat to reach all or most parts of the home; and

(cc) in the case of a wood stove, replaces an existing wood stove; and

(II) an independent test laboratory approved by the Secretary certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 4.5 grams per hour for stoves.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(9) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(10) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (9) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(11) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (11) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be $1,000 per measure for the installation of energy savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) windows or skylights described in subsection (b)(6);

(D) a heating system described in subsection (b)(8); and

(E) an air-conditioner or heat-pump replacement described in subsection (b)(9).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) $125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) $250 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(10)(C) for each home;

(C) $250 for rim joist insulation described in subsection (b)(5)(B);

(D) $50 for each storm window described in subsection (b)(11); and

(E) $500 for a desuperheater described in subsection (b)(10)(G)(ii).

(4) MAXIMUM AMOUNT.—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) $3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) the reduction in the price paid by the owner of the home, relative to the price of the installed measures in the absence of the Silver Star Home Energy Retrofit Program.

(e) INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—A rebate shall be awarded under this section for attic, wall, or crawl space insulation or air sealing product if—

(1) the product—

(A) qualifies for a credit under section 25C of the Internal Revenue Code of 1986 but is not the subject of a claim for the credit;

(B) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(C) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator; and

(D) is not part of—

(i) an energy savings measure described in paragraphs (1) through (5) of subsection (b); and

(ii) a retrofit for which a rebate is provided under the Gold Star Home Energy Retrofit Program; or

(2) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(f) QUALIFICATION FOR REBATE UNDER SILVER STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 8. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy savings.

(b) AMOUNT OF GRANT.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner under this section shall be—

(1) $3,000 for a 20-percent reduction in whole home energy consumption; and

(2) an additional $1,000 for each additional 5-percent reduction up to the lower of—

(A) $8,000; or

(B) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008–35; or

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy use;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be bounded by metered pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to subparagraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008–35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 9. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance plans;

(3) development of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this Act;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program; and

(6) the costs of carrying out the responsibilities of the State or Indian tribe under

the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 16.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this Act, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe; or

(5) a unit of local government.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this Act with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this Act to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 10. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this Act, the State shall submit to the Secretary a plan to implement a quality assurance program that covers all federally assisted residential efficiency retrofit work administered, supervised, or sponsored by the State.

(b) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, energy efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(c) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors be prequalified in order to be authorized to perform federally assisted residential retrofit work;

(2) maintenance of a list of prequalified contractors authorized to perform federally assisted residential retrofit work; and

(3) minimum standards for prequalified contractors that include—

(A) accreditation;

(B) legal compliance procedures;

(C) proper classification of employees;

(D) use of a certified workforce;

(E) maintenance of records needed to verify compliance;

(4) targets and realistic plans for—

(A) the recruitment of small minority or women-owned business enterprises;

(B) the employment of graduates of training programs that primarily serve low-income populations with a median income that is below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) by participating contractors; and

(5) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries.

(d) NONCOMPLIANCE.—If the Secretary determines that a State has not taken the steps required under this section, the Secretary shall provide to the State a period of at least 90 days to comply before suspending the participation of the State in the program.

SEC. 11. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this Act.

(b) CONTENTS.—The report shall include a description of—

(1) the energy savings produced as a result of this Act;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this Act;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this Act were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this Act; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 12. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 16(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this Act.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this Act.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this Act.

(e) CONTRACTING.—In carrying out this Act, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may adjust the rebate amounts provided in this section based on —

(1) the use of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program; and

(2) other program data.

SEC. 13. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this Act—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C or 25D of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C or 25D of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 3(b)(1)(C).

SEC. 14. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this Act), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this Act shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this Act.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this Act.

(d) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this Act shall be subject to criminal prosecution.

SEC. 15. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(2) PROGRAM.—The term ''program'' means the Home Star Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, energy efficiency improvements that qualify under the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 7 and 8; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.''.

SEC. 16. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there is authorized to be appropriated to carry out this title $6,000,000,000 for the period of each of fiscal years 2010 through 2012 to remain available until expended.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out energy efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), $380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 9.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C.6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii).

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this Act.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this Act.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Energy Retrofit Program or the Gold Star Home Energy Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Energy Retrofit Program—

(I) $25 per rebate review and submission provided under the program; and

(II) $150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) $35 for each rebate review and submission provided under the program; and

(II) $300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this Act.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than $150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this Act and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than $10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Silver Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $3,417,000,000 for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Energy Retrofit Program.

(h) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Gold Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $1,683,000 for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Energy Retrofit Program.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this Act.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that have not sufficiently benefitted from the Home Star Retrofit Rebate Program.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Energy Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Energy Retrofit Program.

(2) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Energy Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than $200,000,000 shall be used to carry out the financing provisions of this Act in accordance with section 15.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. 3181. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today, I am proud to join Senator BROWNBACK in introducing bipartisan automotive right to repair legislation.

Our bill, the Motor Vehicle Owners Right to Repair Act, allows consumers the freedom to choose which repair shops they use for auto repairs and routine vehicle maintenance.

Consumers today have many choices when it comes to the vehicle they drive, but not necessarily when it comes to the maintenance or repair options for those vehicles.

Most cars today rely on computers to perform many of the automobile's vital functions including brakes, airbags, ignition and other operating systems.

If an electronic component of a car fails or needs tuning, an access code is often needed in order to repair or replace the necessary part. These codes are currently provided on a voluntary basis to repair shops by car manufacturers.

Unfortunately, many local independent repair shops are provided only limited or incomplete information by manufacturers to access and repair most elements of those vehicles. This lack of information puts consumers at a disadvantage, forcing many to pay premium prices to repair simple parts at dealerships or travel long distances to reach repair shops that take valuable time away from families and work.

There are over 219,000 employees working in over 26,000 independent repair shops in California, providing those workers with good paying jobs. In this economy, we can't afford to disadvantage small businesses working hard to support their families.

The Boxer-Brownback bill will require car manufacturers to provide all information and tools necessary to diagnose, service, maintain and repair a motor vehicle, including all safety alerts, access codes and recalls. This information must be provided to all repair shops, not just dealers or manufacturers' designated shops.

Our bill also protects the integrity of manufacturers' concepts and systems by not requiring manufacturers to make public any information that is entitled to protection as a trade secret.

As cars become more complex and expensive to repair, consumers deserve to have choices when it comes to repairing their auto vehicles. This bill provides consumers that choice, while ensuring small businesses have the information they need in these difficult economic times.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3185. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Temoak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Elko Motocross and Tribal Conveyance Act of 2010.

As you may know, the Federal Government manages more than 87 percent of the land in Nevada, which equates to more than 61 million acres. This fact makes it necessary for our communities to pursue Federal remedies for problems that can be handled in a much more expeditious manner in States that have more private land than we do. This bill, for instance, would transfer one small parcel of land to Elko County and another to the Elko Indian Colony. Both conveyances will provide important benefits to the residents of northeastern Nevada, and both conveyances require congressional action.

The first title of this Act would convey approximately 300 acres of public land managed by the Bureau of Land Management, BLM, Elko Field Office to Elko County. This proposal, which is strongly supported by the local community, would clear the way for the construction of a BMX, motocross, off-highway vehicle, and stock car racing area. It is worth noting that Elko County tried for many years to work

through the normal administrative process to get a recreation and public purposes lease on this land, but the local BLM field office has been unable to process the request due to a very high workload.

Off-road vehicles are an important part of life in rural Nevada. In response to this interest, Elko County has attempted to provide a variety of motorized recreational opportunities for both residents and visitors. This legislation will help the City of Elko develop a centralized, multipurpose recreational facility on the western edge of the city with easy access to Interstate-80. The new Elko Motocross Park will eliminate traffic and noise issues caused by the existing stock car racing track. The new park will also draw OHV enthusiasts from across northeastern Nevada, which will, in turn, provide an economic boost to local businesses.

Beyond the convenient location, economic benefits, and potential for diverse recreational opportunities at the Elko Motocross Park site, this new complex will provide a place for people to learn responsible use and enjoyment of recreational vehicles. I believe this facility will be a model for other communities in the West that are interested in creating safe, centralized recreation areas for motorsports. I would also like to commend Elko County, the State of Nevada, the Nevada Association of Counties and many others for working together on recent statewide initiatives that will encourage the sustainable use of off-highway vehicles on public lands.

Title II of this Act directs the Secretary of the Interior to make a reasonable expansion of the Elko Indian Colony by taking approximately 373 acres of land into trust for the Elko Band to address their need for additional land. The Elko Band is one of four constituent bands that make up the Te-Moak Tribe of Western Shoshone Indians of Nevada. Each band has a separate reservation or colony in northeastern Nevada. While the Elko Band's population has steadily grown, their land base has remained the same for over 75 years.

The histories of the City of Elko and the Elko Indian Colony have long been intertwined. Elko was established as a railroad town in 1868 with the construction of the Central Pacific, part of the first transcontinental railroad. Shoshone families lived nearby and worked on the railroad as well as in the nearby mines and on local ranches. Despite government efforts to relocate the Elko Band in the late nineteenth century, these families persevered and remained in the Elko area. In 1918, President Woodrow Wilson created the Elko Indian Colony when he reserved 160 acres near Elko for the Shoshone Indians by executive order.

The Elko Indian Colony has always been a thriving part of the greater Elko community. Unfortunately, while more than half of the Elko Band's enrolled members live and work in Elko, the Elko Colony has one of the smallest land bases of the four constituent bands. Over 350 tribal members must live outside of the colony because it lacks land for additional housing and housing related community development. Our legislation would address this need by making land available for residential and commercial development, or for traditional uses, such as ceremonial gatherings, hunting and plant collecting.

I also want to highlight that this legislation is designed to protect the city's rights-of-way that cross the land in question. We have also received letters expressing strong support for this tribal conveyance from both the City of Elko and Elko County.

It is always encouraging when communities come together to support projects like these and we are grateful for their collective work on this effort. This bill is vital to the growing communities we serve. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished committee members to move this bill through the process.

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. 3185

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Elko Motocross and Tribal Conveyance Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

Sec. 101. Definitions.
Sec. 102. Conveyance of land to county.

TITLE II—ELKO INDIAN COLONY EXPANSION

Sec. 201. Definitions.
Sec. 202. Land to be held in trust for the Te-moak tribe of Western Shoshone Indians of Nevada.
Sec. 203. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

SEC. 101. DEFINITIONS.

In this title:

(1) CITY.—The term ''city'' means the city of Elko, Nevada.

(2) COUNTY.—The term ''county'' means the county of Elko, Nevada.

(3) MAP.—The term ''map'' means the map entitled ''Elko Motocross Park'' and dated January 9, 2010.

SEC. 102. CONVEYANCE OF LAND TO COUNTY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the county, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 300 acres of land managed by the Bureau of Land Management, Elko District, Nevada, as depicted on the map as ''Elko Motocross Park''.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under subsection (a) shall be used only—

(1) as a motocross, off-highway vehicle, and stock car racing area; or

(2) for any other public purpose consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the county to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

TITLE II—ELKO INDIAN COLONY EXPANSION

SEC. 201. DEFINITIONS.

In this title:

(1) MAP.—The term ''map'' means the map entitled ''Te-moak Tribal Land Expansion'', dated September 30, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) TRIBE.—The term ''Tribe'' means the Te-moak Tribe of Western Shoshone Indians of Nevada, which is a federally recognized Indian tribe.

SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 373 acres of land administered by the Bureau of Land Management and identified on the map as ''Lands to be Held in Trust''.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) CONDITIONS.—

(1) RIGHTS-OF-WAY.—Before taking the land into trust under subsection (a), not later than 120 days after the date of enactment of this Act, the Secretary shall—

(A) complete any applicable environmental review for conveyance of a right-of-way for Jennings Road, as depicted on the map; and

(B) subject to the environmental review under subparagraph (A), convey the right-of-way to the City of Elko.

(2) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(3) USE OF TRUST LAND.—With respect to the use of the land taken into trust under subsection (a), the Tribe shall limit the use of the land to—

(A) traditional and customary uses;

(B) stewardship conservation for the benefit of the Tribe; and

(C)(i) residential or recreational development; or

(ii) commercial use.

(4) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary, in consultation and coordination with the Tribe, may carry out any fuels reduction and other landscape restoration activities on the land that is beneficial to the Tribe and the Bureau of Land Management.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

By Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. BEGICH, and Mr. CRAPO):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property; to the Committee on Finance.

Mrs. SHAHEEN. Mr. President, I rise today to introduce legislation that will help grow the U.S. manufacturing base in alternative energy technologies, create jobs and help get our country running on clean energy.

We have known for decades that our Nation's dependence on foreign oil undermines our economic and national security.

According to the Department of Energy, New Hampshire households are some of the most petroleum dependent in the country due to our reliance on heating oil to provide heat. Almost 60 percent of homes in New Hampshire use oil for heating purposes. Many New Hampshire businesses—large and small—are also dependent on heating oil.

In fact, thermal energy, or heat, accounts for roughly 30 percent of total U.S. energy consumption. Thermal energy is used every day by homes, businesses and industrial facilities across the country for a variety of needs—most commonly for space heating, heating water and industrial processes that require heat.

We need to move away from our dependence on fossil fuels and I am convinced that biomass, used effectively and sustainably, can help to do that by, in part, meeting our country's thermal energy needs.

Forests are one of our Nation's greatest assets. In my home State of New Hampshire, the second most forested State in the country, forestry is an important part of our economy. Forestland supports a thriving forest products industry and provides many outdoor recreational opportunities that play a key role in attracting tourists to the State. But I think greater potential exists for our forests in New Hampshire and across the country to help meet our energy challenges—using biomass to meet the heating needs of our homes, businesses and communities.

New Hampshire and a number of other States are already leading the way to address how high efficiency biomass systems can cut our energy dependence on foreign oil and support our forest industry. Communities and businesses across New Hampshire are putting our State's immense biomass resources—from forestry and agricultural residues—to use for creating electricity and thermal energy. These investments in clean, renewable biomass energy are supporting our forest industry and also creating new industries and jobs across New Hampshire.

There is so much untapped potential for biomass energy, and that is what my legislation is about.

The American Renewable Biomass Heating Act would provide an investment tax credit, ITC, of 30 percent of the cost of installing a high efficiency biomass system in commercial and industrial buildings. The tax credit would be available for biomass heating systems placed in service on or before December 31, 2013.

By incentivizing high efficiency biomass boilers and furnaces, we can help to replace our reliance on fossil fuel with clean, domestically produced renewable energy.

This bill would also put biomass on an even playing field with other alternative energy technologies and fuel sources, such as wind, solar, and geothermal. Thus far, Federal policies to promote the development and use of alternative energy have focused largely on transportation fuels, such as ethanol and biodiesel, and electricity from hydro, wind, and solar. My legislation puts high efficiency biomass on an even playing field with other alternative energy technologies.

Most importantly, my legislation will help jumpstart the domestic manufacturing base. For years, European countries have invested in and incentivized the development of these technologies. There is no reason why we cannot build this equipment right here in the U.S.

The bipartisan legislation I am introducing today with Senators LISA MURKOWSKI, MARK BEGICH and MIKE CRAPO will provide the incentives businesses are looking for to invest in clean energy. Our legislation is about American power—clean energy technologies and equipment that are made right here in America and create jobs for American workers.

Mr. President, I want to thank my colleagues for joining me in introducing this important, job-creating legislation. I urge my colleagues in the Senate to pass the American Renewable Biomass Heating Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3188

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 ''American Renewable Biomass Heating Act of 2010''.

SEC. 2. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking ''or'' at the end of clause (vi), by inserting ''or'' at the end of clause (vii), and by inserting after clause (vii) the following new clause:

''(viii) biomass heating property, including boilers or furnaces which operate at output efficiencies greater than 75 percent and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2014,''.

(b) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

''(V) energy property described in paragraph (3)(A)(viii), and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—RECOGNIZING THE 60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

Whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

Whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy: Now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

SENATE RESOLUTION 470—RECOGNIZING THE 40TH ANNIVERSARY OF THE DATE OF ENACTMENT OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mrs. MURRAY (for herself, Mr. BYRD, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 470

Whereas the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.), when enacted, provided more comprehensive protections for the health and safety of coal miners than any previous Federal legislation governing the mining industry;

Whereas the Federal Coal Mine Health and Safety Act of 1969—

(1) increased the Federal oversight powers for coal mines in the United States;

(2) included inspection provisions for surface and underground coal mines that required—

(A) 2 inspections of each surface coal mine each year; and

(B) 4 inspections of each underground coal mine each year;

(3) required the development of stronger health and safety standards for coal mines;

(4) provided compensation for coal miners permanently disabled by black lung disease, the progressive respiratory disease caused by the inhalation of fine coal dust; and

(5) held employers of coal miners accountable for health and safety violations in the workplace through—

(A) monetary penalties for all violations of health and safety standards in the workplace; and

(B) criminal penalties for knowing and willful violations of health and safety standards in the workplace;

Whereas, as a direct result of the Federal Coal Mine Health and Safety Act of 1969—

(1) health standards for coal mines were adopted; and

(2) safety standards for coal mines were strengthened;

Whereas the Federal Coal Mine Health and Safety Act of 1969 is the foundation for the mine and workplace safety standards in place in the United States as of the date of agreement to this resolution;

Whereas the Federal Coal Mine Health and Safety Act of 1969 stands as a tribute and a memorial to the workers and families who have lost loved ones in the mining industry; and

Whereas the people of the United States should not only remember the historic enactment of the Federal Coal Mine Health and Safety Act of 1969, but also commemorate the role of the Federal Coal Mine Health and Safety Act of 1969 in the establishment of the mining and workplace safety standards in place as of the date of agreement to this resolution: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the date of enactment of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.);

(2) observes and celebrates the 40th anniversary of the Federal Coal Mine Health and Safety Act of 1969;

(3) remains committed to advancing and updating mining and workplace safety and health standards as—

(A) industry technologies advance; and

(B) advancements in technology make resources that have been difficult to access more accessible; and

(4) encourages all people of the United States to reflect upon the sacrifices that miners have made—

(A) to provide power and resources to the industry and economy of the United States; and

(B) to assist the United States in growing and thriving.

SENATE CONCURRENT RESOLUTION 56—CONGRATULATING THE COMMANDANT OF THE COAST GUARD AND THE SUPERINTENDENT OF THE COAST GUARD ACADEMY AND ITS STAFF FOR 100 YEARS OF OPERATION OF THE COAST GUARD ACADEMY IN NEW LONDON, CONNECTICUT, AND FOR OTHER PURPOSES

Mr. LIEBERMAN (for himself, Mr. DODD, Ms. COLLINS, and Mr. LEMIEUX) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. CON. RES. 56

Whereas the School of Instruction to the U.S. Revenue Cutter Academy was established at Fort Trumbull in New London, Connecticut, in 1910, which later became known as the Coast Guard Academy after the consolidation of the Life Saving Service and the Revenue Cutter Service in 1915;

Whereas the Coast Guard Academy moved to its present location along the banks of the Thames River in 1932;

Whereas in 1946, the former German Navy training vessel HORST WESSEL was acquired by the United States for use by the Coast Guard and renamed EAGLE, which today travels around the world each year;

Whereas for 100 years, the Coast Guard Academy has called New London, Connecticut, home, where it has trained and shaped the leadership of the Coast Guard;

Whereas today, the Coast Guard Academy is a highly competitive educational institution that attracts driven, committed leaders who go on to serve our Nation in the many diverse roles played by our Coast Guard;

Whereas the rigorous academic program of the Coast Guard Academy provides a holistic education that includes academics, physical fitness, character, and leadership, and that trains cadets in the multiple roles of the Coast Guard's multimission responsibilities;

Whereas the Coast Guard Academy is an integral part of the southeastern Connecticut community and its cadets participate in many community service projects throughout the region, working with school systems and serving as mentors for children;

Whereas the Coast Guard Academy is a vital link to the maritime legacy of Connecticut and our Nation, and an important part of our Nation's defense; and

Whereas in 2010, in honor of its 100th year in New London, Connecticut, the Coast Guard Academy will open its gates to the public for events highlighting this milestone, including concerts, art exhibits, an open house, and other events to allow Americans to learn more about this unique educational institution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut;

(2) honors the countless men and women who have graduated from the Coast Guard Academy and served on behalf of our Nation over the last 100 years; and

(3) encourages all Americans to learn more about the Coast Guard Academy, its mission, and its long history of training the men and women of the Coast Guard.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3700. Mr. COBURN proposed an amendment to the bill H.R. 4872, supra.

SA 3701. Mr. SESSIONS proposed an amendment to the bill H.R. 4872, supra.

SA 3702. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3703. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3704. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3705. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3706. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3707. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3708. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3709. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3710. Mr. ENSIGN (for himself and Mr. BROWN of Massachusetts) proposed an amendment to the bill H.R. 4872, supra.

SA 3711. Ms. MURKOWSKI proposed an amendment to the bill H.R. 4872 , supra.

SA 3712. Mr. CORNYN proposed an amendment to the bill H.R. 4872, supra.

SA 3713. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3714. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3715. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3716. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3717. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3700. Mr. COBURN proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end, add the following:

TITLE III—SECOND AMENDMENT PROTECTION

SEC. 3001. VETERANS SECOND AMENDMENT PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Veterans 2nd Amendment Protection Act''.

(b) CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SA 3701. Mr. SESSIONS proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. PROVISIONS TO ENSURE EFFECTIVE ELIGIBILITY VERIFICATION SYSTEM.

(a) ELIGIBILITY FOR CREDITS AND COST-SHARING REDUCTIONS.—

(1) CREDITS.—Section 36B of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act, is amended—

(A) in subsection (c) (1), by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) by striking paragraph (3) of subsection (e).

(2) REDUCED COST-SHARING.—Section 1402 of the Patient Protection and Affordable Care Act is amended—

(A) by striking the last sentence of subsection (b),

(B) by striking paragraph (3) of subsection (e), and

(C) by adding at the end of subsection (f) the following:

''(4) SUBSIDIES TREATED AS PUBLIC BENEFIT.—Notwithstanding any other provision of this Act or any other provision of law, for purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), the following shall be considered a Federal means-tested public benefit:

''(A) The ability of an individual to purchase a qualified health plan offered through an Exchange.

''(B) The premium tax credit established under section 1401 of this Act (and any advance payment thereof).

''(C) The cost sharing reductions established under this section (and any advance payment thereof).''.

(b) ELIGIBILITY DETERMINATIONS.—Section 1411 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a)—

(A) by striking so much of such subsection as precedes paragraph (1) and inserting:

''(a) VERIFICATION PROCESS.—The Secretary shall ensure that eligibility determinations required by this Act are conducted in accordance with the following requirements, including requirements for determining:'', and

(B) by inserting ''eligible'' before ''alien'' in paragraph (1),

(2) in subsection (b)(1)—

(A) by inserting ''the Exchange with the following'' after ''provide'',

(B) by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following:

''(B) a sworn statement, under penalty of perjury, specifically attesting to the fact that each enrollee is either a citizen or national of the United States or an eligible lawful permanent resident meeting the requirements of section 1402(f)(3) of this Act and identifying the applicable eligibility status for each enrollee; and'', and

(C) by inserting ''and documentation'' after ''information'' in subparagraph (C) (as so redesignated),

(3) by striking subparagraphs (A) and (B) of subsection (b)(2) and inserting the following:

''(A) In the case of an enrollee whose eligibility is based on attestation of citizenship of the enrollee, the enrollee shall provide satisfactory evidence of citizenship or nationality (within the meaning of section 1903(x) of the Social Security Act (42 U.S.C. 1396b)).

''(B) In the case of an individual whose eligibility is based on attestation of the enrollee's immigration status—

''(i) such information as is necessary for the individual to demonstrate they are in 'satisfactory immigration status' as defined and in accordance with the Systematic Alien Verification for Entitlements (SAVE) program established by section 1137 of the Social Security Act (42 U.S.C. 1320b–7), and

''(ii) any other additional identifying information as the Secretary, in consultation with the Secretary of Homeland Security, may require in order for the enrollee to demonstrate satisfactory immigration status.'',

(4) by striking so much of subsection (c) as precedes paragraph (3) and inserting the following:

''(c) VERIFICATION OF ELIGIBILITY THROUGH DOCUMENTATION.—

''(1) IN GENERAL.—Each Exchange shall conduct eligibility verification, using the information provided by an applicant under subsection (b), in accordance with this subsection.

''(2) VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS.—

''(A) VERIFICATION OF ATTESTATION OF CITIZENSHIP.—Each Exchange shall verify the eligibility of each enrollee who attests that they are a citizen or national of the United States, as required by subsection (b)(1)(A) of this section, in accordance with the provisions of section 1903(x) of the Social Security Act.

''(B) VERIFICATION OF ATTESTATION OF ELIGIBLE IMMIGRATION STATUS.—Each Exchange shall verify the eligibility of each enrollee who attests that they are eligible to participate in the exchange by virtue of having been a lawful permanent resident for not less than 5 years, as required by subsection (b)(1)(B) of this section, in accordance with the provisions of section 1137 of the Social Security Act.'',

(5) by striking subparagraph (B) of subsection (c)(4),

(6) by striking subsection (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively, and

(7) by striking ''under section 1902(ee) of the Social Security Act (as in effect on January 1, 2010)'' in subsection (d)(3) (as redesignated under paragraph (6)) and inserting ''in accordance with the secondary verification process established consistent with section 1137 of the Social Security Act (as is in effect as of January 1, 2009)''.

SA 3702. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1002, insert the following:

(c) EXEMPTION FOR INDIVIDUALS PEOPLE WHO ARE UNEMPLOYED.—Section 5000A(e) of the Internal Revenue Code of 1986, as so added and amended, is amended by adding at the end the following:

''(6) INDIVIDUALS WHO ARE UNEMPLOYED.—Any applicable individual for any month if such individual is receiving unemployment compensation for any week during such month under any Federal or State unemployment compensation.''.

SA 3703. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF INDIVIDUAL MANDATE.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3704. Mr. CRAPO submitted an amendment intended to be proposed by

him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 14___. EXEMPTION OF MIDDLE INCOME INDIVIDUAL AND FAMILIES FROM INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(e) of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new paragraph:

''(6) MIDDLE INCOME INDIVIDUALS AND FAMILIES.—Any applicable individual for any month during a calendar year if the individual's household income for the taxable year described in section 1412(b)(1)(B) of the Patient Protection and Affordable Care Act is less than $200,000 ($250,000 in the case of a joint return), determined in the same manner as under subsection (c)(4).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2013.

SA 3705. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ___. PRESERVING MEDICARE BENEFICIARY ACCESS TO SKILLED NURSING CARE.

(a) IN GENERAL.—Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 3401(b) of such Act (and the amendments made by such section) are repealed.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended by striking ''8 percent'' and inserting ''5 percent''.

SA 3706. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 99, between lines 9 and 10, insert the following:

(e) EXCLUSION OF MEDICAL DEVICES FOR CANCER DIAGNOSIS AND TREATMENT.—

(1) IN GENERAL.—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term ''taxable medical device'' shall not include any device which is primarily designed to diagnose or treat any form of cancer.

(2) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking ''8 percent'' and inserting ''5 percent''.

(3) APPLICATION OF PROVISION.—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3707. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1402(a), add the following:

(5) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Section 1411 of the Internal Revenue Code of 1986, as added by paragraph (1), is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2013, each of the dollar amounts under paragraphs (1) and (3) of subsection (b) shall be increased by an amount equal to—

''(1) such amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under this subsection is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.''.

(B) RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,400,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3708. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking ''In addition'' and inserting the following:

''(A) IN GENERAL.—In addition'', and

(ii) by striking ''and which are in excess of'' and all that follows and inserting ''and which are in excess of—

''(i) in the case of a joint return, $250,000,

''(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof .

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof .

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting ''(after the application of subparagraph (B))'' after ''subparagraph (A)''.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3709. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, add the following:

SEC. 1502. TRANSPARENCY IN GOVERNMENT.

Not later than 180 days after the date of enactment of this Act, to ensure transparency in Government—

(1) the Librarian of Congress shall make publicly available, in the same accurate, timely, and complete manner as made available to Members of Congress and congressional staff, the Legislative Information System website and the Congressional Research Service website operated by the Library of Congress;

(2) the Secretary of the Senate shall make publicly available, in the same accurate, timely, and complete manner as made available to Members of Congress and congressional staff, the Amendment Tracking System website of the Senate; and

(3) the Sergeant at Arms of the Senate and the Chief Administrative Officer of the House of Representatives shall enter into a

contract with C-SPAN, under which C-SPAN shall—

(A) provide television cameras for and make a video recording of any legislative meeting of a committee of either House of Congress, a joint committee of Congress, or a committee of conference of Congress at which a quorum is present, except to the extent necessary to protect national security; and

(B) make the video recordings publicly available.

SA 3710. Mr. ENSIGN (for himself and Mr. BROWN of Massachusetts) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF PENALTY FOR FAILURE TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

Section 5000A of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking subsections (b), (c), (e), and (g).

SA 3711. Ms. MURKOWSKI proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking ''In addition'' and inserting the following:

''(A) IN GENERAL.—In addition'', and

(ii) by striking ''and which are in excess of'' and all that follows and inserting ''and which are in excess of—

''(i) in the case of a joint return, $250,000,

''(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting ''(after the application of subparagraph (B))'' after ''subparagraph (A)''.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3712. Mr. CORNYN proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. FMAP REDUCTION FOR HIGH PAYMENT ERROR RATE.

Section 1905 of the Social Security Act, as amended by section 1202(b) of this Act, is amended by adding at the end the following:

''(ee) DECREASED FMAP FOR HIGH PAYMENT ERROR RATE MEASUREMENT.—Notwithstanding any other provision of this title, beginning January 1, 2014, in the case of a State for which the payment error rate measurement (commonly referred to as 'PERM') is at least 10 percent, the Federal medical assistance percentage otherwise applicable to the State with respect to payments for medical assistance for individuals enrolled in the State plan under subclause (VIII) or (IX) of section 1902(a)(10)(A)(i) or subclause (XX) or (XXI) of section 1902(a)(10)(A)(ii) shall be reduced by 1 percentage point until the date on which the Secretary determines that the PERM for the State is below 10 percent.''.

SA 3713. Ms. SNOWE submitted an amendment itnended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. SMALL BUSINESSES WITH UP TO 100 EMPLOYEES TO ACCESS THE SHOP EXCHANGES IN 2014.

(a) IN GENERAL.—Section 1304(b)(3) of the Patient Protection and Affordable Care Act is repealed and such Act shall be applied and administered as if such provision had not been enacted.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 3714. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1___. MULTI-STATE PLANS.

Section 1334 of the Patient Protection and Affordable Care Act (as added by section 10104(q) of such Act), is amended by adding at the end the following:

''(j) ADDITIONAL REQUIREMENTS.—In implementing this section, the Director—

''(1) notwithstanding subsection (a)(4)(B), shall not in any way limit the profits of any entity offering a multi-State plan;

''(2) shall ensure that multi-State plans are offered in all States; and

''(3) shall ensure that the rating rules provided for under part A of title XXVII of the Public Health Service Act apply with respect to multi-State plans, except that a State may enact a State law to impose more restrictive rating rules.''.

SA 3715. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 11, beginning with line 19, strike all through page 12, line 9.

SA 3716. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF INDIVIDUAL MANDATE.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3717. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 92, between lines 16 and 17, insert the following:

''(f) TAX NOT IMPOSED UNTIL SGR REPEALED.—No tax shall be imposed under this section for any taxable year beginning in a calendar year before the calendar year in which the repeal of sustainable growth rate methodology under the Medicare physician fee schedule under section 1848 of the Social Security Act first takes effect.''.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet on Tuesday, April 13, 2010, at 4:00 p.m., to conduct its organization meeting.

For further information regarding this meeting, please contact Derron Parks on 202–224–6154.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on March 25, 2010, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Doubling U.S. Exports: Are U.S. Sea Ports Ready for the Challenge?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. DURBIN. Madam President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions through Friday, March 26, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 26, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., tomorrow, Friday, March 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with the time until 12:30 p.m. equally divided and controlled between Senators STABENOW and COBURN or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Madam President, tomorrow, we will continue to try to reach an agreement to take up and pass legislation to extend for 30 days the important unemployment and COBRA benefits that expire soon.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 9:33 p.m., recessed until Friday, March 26, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MARY HELEN MURGUIA, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE MICHAEL D. HAWKINS, RETIRED.

DEPARTMENT OF JUSTICE

JERRY E. MARTIN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE EDWARD MEACHAM YARBROUGH.

JAMES A. LEWIS, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE RODGER A. HEATON.

MELINDA L. HAAG, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE JOSEPH P. RUSSONIELLO.

FRANK LEON-GUERRERO, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHALL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE JOAQUIN L. G. SALAS.

ROBERT R. ALMONTE, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE LAFAYETTE COLLINS.

DALLAS STEPHEN NEVILLE, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE STEPHEN GILBERT FITZGERALD.

THE JUDICIARY

TODD E. EDELMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE CHERYL M. LONG, RETIRED.

JUDITH ANNE SMITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE GEOFFREY M. ALPRIN, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DINO J. BESINGA
KENNETH M. BOLIN
THOMAS A. BROOKS
JAMES P. COVEY
MICHAEL C. COX
DANIEL S. DUNN
DONALD W. EHRKE
ANTHONY W. FLORES
JONATHAN W. FOWLER
PAUL D. FRITTS
SHAWN P. GEE
DAVID S. GOLDSTROM
DENISE A. HAGLER
JAMES P. HALL
JERRY D. HALL, JR.
DANIEL W. HARDIN
MICHAEL J. HART
MICHAEL R. HENDERSON
LOREN B. HUTSELL
ALAN M. IRIZARRY
EDWARD A. JACKSON
GREGORY S. JACKSON
ANTHONY S. KAZARNOWICZ
JAMES D. KEY
HYEONJOONG KIM
HYOKCHAN D. KIM
JESSE R. KING
SCOTT B. KOEMAN
LUIS V. KRUGER, JR.
CHARLES H. LAHMON
MONICA R. LAWSON
LINDA LESANE
FERDINAND E. MADU
TIMOTHY E. MARACLE
WALTER MARSHALL
JEFFREY T. MCKINNEY
DAVID W. MEYER
STEVEN C. MICKEL
JOHN M. MORGAN
JASON K. NOBLES
BRIAN G. PALMER
CHARLES S. PAUL
SEAN A. PHILLIPS
STEPHEN PRATEL, SR.
ANTHONY P. RANDALL
JOSE R. SALCIDO, JR.
CHARLES E. SCOTT
STEVEN A. SLAUSON
HENRY C. SOUSSAN
DAVID R. STONER
VIRGIL J. THOMAS
WILLIAM B. TRIPP
PETER M. UHDE
TIMOTHY S. VALENTINE
JEFFREY T. VANNESS
CODY J. VEST
KEVIN E. WAINWRIGHT
GEORGE L. WALLACE
ERNEST P. WEST, JR.
TIMOTHY E. WILSON
SANG J. WON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES J. AIELLO
FORREST BANKSTON, JR.
JOHN W. BUFFINGTON
ANGELO M. CAPOLUPO
PABLO ESTRADA, JR.
GERARD FRIDMANN
VERNE C. MCMOARN
WALTER C. PEREZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BETH A. HOFFMAN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JOHN W. CHEATHAM
DAVID R. GOFF

To be lieutenant commander

DARREN S. BEASLY
JOHN E. BISSELL
JAMES C. MEEHAN
CHRISTIAN T. MINSHALL
DOUGLAS G. NESS
ERIC C. PETERSON
ANNA A. ROSS
NOBURO YAMAKI

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

GREGORY M. SARACCO

To be commander

MARSHALL D. BEDDER
CHRISTOPHER B. CHISHOLM
HARRIS B. FEDERICK
DENNIS M. WEPPNER

To be lieutenant commander

JARED D. BERNARD
JOSEPH A. BUGLISI
JUSTIN J. BURDICK
MICHAEL A. BURT
LESLY A. DOSSETT
WILLIAM C. FOX
ANDREW J. FRIESSEN
JONATHAN S. GLASS
CAVIN H. GLENN
RYAN T. GOCKE
JANET C. JACOBSON
BRIAN J. KARLOVITS
SCOTT T. KING
BRIAN S. KNIPP
JUAN G. LOPEZ
KAREN L. MATTHEWS
JOHN M. MONTMINY
JOEL N. PETERSON
JUNEWAI L. REOMA
DARIAN C. RICE
MICHAEL D. SCHORR
BRIAN W. SHIPPERT
CHARLES J. SIEGERT
ASHER O. SMITH
ROBERT B. SPENCER
NICHOLAS A. SPINELLI
DOUGLAS W. STORM
GUS THEODOS
IAN L. VALERIO
EZEKIEL J. WETZEL
PAUL R. WOMBLE
WHITNEY B. YOU
HEATHER G. YURKA
LUKE A. ZABROCKI

EXTENSIONS OF REMARKS

RECOGNITION OF MADISON COUNTY ON ITS BICENTENNIAL

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the 200th anniversary of Madison County. This central Ohio county has reached its bicentennial milestone, during which we reflect on the history of the region and pay tribute to the proud and industrious families who live and work in Madison County today.

On February 16, 2010, Madison County residents celebrated two centuries of accomplishments, challenges, and growth. Established in 1810, Madison County was named after America's fourth president, James Madison and encompasses 467 square miles in central Ohio. Whether they are members of close-knit communities such as Mount Sterling, Plain City, West Jefferson, London, Midway, and South Solon, or part of the larger agricultural heritage of the surrounding homesteads, roughly 43,000 Ohioans call Madison County home. The county also offers a diverse workforce. From innovators that develop breakthroughs in research at Battelle Labs in West Jefferson, to the Amish farming tradition around Plain City, residents are both forward-thinking and grounded by their strong work ethic.

Madison County has been one of America's agricultural leaders. To this day, 88% of the land in the county is utilized for farming, ranking fourth in soybean and corn production in the state of Ohio. Because of the critical position agriculture holds in Madison County agricultural industry, it annually hosts The Ohio State University's Farm Science Review, one of the largest farm exhibitions in the world.

Madison County is home to Ohio's only natural plains, smaller versions of the Great Plains found in the West. They are dotted by family cemeteries of original settlers, often studied by genealogists across the state. Numerous attractions—such as the Madison Lake State Park, Lake Choctaw, the Red Brick Tavern, the Jonathan Alder Cabin, and Big Darby Creek State and National Scenic River—as well as many local parks and segments of the Prairie Grass Trail make Madison County a great place to live, work, and visit.

For two hundred years, Madison residents have played a vital role in the growth of central Ohio and particularly to Ohio's 15th Congressional District. I am proud to represent the residents of Madison County and to honor them as they celebrate two hundred years of history and achievement.

HONORING DR. SARAH MESSIAH

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a talented and hardworking physician from South Florida, Dr. Sarah Messiah.

As a member of the University of Miami's Miller School of Medicine, Dr. Messiah is taking part in ground-breaking research on childhood obesity and how to best prevent childhood diseases through healthy eating, more exercising and overall changes in lifestyle habits. She has testified before the Senate, and her work has been reviewed by the White House. As a mother of three and a former Olympic athlete, Dr. Messiah understands the need for ensuring that children lead a healthy lifestyle starting at a young age. One of her daughters is even a participant in an awareness campaign throughout Washington, DC, calling for healthier eating habits and foods for children.

I commend Dr. Messiah for her commitment and dedication to the wellbeing of our community's children and thank her for the work she continues to do each day, as a mother and as a professional. As we celebrate Women's History Month, I ask that you join me in congratulating Dr. Messiah for her accomplishments in medicine and her commitment to excellence.

INTRODUCTION OF A BILL TO REQUIRE INDEXATION OF DEFERRED ANNUITIES FOR DEPARTING EMPLOYEES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce a bill to require indexation of deferred annuities for departing federal employees.

Federal employees who leave the U.S. Government before age 62 must either defer their retirement annuity until they turn 62, or immediately withdraw the amount they have contributed to the Civil Service Retirement and Disability Fund (CSRDF) for retirement. The amount of their annuity is not indexed for inflation, so younger employees have little incentive to opt for a deferred annuity that will lose real value over time.

Paradoxically, changing the law to index deferred annuities would reduce the federal budget deficit for the first several years following enactment, as many more federal employees opt for a deferred annuity and outlays from the Treasury to pay departing employees an immediate lump sum decrease significantly.

The long-term effect on the budget is likely to be neutral. Outlays for annuities to retirees several years in the future will increase, but because employees' contributions to the CSRDF must, by law, be invested in U.S. Treasury bonds, the interest will offset future increased outlays.

At a time when the Federal Government is facing the challenge of an aging workforce and federal employees are paid 26 percent less than their counterparts in the private sector, the excellent benefits package the Federal Government offers is a key recruiting tool. Indexing federal employees' deferred annuities will improve that package, and at the same time reduce the deficit in the short term.

I urge my colleagues to support this bill.

RECOGNITION OF THE COLUMBUS CHAPTER OF THE MOLES ON ITS 50TH ANNIVERSARY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the Columbus Chapter of the MOLES on its 50th Anniversary. The MOLES, an acronym for Maturity, Optimism, Loyalty, Enthusiasm, and Sparkle, is a social organization consisting of nearly 1,000 women in 30 chapters across the United States.

The MOLES was chartered in Norfolk, Virginia, in 1950. Although the original purpose of the group was to foster fun, pleasure and fellowship, the members soon realized that some in their respective communities needed a helping hand. Chapters across the country have contributed to the health and physical needs of the less fortunate, provided scholarships, assisted the aged, blind and underprivileged, and encouraged racial equality in their communities. In 1960, fourteen women dedicated to the ideals and goals of the MOLES organization formed the Columbus Chapter. This sisterhood of joyful and compassionate women has remained a steadfast component in Franklin County.

On February 27, 2010, the Columbus Chapter of the MOLES celebrated its 50th year of fellowship and service to others. In attendance that night was Eleanor DeLoache, one of the original members of the Columbus chapter. The Columbus MOLES has been an exemplary social and service organization for 50 years, and I am proud to offer them my congratulations and wish them the best of luck in their future endeavors.

HANNA BOYS CENTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague,

Congresswoman LYNN WOOLSEY, to recognize and honor Hanna Boys Center, which has been providing a home and education to students in Northern California for 60 years.

The school began as an experimental program for neglected and troubled boys in 1944 in Menlo Park, south of San Francisco. The 25 original students were referred to the new school by social service agencies and parish priests. The demand quickly outweighed the physical resources of the small school and after a very successful speaking tour, enough funds were raised to purchase 157 acres in the Sonoma Valley, the school's home today.

By 1949, classrooms, an administration building, a chapel, gymnasium, swimming pool and one residence hall had been completed. The first students entered the Sonoma Valley campus by the end of that year. Today 109 boys ages 13 to 18 call the campus home.

Although Hanna students come to the school from throughout the country, most are from our combined Congressional districts. Many are from troubled homes.

There is a fully accredited high school on campus and all students can participate in woodshop, choir, soccer, baseball, track and basketball. Football is provided at nearby Sonoma Valley High School.

Thirty-four Hanna graduates are currently serving in the military. Graduates include very successful businessmen and civic leaders or simply men who live quiet lives of contribution and contentment.

Only three directors have piloted the school in its 60-year history, founder Monsignor O'Connor for 23 years, Father James Pulskamp for 12 years and Father John Crews for the past 25 years, a testament itself to the loyalty the school inspires.

Madam Speaker, Hanna Boys Center changes lives. It has been a stabilizing influence on hundreds of young men who have passed through its doors. It is therefore, appropriate that we honor the school for 60 years of dedicated service to our community.

HONORING DR. EDGAR WAYBURN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor our mutual friend and advocate emeritus for the environment, Dr. Edgar Wayburn, who died March 5th in San Francisco after more than a century walking this Earth that he so loved.

''He has saved more of the wilderness than anyone alive,'' said President Clinton in 1999 when he awarded Dr. Wayburn the Presidential Medal of Freedom, the Nation's highest civilian honor.

Born in Macon, Georgia, in 1906, at the age of 21 he trekked to California where he followed in John Muir's steps and was awed by the magnificence of Yosemite and the Sierra Nevada. He returned east to earn a medical degree at Harvard, and then in 1933 he moved to San Francisco to practice medicine and to fall in love with the sparkling waters of the bay and the golden hills surrounding it. In 1939 Ed joined the Sierra Club—in order to go on a burro trip, he claimed in his memoirs. He never left the organization, serving five terms as president, and ultimately honored as the club's Honorary Lifetime President.

Ed served four years in the Air Force during World War II and returned to San Francisco in 1946. There on the slopes of Mt. Tamalpais, he met his future wife, the stylish Peggy Elliot, an ad agency staffer and a former Vogue editor. Together they formed a formidable team for conservation, Ed the persistent, quiet spoken persuader of the powerful; Peggy, the brilliant wordsmith and organizer. And together they raised four children, William, Cynthia, Laurie and Diana—whose education included being packed into the family station wagon for summer rambles across the vast West.

Mt. Tamalpais, one of the couple's favorite hiking spots, was also the inspiration for Ed's first foray into conservation. With the Bay Area sprawling during the post-war boom, he wondered how much longer the signature peak of Mann County could remain green and undisturbed. Joining with Sierra Club activists and local residents, he began buttonholing State legislators and pressed for a series of acquisitions that expanded Mt. Tamalpais State Park from 870 acres to 6,300 acres over a period of 24 years.

In the early 60s developers set their sites on the Marin Headlands, quiet hills and valleys along the Marin Coast, just 15 minutes from the Golden Gate Bridge, a perfect place for a new suburb of the city, population 25,000. While local conservationists rallied to stop this kind of development in Marin County, Dr. Wayburn headed a movement to make the Headlands, along with Alcatraz Island, Muir Woods, the Presidio and Ocean Beach into a new national Park. Through his alliance with Congressman Phil Burton and his persuasive touch with Nixon administration officials, including the President himself, Dr. Wayburn was instrumental in establishing a whole new entity, the Golden Gate National Recreational Area, an ''urban'' national park.

During much of the time period, he worked tirelessly to establish the GGNRA's spectacular neighbor, the Pt. Reyes National Seashore. Together these two jewels have brought into public ownership lands rich in forests, meadows, marshes and rocky shores, bursting with wildlife on the urban edge of 12 million people.

In 1968, despite the opposition of much of the timber industry and the angry buzzing of chainsaw vigilantes, he convinced Congress to establish Redwood National Park in Humboldt County and to double its size ten years later.

He continued his quiet and persistent leadership of the Sierra Club, even while conducting a full-time medical practice and teaching at Stanford University and UC San Francisco. Then in 1980 after thirteen years of an intense lobbying campaign led by Dr. Wayburn, and aided by Peggy Wayburn's two books on Alaska wilderness, Congress passed the Alaska National Interest Lands Conservation Act. The legislation added 104 million acres to our national parks and refuge systems and effectively doubled our nation's parkland.

''I have loved medicine and conservation,'' he is quoted in the Journal of the San Francisco Medical Society. ''In one sense, my involvement with both might be summed up in a single word: survival. Medicine is concerned with the short term survival of the human species, conservation with the long term survival of the human and other species as well. We are all related.''

Several years ago, Madam Speaker, we both joined Dr. Wayburn in a small redwood grove in the Presidio of San Francisco as it was being dedicated to honor Peggy and Edgar Wayburn. The redwood is a survivor of millions of years of evolution, fire, changing climate and the chainsaw. It is nature's tallest tree and can live for two thousand years. It is fitting that Edgar Wayburn will be remembered among our planet's natural wonders.

RECOGNITION OF LONNIE CARMON FOR HIS CONTRIBUTIONS TO AVIATION

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Lonnie Carmon, who in 1926 became the first African American to fly a plane in central Ohio. Through his persistence, creativity, and ingenuity, Lonnie contributed to the evolution of aviation as well as the advancement of African Americans. The Ohio Historical Society has honored Lonnie Carmon for his role in the history of aviation in Ohio with a tribute to aviators who lived and flew out of Columbus.

Lonnie Carmon was affectionately referred to as the ''junk man'' for his recycling business, in which he would take discarded goods and sell them to people who could use them. Lonnie was a creative and inventive man who built his aircraft himself with little guidance, using materials he came across in his recycling business. His ability to turn what others considered trash into a working airplane has made him a pioneer in the field and for this reason he is celebrated during National Aviation Month every November.

Lonnie Carmon was recognized in 2004 by the Columbus Regional Airport Authority, which dedicated its 2003 Annual Report to the celebration of the History of Aviation in Central Ohio during the 75th anniversary of Port Columbus International Airport. The Annual Report included a photograph of Lonnie and the aircraft he built and flew.

Lonnie Carmon was honored by his granddaughter and other members of the Columbus community on February 20, 2010, at the Ohio Historical Center where he received a Citation of Achievement from Mayor Michael Coleman. State Representative and House Majority Floor Leader Tracy Maxwell Heard also issued a resolution of recognition in celebration of Lonnie's accomplishments. Lonnie Carmon, along with all those who contributed to the history of flight in Ohio, will continue to be honored and recognized for his impact on aviation. I am proud to honor Lonnie Carmon, for his drive, innovation, and ability as a pioneer in Ohio aviation history.

I STAND IN HONOR OF A REAL AMERICAN HERO, SSG JAMES S. CLARK, U.S. ARMY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GONZALEZ. Madam Speaker, I rise today in honor of a real American hero, SSG

James S. Clark of Aco 1/17 IN. I ask that this poetic tribute penned by Albert Caswell of the Capitol Guide Service, be placed in the RECORD in honor of Staff Sergeant Clark. On October 15, 2009, James lost his leg and almost his life, in an IED explosion in Khandahar Afghanistan. Like many of our fine sons and daughters, who have been injured, he has, and will continue to, inspire us all with his faith, courage and determination during his recovery. James plans to move to San Antonio, Texas to live with his wife Kae-c and their children Samarra and Izeyah and their family to receive treatment. We welcome another great American veteran and his family with open arms, to our community of heroic heroes—patriots who have served our Nation over the years.

I STAND

I STAND!
I stood, so you can sleep . . .
While, out across our nation so many fine families weep . . .
For all of my Brothers and Sisters In Arms, who but their promises did so keep!
As I raised my hand, and swore with all my heart . . . for something true!
To live and die, and not ask why . . . all for that Old Red, White, and Blue!
As I cried, as I watched my Brothers die!
As they stood and so did I, to protect you . . . the reasons why . . .
Yes, my fine leg I have lost . . .
But, such things are but the high price . . . of freedom's cost!
And now, I must rebuild . . . and oh yes . . . yes I will!
For, I Will Stand . . . And I Will Run!
For all my Fallen Brothers, I will live to see the new day's sun!
For what I have lost, so much more I've gained . . .
As now my new war's just begun!
As I work through all of this heartache, and pain . . .
Until I'm done!
For I'm not half the man I used to be . . .
For the sum, is far much more greater inside of me!
For I'd rather stand for something, than nothing at all!
I won't moan, and I won't crawl . . .
As I will run again, standing tall . . .
For I am, an Army Man!
Like all of my Brothers, Army Strong I So Stand!
In life, there's only so much time!
To Stand For Something, To Heaven Find!
I'd rather stand for something than nothing at all!
Can you but not hear, my heart call?
For such men of such worth, as James . . .
Are put upon this earth, to stand . . . and in our souls remain . . .
To Teach Us . . . To Reach Us . . . to All of Our Hearts . . .
To So Beseech Us . . .
And if I ever have a son, I but hope and pray . . . he could be like this one!
Who Stands!

NASA'S CONSTELLATION PROGRAM

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CHAFFETZ. Madam Speaker, the most fundamental responsibility of the Federal Government is to "provide for the common defence."

America's national defense strategy fundamentally depends on supremacy in space. Our troops on the battlefields in Afghanistan and Iraq depend on crucial intelligence-gathering and communication capabilities, which in turn rely on a robust space program.

But the current Administration proposal would cancel the Constellation program, NASA's safest and most proven means to return to space.

We've spent billions to build an International Space Station. Do we want to rely upon the Russians whenever we need to return? Under the Administration's proposal, we would.

Do we want to be buying rocket parts from China because we have decimated our national industrial base? Or do we want to maintain the strong industrial sector on our own?

Do we want our military to rely on others to send vital navigation and communication satellites into orbit? Or do we want our country to decide when and how those vital coordination satellites are launched into space?

We need to restore the Constellation program and maintain our superiority in space.

HONORING OLIVIA PERRY FOR WINNING THE LESSONS OF THE AFRICAN-AMERICAN EXPERIENCE WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Olivia Perry as a winner of the first annual "Lessons of the African-American Experience" Creative Writing Contest. Olivia is currently in the fourth grade at Woodstock Elementary School, which is located in Woodstock, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our nation's past. The lessons learned during this month continue to serve as the stepping stones of our nation's future. Olivia's essay "Perseverance" eloquently embraces this belief.

Olivia's essay shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her essay was among the four winners selected.

RECOGNITION OF NATHAN ELFRINK

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Nathan Elfrink, an energetic, passionate young man. Despite having spent most of his life fighting a brain tumor, Nate never let his illness diminish his thirst for adventure. He passed away at the age of seven on February 26, 2010. My heart goes out to his family, friends, and all those who have been touched by Nate's kindness and bravery.

Nate never complained about his illness, the doctor's appointments, or the difficult treatments. Instead, he often asked his mom when he could go play on his way to appointments. He was a caring boy who would bake cookies for his teachers and friends. Nate was active in various community events around central Ohio and he led a group, known as "Nate's Mates," at a local Relay For Life to raise money for the American Cancer Society.

Nate's favorite holiday was Christmas. Last year, Nate's mother posted an online update about his condition and said that he would enjoy receiving Christmas cards. A subsequent Facebook group was initiated asking for one million Christmas cards for Nate. As cards poured in from all 50 states and 63 countries, the town of West Jefferson came together to open all the cards and read the most notable to Nate.

Nate always had a passion for sports and despite his worsening condition, Nate watched the entire Winter Olympics opening ceremony and enjoyed pointing out all the countries from which he received cards.

Nate enjoyed his life the best he could. His family plans to keep the cards Nate received and hold a Christmas in July celebration on what would have been Nate's eighth birthday. I am proud to honor Nate Elfrink for his courage and optimism throughout his illness; this inspirational member of our community will be sincerely missed.

RECOGNIZING JEFFREY BAUGUS AS THE HURLBURT AFA CHAPTER 398 MIDDLE SCHOOL TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Jeffrey Baugus upon receiving the Hurlburt Air Force Association Chapter 398's Middle School Teacher of the Year Award for 2010. Mr. Baugus is an innovator and an inspiration to his students, and I am honored to venerate his achievement.

Jeff is an 8th Grade Math and Advanced Algebra 1 Honors Teacher at Woodlawn Beach Middle School in Santa Rosa County, in my district in Northwest Florida. In only his second year of educating, Jeff is rapidly becoming known as an innovative thinker. He uses real world techniques such as crime scene investigations, sports, and cooking to explore math concepts. Jeff also created an educational math blog entitled "Mr Bloggus' Mathlete Corner" for his Algebra students that contains video lessons on the skills learned in the classroom. The blog concept has proven so popular that other math courses in the school and throughout the school district have used Jeff's work as a model for their classrooms. Additionally, he introduced Google Sketchup into his math instruction, allowing his students to visualize three-dimensional objects manipulated live on the computer. For his innovation, Jeff received the 2009 Woodlawn Beach "Rookie of the Year" Award.

Madam Speaker, on behalf of the United States Congress, I am privileged to acknowledge Jeffrey Baugus as the Hurlburt AFA

Chapter 398 Middle School Teacher of the Year. He is a dedicated educator, an inspiration to his students, and an honorable public servant. Vicki and I wish Jeff and his family all the best for the future.

TRIBUTE TO ADALISSA ORTIZ

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize my constituent Adalissa Ortiz, of Marshalltown, Iowa, and congratulate her on her acceptance to the People to People World Leadership Forum held in Washington, D.C. from the 21st through the 26th of June 2010.

Chosen for her academic excellence, community involvement and leadership potential, this forum will provide Adalissa with daily leadership oriented curriculum, as well as allow her to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in 1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Adalissa Ortiz for her commitment to academic and personal development. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Adalissa and her family in the United States Congress and I wish her the best in her future endeavors.

HONORING SUSIE LEVAN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor one of our community's most unique entrepreneurs, Susie Levan, who for years has been inspiring women in South Florida and beyond to achieve personal growth.

Susie is the founder of the Work-Life Balance Institute for Women and Balance Magazine, non-for-profit organizations that have been helping women in South Florida achieve a healthy balance between work and family life for more than ten years. ''Health, wealth and happenings'' are three guiding principles that Susie uses to empower women. She focuses on creating workshops, conferences, seminars, and forums to help women empower themselves and their families, lead better and healthier lives, and promote their businesses. She is also one of the hosts of Be(e) You Radio, a weekly radio program airing Sundays on 101.5 Lite FM in South Florida.

As we celebrate Women's History Month, I ask that you join me in thanking and congratulating Susie Levan for her success in motivating women to change their lives and her commitment to helping others.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on Sunday, March 21, 2010 when I was unavoidably detained. Had I voted, I would have voted ''yes'' on rollcall No. 159 and rollcall No. 168.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. NADLER of New York. Madam Speaker, due to other business, I missed votes on March 20, 2010. Had I been able to, I would have voted ''no'' on rollcall vote No. 148, an amendment offered by Mr. Bishop (UT); ''aye'' on rollcall vote No. 149, an amendment offered by Mr. Cole (OK); ''aye'' on rollcall vote No. 151, final passage of the Public Lands Service Corps Act of 2009; ''aye'' on rollcall vote No. 152, the TRICARE Affirmation Act; ''aye'' on rollcall vote No. 153, approving the Journal; and ''aye'' on rollcall vote No. 154, Honoring the Life and Accomplishments of Donald Harington.

TRIBUTE TO RYAN GUERRA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize my constituent Ryan Guerra, of Perry, Iowa, and congratulate him on his acceptance to the People to People World Leadership Forum held in Washington, D.C. from the 21st through the 26th of June 2010.

Chosen for his academic excellence, community involvement and leadership potential, this forum will provide Ryan with daily leadership oriented curriculum, as well as allow him to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in 1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Ryan Guerra for his commitment to academic and personal development. He is a future leader of this country of whom Iowa is very proud. I am honored to represent Ryan and his family in the United States Congress and I wish him the best in his future endeavors.

HONORING DEANE BONNER

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today to commemorate the dedication and years of service that Deane Bonner has provided for Cobb County. Since 1997, Ms. Bonner has served as the Cobb County NAACP President, and she has chosen to step down from that post at the end of the year.

On Friday, February 12, members of the Cobb County community gathered at Chattahoochee Technical College to present Ms. Bonner with the inaugural ''Celebrating Diversity in Cobb County Award.'' In an outpouring of support, Ms. Bonner was praised by countless numbers of people for her kind spirit, generosity, and years of service to the community.

Madam Speaker, I can personally speak to Ms. Bonner's commitment to Cobb County. I am fortunate to be able to call her a friend, and I know how her hard work to improve the community has gained her a wealth of respect from everyone with whom she has served.

Madam Speaker, as Ms. Bonner steps away from the public spotlight at the end of the year, she will have very large—and difficult—shoes to fill. I would like to personally thank Ms. Bonner for her years of service to the NAACP and to Cobb County as a whole.

CELEBRATING THE LIFE OF HARLEM'S ICON, BROTHER CLAUDE A. SHARRIEFF FRAZIER, FONDLY KNOWN AS CHIEF FISCAL OFFICER OF WINDOWS OVER HARLEM AND THE HOST OF NEWS & VIEWS AT 9:30 A.M., WPAT RADIO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. RANGEL. Madam Speaker, I rise with the utmost humility, respect and admiration as I pay tribute to my dear friend, Brother Claude A. Sharrieff Frazier. As I speak with pride and honor for my friend Sharrieff, I ask us all to celebrate a life that was lived to the fullest and also to remember his love for life and community involvement and all the remarkable contributions he made to Harlem.

Claude Sharrieff Frazier, a veteran of World War II, a scholar, and one of Harlem's devoted townsmen and radio personalities, was born in Harlem, New York on December 13, 1925. He was raised from infancy by his grandmother, a native of Jamaica, a stern disciplinarian and a member of the historic St. Philip's Church at 134th Street in Harlem and also by his grandfather who was a respected elder of St. Mark's United Methodist Church. He was reared and obtained his primary and secondary education in Harlem. He spent most of his childhood and adolescent years in St. Philip's learning about history and culture from the priests, curates, deacons, and lay readers. In the early 1960's, he visited Mosque No. 7 and shortly thereafter accepted the teaching and leadership of the Honorable Elijah Muhammad.

Brother Claude Sharrieff, a well known Harlem icon served his Nation during World War II at the age of 16 with the mighty 784th Black Battalion Tank Unit. Proud and active, Claude dedicated his life-work to celebrating and supporting the contributions and sacrifices made by Black Veterans of all wars. He was a life member of the fighting 369th Harlem Hellfighters, the Colonel Charles Young American Legion Post 398 and the 784th Tank Battalion Association, Inc., to name just a few. I always look forward to participating in his regular annual salute to veterans that occurs each and every year at his beloved Windows Over Harlem Restaurant and Catering establishment.

Upon his return after World War II, Claude enrolled in and eventually graduated from College of New Rochelle with a Bachelor's in Arts in Social Science degree. He went on to hold the position of Deputy Director for the Institute for Mediation and Conflict Resolution, eventually also earning a Paralegal Certificate from Bronx Community College in 1987.

Claude loved his beloved Harlem and contributed greatly to many important historic episodes of this world renowned community. From the early days of the struggle for the right to own and work in businesses along 125th Street to the rise of Black Nationalism and Islam, Claude Sharrieff bore witness and stood on the front line. So proud of his military achievements and African heritage, Claude's discipline led him to Mosque No. 7 and the teachings of the Honorable Elijah Muhammad. As a servant of Allah, he was so proud when he was able to bring Windows Over Harlem to the community of Harlem, especially housed in the building of his beloved idol and close friend, Congressman Adam Clayton Powell, Jr. Sharrieff also rendered bookkeeping and tax services to small businesses in the Harlem community.

Windows became an international gathering place where he catered to many luminaries, entertainers and personalities like me. He also used Windows to host News & Views at 9:30 a.m. on WPAT Radio, for 11 years, keeping the community informed by tackling issues that affected New York City as a whole and Harlem in particular. Claude used Window's to embrace the entire African Diaspora from the Middle East, North, West, Central and southern regions of the continent to the shores of our great Nation. His Windows Over Harlem bridged and united communities from West Africa to Asia, becoming a place where you could express who you are, where you come from and gain employment.

Sharrieff spent the last years of his life as the Chief Fiscal Officer for Windows Over Harlem Restaurant and Catering. Windows Over Harlem was his dream come true as it allowed him to serve and cater to the people of Harlem, in the spirit of his great idol and close personal friend. Sharrieff would sometimes say, "We're doing what Adam would want to see done in Harlem." Even in hard times and doubting moments, he would remain unfazed, sidestepping worries with a simple, "I have a plan."

Claude Sharrieff Frazier was also an active member in the Harlem Republican Club, where he eventually became President, yet he never waivered in his support for me. On Friday, March 19th, 2010, Sharrieff was called home to Allah after a short illness. He will be remembered in a very special Harlem world salute on Thursday, March 25, 2010 at his grandfather's beloved landmark, St. Mark's United Methodist Church in Harlem.

Madam Speaker. I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration. Though Sharrieff is no longer with us, his memory will remain alive in our hearts and minds behind a great written legacy summed up in his own words: "Freedom of Spirit and the interaction with humanity remain my focus in life. I love the history of our ancestors for their sacrifices and the contributions that they made towards the growth and development of America, even during slavery and unto this day."

We are all blessed to have known Claude A. Sharrieff Frazier, a titan of a man who gave us all life.

TRIBUTE TO MORGAN SMITH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize my constituent Morgan Smith, of Nevada, Iowa, and congratulate her on her acceptance to the People to People World Leadership Forum held in Washington, D.C. from the 21st through the 26th of June 2010.

Chosen for her academic excellence, community involvement and leadership potential, this forum will provide Morgan with daily leadership oriented curriculum, as well as allow her to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in 1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Morgan Smith for her commitment to academic and personal development. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Morgan and her family in the United States Congress and I wish her the best in her future endeavors.

TRIBUTE TO MR. RANDY YARNOLD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to Randy Yarnold. His accomplishments are numerous, but his service to the students of Wynne High School and the community of Wynne over the past four decades is what warrants our recognition and our thanks today.

Randall Mitchell Yarnold was born in Malvern, Arkansas on March 8, 1948, the second of four children of Clyde and Velma Yarnold. In 1966, he graduated as commencement speaker from Malvern High and enrolled at Henderson State University, where he graduated with a BSE in Speech and Debate four years later. That fall, he began his teaching career at Wynne High School. Sponsorship of the Drama Club was included in his duties, and so began a legacy that would lead him to direct 60 plays and touch thousands of lives over his 40-year career.

Yarnold is retiring from his profession after having taught over 13,000 students in the classroom, including every graduating student at Wynne High School since 1994. He also served as the voice of Yellowjacket football as the school's stadium announcer. Between 1975 and 2006, he never missed a home game, and due in part to his personality, Yellowjacket Stadium was named the fourth best place to see an Arkansas high school football game.

His patient guidance and passion for theatre have inspired many of his students to pursue successful careers on stage over the years, while his contagious enthusiasm for all the things he did—teaching, directing, and community service—moved many of his peers, including his creative partner, Ms. Sherry Phillians, to volunteer their time towards achieving whatever goal he pursued.

Yarnold is truly devoted to his students—supporting them at games, recitals, and pep-rallies. It is his dedication to his home, however, that moves me to speak today. The values of service to others and commitment to community are rarely seen with such distinction and dedication. His impact was good and great. On behalf of the United States Congress I ask my colleagues to join me in celebrating and honoring the lifetime and career achievements of Randy Yarnold.

DR. FRANK S. GREENE, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Dr. Frank S. Greene, Jr., technology professional, electrical engineer, venture capitalist, entrepreneur, philanthropist, parent, grandparent and friend. With his passing, December 26, 2009, at the age of 71, we are reminded of his life's journey, his prolific career and the joyful legacy he has inspired.

Dr. Greene was born on October 19, 1938, in Washington, DC, to Frank S. Green, Sr. and Irma Olivia Swygert. He was raised in St. Louis, Missouri, where, in 1961, he became one of the first African-American students to graduate from Washington University. He was also among the first cohort of black students to complete the university's U.S. Air Force ROTC Program, and was ultimately promoted to the rank of Air Force Captain, helping to develop high performance computers for the National Security Agency.

An avid and industrious scholar, Dr. Greene earned a master's degree in electrical engineering from Purdue University, and his Ph.D. from Santa Clara University, where he was later elected as the first African-American Trustee. As Dr. Greene began a career in the private sector, he maintained close ties to academia and academic pursuits, teaching university courses in electrical engineering and computer science at prestigious universities across the country.

In 1965, Dr. Greene joined a research and development team at Fairchild Semiconductor that won the fastest memory chip design patent of the time. In 1971, he founded Technology Development Corporation, a fast-growing computer software and technical services company, which led to the founding of ZeroOne Systems in 1985. In 1993, he cofounded New Vista Capital, a venture capital firm that specialized in funding women-owned and minority-owned businesses. Throughout his career, Dr. Greene earned many accolades, including receiving Washington University's Black Alumni Achievement Award, Santa Clara University's Distinguished Engineering Alumni Award, Purdue University's Outstanding Electrical and Computer Engineer Award, and, in 2002, induction as the first African American into the Silicon Valley Engineering Hall of Fame.

All the while, Dr. Greene kept in mind the critical importance of instilling in youth a love of learning and an indomitable belief in the ability to succeed. He began the GO-Positive Foundation to encourage life skills through, ''Vision, Relationships, and Execution,'' with his VRE Leadership Model. Additionally, the Dr. Frank S. Greene Scholars Program is a science, technology, engineering and math initiative contributing to the academic success of African-American students. He was also an active member of many local organizations.

I met Dr. Greene years ago while working on the former congressional staff for current mayor, Ron Dellums. Dr. Greene was always a kind and forthright man whose business acumen impressed me tremendously. We worked on many business issues together and, as an elected official, I enjoyed his gracious and consistent support over the years. Frank did so much for young people in the Bay Area and beyond. He was a good friend, and I will miss him.

Today, California's 9th Congressional District salutes and honors a wonderful human being, Dr. Frank S. Greene, Jr. Our community is indebted to his life's contribution in countless ways. Dr. Greene was truly a great man and he will be deeply missed by an extended group of family, friends and loved ones. May his soul rest in peace.

TRIBUTE TO BALLARD JUNIOR AND SENIOR HIGH SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate students at Ballard Junior and Senior High School in Ballard, Iowa, for their efforts in raising money for St. Damien Hospital, the only free pediatric hospital in Haiti.

St. Damien Hospital is facing many struggles with the devastation caused by the earthquake in Haiti. Jeriann McLaughlin, the service/mentoring/tutoring coordinator at Ballard Junior and Senior High, learned of the struggles from Annie Kautza, who is a native of Iowa and the regional medical coordinator for NPH International, who runs St. Damien. Annie explained the severe structural damage the hospital sustained during the earthquake and the need for financial assistance to get back to business as usual and serve the additional children in need of care.

Jeriann initiated a fun and competitive fundraising project called ''Penny War'' which took place for one week in February. This schoolwide contest was implemented to see which advisor group could collect the most pennies. Containers for each advisor group were filled with pennies, and students could add other coins and dollar bills to their opposing advisor groups' to reduce that group's overall penny count in the Penny War competition. The advisor group with the highest penny credit and the group raising the most money earned a pizza party. In total, the Penny War raised over $2000.00, and the National Honor Society raised an additional $121.00.

This collective effort at Ballard Junior and Senior High School is characteristic of what Iowa is all about—citizens motivated and dedicated to improving the daily life of people in need. I commend all the students, their families, and especially Jeriann McLaughlin who generated this heartwarming effort. I consider it an honor to represent Jeriann and all of those involved in the Penny War in the United States Congress and again I congratulate them for their great act of kindness and charity.

HONORING CHRISTIANE LEE FOR WINNING THE LESSONS OF THE AFRICAN-AMERICAN EXPERIENCE WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Christiane Lee as a winner of the first annual ''Lessons of the African-American Experience'' Creative Writing Contest. Christiane is currently in the eighth grade at Vernon Center Middle School, which is located in Vernon, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our nation's past. The lessons learned during this month continue to serve as the stepping stones of our nation's future. Christiane's essay ''Facing History with Courage'' eloquently embraces this belief.

Christiane's essay shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her essay was among the four winners selected.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the week of Monday, March 15, 2010.

For Monday, March 15, 2010, had I been present I would have voted ''aye'' on rollcall vote No. 112 (on motion to suspend the rules and agree to H. Res. 1145), ''aye'' on rollcall vote No. 113 (on motion to suspend the rules and agree to H. Res. 1170), ''aye'' on rollcall vote No. 114 (on motion to suspend the rules and agree to H. Res. 1163), ''aye'' on rollcall vote No. 115 (on motion to suspend the rules and agree to H. Res. 267).

For Tuesday, March 16, 2010, had I been present I would have voted ''aye'' on rollcall vote No. 116 (on motion to suspend the rules and agree to H.R. 4628), ''aye'' on rollcall vote No. 117 (on motion to suspend the rules and agree to H. Res. 311), ''aye'' on rollcall vote No. 118 (on motion to suspend the rules and agree to H. Res. 605), ''aye'' on rollcall vote No. 119 (on motion to suspend the rules and agree to H. Res. 1128).

For Wednesday, March 17, 2010, had I been present I would have voted ''aye'' on rollcall vote No. 120 (on motion to suspend the rules and agree to H. Res. 1089), ''aye'' on rollcall vote No. 121 (on motion to suspend the rules and agree to H. Res. 1167), ''no'' on rollcall vote No. 122 (on motion to suspend the rules and agree to H. Res. 1184), ''aye'' on rollcall vote No. 123 (on motion to suspend the rules and agree to H. Res. 1141), ''aye'' on rollcall vote No. 124 (on motion to suspend the rules and agree to S. 1147), ''aye'' on rollcall vote No. 125 (on motion to suspend the rules and agree to H.R. 3954), ''aye'' on rollcall vote No. 126 (on motion to suspend the rules and agree to H.R. 946), ''aye'' on rollcall vote No. 127 (on motion to suspend the rules and agree to H.R. 4825).

For Thursday, March 18, 2010, had I been present I would have voted ''aye'' on rollcall vote No. 131 (on motion to refer H. Res. 1193, raising a question of the privileges of the House), ''no'' on rollcall vote No. 132 (on motion to table H. Res. 1193, raising a question of the privileges of the House), ''aye'' on rollcall vote No. 133 (on motion to suspend the rules and agree to H.R. 3542), ''aye'' on rollcall vote No. 134 (on motion to suspend the rules and agree to H.R. 3509), ''aye'' on rollcall vote No. 135 (on motion to suspend the rules and agree to H. Res. 1173).

TRIBUTE TO COLLINS-MAXWELL HIGH SCHOOL AND MIDDLE SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the students at Collins-Maxwell High School and Middle School in Central Iowa for their efforts in raising money to help those devastated by the earthquake in Haiti.

Lanie Crouse, president of the high school student council, and student council members Josh Benton and Jameson Hudson implemented a plan to raise money for the Story County Chapter of the American Red Cross for relief in Haiti by selling T-shirts. The more than 240 T-shirts sold have a Haitian-style design with their school Raider logo. In addition, the middle school students organized a coin drive which raised $242. Local community

members also chipped in with monetary contributions. This entire fundraising relief effort raised a grand total of over $1,700.

This collective effort at Collins-Maxwell High School and Middle School is characteristic of what Iowa is all about—citizens motivated and dedicated to improving the daily life of people in need, and in this case those who have lost everything. I commend Lanie Crouse, Josh Benton, Jameson Hudson, and all the students and community members who participated in this fundraiser, as well as Jessica Allen, the school counselor, who facilitated this heartwarming effort. I consider it an honor to represent all of those at Collins-Maxwell Schools involved in this great act of kindness and charity on behalf of Haiti in the United States Congress and again I congratulate them on their successful efforts.

HONORING THE NATIONAL URBAN LEAGUE

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. SIRES. Madam Speaker, I rise today to honor the National Urban League and celebrate their 100 years of service. Since 1910, the National Urban League has grown to have more than 100 affiliates in 36 states and the District of Columbia. Their work impacts the lives of more than 2 million across the nation and I applaud their contributions in fighting for historically underserved urban communities.

In my district, which is 100 percent urban, there are active National Urban League affiliates who work hard to provide vital sources such as delivering social services and programs. New Jersey's 13th Congressional district is incredibly diverse and is made up of 47.6 percent Latinos, 12.8 percent African Americans, and 5.6 percent Asians. Among my constituents, 39.6 percent are foreign born, and this diversity enriches our communities. Through the hard work of the National Urban League, many of my constituents are becoming empowered to gain better access to education, employment, housing, and health care.

The 100th Anniversary of the National Urban League also coincides with the publication of their 34th edition of The State of Black America. This riveting report features contributions from our nation's brightest scholars, politicians, and professionals and demonstrates just how severely our urban and minority communities are being impacted in the areas of economics, education, health, civic engagement, and social justice. For the very first time, The State of Black America, included a Hispanic index. In the report, an Equality Index of 100 percent would signify that minorities are on par with Caucasians; however, this report found that African-Americans received an overall Equality Index of 71.8 percent and Hispanics received an overall score of 75.5 percent. Clearly, there is more progress to be made.

The area of economics represents the greatest disparity between minorities and whites, and the unemployment statistics were the most disconcerting. In 2009, African-American unemployment was 14.8 percent, Hispanic unemployment was 12.1 percent, and white unemployment was 8.5 percent. Further, for adult black men, the unemployment rate was 17.8 percent as compared to 8.8 percent for white men. For adult black women, the unemployment rate is 12.1 percent as compared to 7.3 percent for white women. The high rate of national unemployment is impacting all Americans, but is having a particularly devastating effect on African-Americans.

In an effort to combat these sobering numbers, the National Urban League introduced The National Urban League 's Plan for Putting America Back to Work. This six point plan targets $168 billion in spending over two years through: (1) direct create job creation, (2) expansion of the Youth Summer Jobs program, (3) creation of urban jobs academies, (4) creation of green empowerment zones, (5) expansion of the hiring of housing counselors nationwide, and (6) expansion of the Small Business Administration's Community Express Loan Program. Together, these recommendations will address the jobs crisis that our urban communities are facing. The National Urban League's Centennial initiative is, ''I AM EMPOWERED,'' and sets a goal for every American to achieve access to a quality job which includes a living wage and good benefits by 2025. Let us all work together and make this goal a reality.

Madam Speaker, I applaud the National Urban League for their dedication in serving our communities and ask my colleagues to join me in recognizing their 100 years of achievements.

IN RECOGNITION OF WORLD TB DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to recognize the importance of World TB Day. Tuberculosis is the second leading global infectious disease killer behind HIV/AIDS, claiming approximately 1.8 million lives each year. It is estimated that ⅓ of the world's population is infected with TB. This disease kills people of all races and ages around the world.

The global TB pandemic and spread of drug resistant TB presents a persistent public health threat to the U.S. The WHO reports that 5 percent of all new TB cases are drug resistant, with estimates of up to 28 percent drug resistant reported in some parts of Russia. Of these numbers, it is estimated that only 7 percent are receiving treatment.

Although drugs, diagnostics and vaccines for TB exist, these technologies are antiquated and are increasingly inadequate for controlling the global epidemic. The most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children.

Drug susceptibility tests for drug resistant TB take 2–4 weeks to complete, during which time a drug resistant TB patient in a developing country may die. The TB vaccine, BCG, provides some protection to children, but has little or no efficacy in preventing pulmonary TB in adults. We will never be able to defeat TB without the introduction of new identification, treatment and prevention tools.

World TB Day provides us with an opportunity to celebrate the significant gains made in the fight against TB and reminds of us the challenges ahead. Since 1995, 36 million people around the world have successfully been treated for TB and 9 million lives have been saved.

Less than 2 years ago, this Congress passed two historic laws to combat TB. The Comprehensive TB Elimination Act authorizes the tools to put the U.S. on the path to TB elimination and the Lantos-Hyde Act, with multi-lateral commitment, aims to reduce the global TB burden by half within a decade.

Both of these laws would support an increased research investment to get us the new TB diagnostic, treatment and prevention tools that we urgently need. With enactment of these 2 laws, we have the power to combat TB effectively and reduce the human misery that this disease wreaks around the world.

I urge my colleagues to work with me and our colleagues on the Appropriations Committee to fully fund these measures.

HONORING NATALIE MYERSON

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mrs. CAPPS. Madam Speaker, today I rise to honor Natalie Myerson, an exceptional woman and a dear friend.

Born in Chelsea, Massachusetts, in 1920, Natalie Anita Salter grew up in nearby Newton, MA and attended Goucher College in Baltimore, MD. In the fall of 1942, she was introduced to Raymond King Myerson, who was a naval officer stationed in Cambridge. After a brief courtship, Natalie and Raymond were married on February 20, 1943. They had 63 wonderful years together until Raymond's death in 2006.

While Raymond was in the Navy during World War II, Natalie lived with his parents in Chicago. When Raymond returned from the war in 1945, the young couple moved into their own apartment in Chicago. Their daughter Bette Kay was born in 1946, and 3 years after that, in 1949, son Toby came along. Shortly after Toby's birth the family moved to Highland Park, Illinois where they lived for 15 years. In Highland Park Natalie was an active volunteer with the Brandeis National Women's Committee, Hadassah, and a number of other organizations.

On July 4, 1964 the family moved to Los Angeles and in 1974 came to Santa Barbara. Natalie has lived longer in Santa Barbara than any other city; she and Raymond became very active members of the community. Natalie served on the Board of Directors and was treasurer of the Santa Barbara Symphony for many years. She and Raymond were great supporters of the Anti-Defamation League of B'nai B'rith. They were honored at the ADL annual dinner in 2001.

Natalie has also served on the Advisory Board of the Hillel Foundation of the University of California, Santa Barbara. Natalie and Raymond were honored by that organization in 2006. They were also involved with the Affiliates of University of California, Santa Barbara. Natalie was an active member of the Santa Barbara Arts Council for many years. She is

currently one of the mainstays and most loyal and celebrated members of Santa Barbara's Congregation B'nai B'rith. Natalie was honored as a "Woman of Valor" by the Women's Division of the Santa Barbara Jewish Federation in 2009.

Natalie is the matriarch of the Myerson and Salter families and is most beloved by her family. In addition, she has "adopted" 39 "courtesy daughters" who consider her their second mother.

Natalie is sought after as a speaker, emcee, and presenter. She is an elegant, beautifully dressed, kind, and caring woman, and a gracious hostess. I can speak with authority that it is a privilege to call her a friend. Natalie is an instrumental pillar of our central coast community, and I'm humbled to honor her this month as she celebrates her 90th birthday. I wish her continued good health!

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. FORTENBERRY. Madam Speaker, on Friday, March 19, and Saturday, March 20. 2010, I was absent due to family obligations and thus I missed rollcall votes Nos. 136 through 154. Had I been present, I would have voted "aye" on Nos. 137, 138, 139, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, and 154 and "nay" on Nos. 136, 140, 142, and 153.

TRIBUTE TO PAGE AND LINCOLN ELEMENTARY SCHOOLS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the students at Page and Lincoln elementary schools in Boone, Iowa, for their efforts in raising money to help those devastated by the earthquake in Haiti.

The devastation in Haiti hit close to home for Page Elementary kindergarten teacher Heidi McPartland. In 2009 she traveled to Haiti for a mission trip to assist in painting and completing work on a medical facility. Heidi put her heart and compassion into motion by initiating a "Hearts for Haiti" fundraising project to help the American Red Cross's relief efforts. During the entire month of February, students at Page and Lincoln elementary schools raised money for this humanitarian cause. Not only did it raise money for people in need, but it taught the children the importance of caring for others and how their efforts can really benefit those who are less fortunate.

This collective effort at Lincoln and Page elementary schools is a characteristic of what Iowa is all about—citizens motivated and dedicated to improving the daily life of people in need, and in this case those who have lost everything. I commend all the students, their families and especially Heidi McPartland, who generated this heartwarming effort. I consider it an honor to represent Heidi and all of those involved in this mission for Haiti in the United States Congress and again I congratulate them for their great act of kindness and charity.

HONORING ANGELA BRUSCATO

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. ALEXANDER. Madam Speaker, I rise today to honor and recognize Angela Bruscato for 35 years of volunteer service to St. Francis Medical Center. Angie has continually demonstrated the mission of St. Francis Medical Center through her commitment to reaching out to others in their time of need. She has brought comfort and hope to patients and their families with her sincere concern for their welfare.

Angie joined the St. Francis Medical Center volunteer program in May of 1975, and as of March 17, 2010, she has volunteered 19,696 hours of service. With her many talents, Angie has held many positions as a volunteer and on the Auxiliary Executive Board, and has helped raise $450,000 to benefit the health care facility.

Angie is a shining example of how one person can change the world for many. Justly, Angie has been recognized for her caring service over the years. In 1990, she was awarded the Auxilian of the Year. In 1993, St. Francis Medical Center awarded her a Certificate of Merit for Dedicated Auxiliary Service. In 2004, she received the Volunteer of the Year award.

I ask my colleagues to join me in honoring Angela Bruscato. This truly amazing and selfless individual has continued to bring joy to the patients and employees of the St. Francis Medical Center for 35 years.

24TH ANNIVERSARY OF BROTHERS' KEEPER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you to recognize one of Northwest Indiana's most generous and valued organizations, Brothers' Keeper, Incorporated. Brothers' Keeper, a non-profit organization located in Gary, Indiana, celebrates its twenty-fourth anniversary this month. In honor of its anniversary, a celebratory banquet, which will also help raise funds for the continued operation of Brothers' Keeper, will take place on Thursday, March 25, 2010, at the Genesis Convention Center in Gary, Indiana.

The anniversary banquet will feature a keynote speech by Harry Porterfield, who is well known in Chicago media and is the creator and host of "People You Should Know." The banquet will also feature the inspirational music of The Winslett Family Singers.

Founded by the late Reverend James Anderson of Washington Street Church of God on March 16, 1986, Brothers' Keeper is the oldest and only full service men's homeless shelter in Northwest Indiana. Throughout the years, thousands of lives have been improved through the many services and programs offered by Brothers' Keeper. Brothers' Keeper offers not only food, clothing, and shelter to the men it serves, but also counseling services, information and referral services, job placement assistance, and weekly motivational sessions, as well as a new computer room for members of the community to utilize.

While many people have benefited from these services and from the generosity of the Brothers' Keeper staff, the organization has also made extraordinary efforts to reach out to the surrounding community. In addition to the services offered at the shelter, Brothers' Keeper also operates a soup kitchen, food pantry, clothing bank, recycling program, community service work site, and a senior aid work site.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing the tireless efforts of Brothers' Keeper's Executive Director, Mary Edwards, and the many staff members and volunteers whose generosity and selflessness have touched thousands of lives throughout the last twenty-four years. Their efforts are to be commended, and they are to be honored for their unwavering commitment to their community.

HONORING THE LIFE OF DEAMONTE DRIVER AND CHILDREN'S DENTAL HEALTH MONTH

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CUMMINGS. Madam Speaker, I rise today to recognize the life of a young Maryland boy, Deamonte Driver, whose life was cut drastically short when an untreated tooth infection spread to his brain. I also rise to recognize Children's Dental Health Month with hope in my heart and a renewed steadfast commitment to ensuring that all children across this great nation will have access to quality dental healthcare.

Deamonte's tragic death haunts me to this day.

Eighty dollars worth of dental care might have saved his life, but he never got that care.

As many of you know, I have made it my personal mission to ensure that from this boy's untimely death, we will bring hope and life.

With the passage of the Children's Health Insurance Program Reauthorization Act of 2009 (H.R. 2/PL 111–3) and the American Recovery and Reinvestment Act of 2009 (H.R. 1/PL 111–5), we have made significant progress to provide dental care to children.

Notably, the SCHIP Reauthorization mandated for the first time that children eligible for the program receive dental coverage.

It also included several critical provisions aimed at improving children's access to dental care, each of which was included in a bill I introduced, H.R. 462, the Medicaid-SCHIP Dental Benefits Improvement Act of 2009.

Specifically the bill:

Guarantees a dental benefit for children covered by SCHIP that includes preventive, restorative, and emergency dental care;

Provides dental education for parents of newborns;

Allows community health centers to contract with private dentists for the purpose of providing dental care under Medicaid and SCHIP;

Requires states to report the status of children's oral health for children covered by Medicaid and SCHIP;

Improves access to dental provider information for Medicaid and SCHIP patients through the Insure Kids Now website (www.insurekidsnow.gov) and hotline (1–877–KIDS–NOW);

Requires the GAO to conduct a study assessing children's access to dental care within 18 months of the bill's enactment; and

Directs the Secretary of Health and Human Services to establish a core set of child health quality measures for assessing states' Medicaid and SCHIP programs, including measures for the availability of dental services and the quality of pediatric dental care.

I was also extremely pleased that we included language in the bill to provide ''wrap around'' dental benefits to children who are eligible for SCHIP but have private medical insurance that does not include dental insurance.

The Recovery Act included an estimated $87 billion over two years in additional federal matching funds to help states maintain their Medicaid programs which provide dental health services to low-income children.

I rise today with a renewed commitment to oral health which is an integral component of overall health.

Hundreds of thousands of Deamonte Drivers are walking the streets of America every day in unbearable pain—unable to concentrate in school, unable to eat and speak properly, and at risk for serious disease or even death.

We simply cannot relent until every single one of those children gets the care he or she needs to end this needless suffering—and to prevent it in future generations.

During Children's Dental Health Month, I thank the many partners who have joined me in this effort, specifically the Children's Dental Health Project, the American Dental Association, the National Dental Association, the American Academy of Pediatric Dentists, the American Dental Education Association, the American Hygienists Association, and the UnitedHealth Group.

It is through sound legislative initiatives and partnerships like these that give me hope:

Hope that we can prevent the single most common childhood chronic disease which is tooth decay.

Hope that our children, regardless of race or economic status will have access to proper dental care.

Hope that as we pledge never to forget the life of Deamonte Driver, we strive to ensure that not one more child will suffer his fate.

RECOGNIZING THE CUB SCOUT PACK 1364 BLUE AND GOLD BANQUET

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 2010 Blue and Gold Banquet for Cub Scout Pack 1364 and the 100th anniversary of the Boy Scouts of America.

The Boy Scouts were founded in the United States on February 8, 1910, by William D. Boyce. The following year, the Boy Scouts of America adopted the Scout Oath and the Scout Law. After 100 years of scouting, these founding principles have guided more than 100 million youth to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Each year, Cub Scout packs commemorate scouting and its enduring principles with a Blue and Gold Banquet. They celebrate scouts, pack leaders and other adults who have contributed to the pack's health and vibrancy. I would like to extend my personal congratulations to the following Cub Scouts in Pack 1364 who will be recognized at the 2010 Blue and Gold Banquet for advancing to the next level of scouting.

Den 2 Tigers: Michael Chargualaf, Beau Donner, Michael Mottern, Samuel Neher, Kage Policello, Tony Simmons, Terrell Warner, Ki Williams;

Den 3 Tigers: Brian Andres, Leo Blaes, Tyler Lipscomb, Andrew Martin, Justin Santaw, Luke Smallwood;

Den 6 Wolves: Nick Bradford, Erik Caballero, Jacob Chesonis, Benjamin Clark, Liam Dunlap, Joshua Forrest, Jason Green, Colin Meeley, Ahmed Mohammed, Isaac Morlu, Joseph Peters, Kieran Weldon;

Den 5 Bears: Adam Frank, Andrew Hartshorn, Benjamin Hodges, Brian Kim, Logan MacDonald, Justin Martis, Henry Moore, Brett Segal, Daniel Smith, Michael Teister, Nathan Villanueva, Malik Williams, Sean Zylich;

Den 1 Webelos I: Archie Blaes, Jacob Chartier, Matthew Kaiser, Jordan Rice, Zack Scites, Michael Storm, Sebastian Villanueva;

Den 7 Webelos I: DeTrell Bailey, Will Salmon, Derek Siegrist, Alex Stone, Sean Teister, Norman Warner;

Den 4, Webelos II: Grayden Brock, Ryan Crow, Joseph Friend, Caven Kennedy, Jimmy Kettl, Christian Majchrowitz, Andrew Perkins-McDuffie, Michael Stroup.

Madam Speaker, I ask that my colleagues join me in celebrating the Boy Scouts of America on its 100th anniversary and recognizing Cub Scout Pack 1364. The Boy Scouts of America sets a high standard for integrity and strength of character. I admire all scouts who seek to uphold its core principles, and I extend my best wishes to the Cub Scouts of Pack 1364 as they strive to realize their scouting potential.

CELEBRATING THE INSTALLATION OF REV. KEVIN WILLIAMS AS PASTOR IN THE SECOND BAPTIST CHURCH OF WHEATON

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. ROSKAM. Madam Speaker, I rise today to congratulate the Reverend Kevin Williams, who has been installed as a new Pastor in the Second Baptist Church of Wheaton, which is located in my Congressional district.

The Second Baptist Church is the oldest African American Church in DuPage County. Ever since it opened its doors to worshippers in 1907, this church has worked diligently to glorify God, build up the saved, and win the lost. Through private and collective study groups, as well as public preaching, the Second Baptist Church has strengthened our community by bringing people together through faith.

Reverend Williams is a loving husband and father. He believes that his greatest privilege and joy has been to share the grace of God with others. From the early age of 27, he has used his talents and gifts to spread the glory of God and help congregants of the Second Baptist Church experience the love of Jesus.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the installation of the Reverend Kevin Williams as Pastor of the Second Baptist Church of Wheaton. I believe that Reverend Williams will bring people together in faith and fellowship and help make our local communities a wonderful place to live, work, and raise a family.

HONORING CARNEGIE MEDAL RECIPIENT, DEREK CREEL

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BACHUS. Madam Speaker, it is an honor to bring to the attention of my colleagues the heroism of a constituent, Derek J. Creel of Warrior, Alabama. Guided by his faith, Derek put his own life at risk to save the life of a young child during a tragic outing on raging waters.

In recognition of his courageous and selfless action, Derek has been awarded the Carnegie Medal by the Carnegie Hero Fund Commission.

The criteria for this prestigious award was established by the philanthropist Andrew Carnegie in 1904, when he wrote on the Commission's founding Deed of Trust that, ''We live in a heroic age. Not seldom are we thrilled by deeds of heroism where men or women are injured or lose their lives in attempting to preserve or rescue their fellows.''

Derek Creel displayed extraordinary heroism in swimming to a father and son who had been overtaken by a strong current in the Black Warrior River on March 27, 2009. Excruciatingly, he could not save the father from the cold and swift waters. But he both saved and comforted the frightened young boy while rescue help arrived. Derek's spiritual strength was every bit as important to their survival during that challenging time as his physical strength.

Warrior Police Chief Raymond Horn, who was at the scene, wrote a gripping account of Derek's heroism in nominating him for the Carnegie Medal. It is a description of an exceptional action by a prayerful man that I commend to your reading.

On 03/27/09 the Warrior River, Locust Branch, was well above normal depth from recent rain storms. The currents were very strong and swift with a lot of debris, i.e.; stumps, trees and rocks in this river. There were more storms moving into the area later that night with flash flood warnings being posted.

The rescuer, Derek Creel, was at the river fishing. He witnessed a canoe, with an adult male and a male child, capsized. The two victims were caught in the swift currents and very

rapidly being pulled down stream while holding onto the canoe. At this point Derek Creel with total disregard for his own life or safety jumped into the cold water and swam towards the victims. After reaching the victims and the canoe he attempted to get them to the shore, but the currents were too strong and they were washed down river about half a mile from the boat launch.

At this point Derek was able to steer the canoe into a downed tree in the river. He then had to physically hold onto both victims. He soon became exhausted and had to make a very difficult decision. Let one victim go and save the child and himself. The father, Tim Sagafoose was injured and was unable to help or respond. Derek was unable to hold onto the father any longer and turned him loose into the current. Derek then had to calm the young boy and explain what he had to just do. He had the presence of mind to witness to the young boy about God and salvation, all while holding onto him in the cold swift water for over for over thirty minutes before they were rescued by Warrior Firefighters Lee Kilgore and Luke Ahl.

I personally spoke with Derek at the scene and he was visibly shaken, and extremely apologetic about not being able to save the father. And he was very humble about his rescue efforts on this night.

After days of refusing media interviews, he finally did an interview on the day Tim Sagafoose's body was recovered. During this interview, Derek credited his actions to God and his Savior Jesus Christ for putting him there that day and giving him the strength to hold on.

After 34 years of Law Enforcement experience I walked away from this incident with not only amazement at the actions of Derek Creel, but true respect for him. He is a remarkable young man with strength and conviction and truly humble demeanor. I am very proud of Derek for not only his heroism, but his witness of the Lord in this difficult moment. He is truly a hero in my opinion in more ways than one.

In closing, I congratulate Derek and the entire Creel family.

TRIBUTE TO JEFFREY SPEARS, ON RECEIVING THE RABBI NORMAN F. FELDHEYM AWARD FOR LOYALTY AND SERVICE TO THE SYNAGOGUE AND COMMUNITY OF THE CONGREGATION EMANU EL

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BACA. Madam Speaker, the Rabbi Norman F. Feldheym Award was established to pay tribute to those members of Congregation Emanu El, who have conspicuously and exceptionally reflected Rabbi Feldheym's qualities of love for and loyalty to the synagogue, and service to the community.

Today, I rise to congratulate Jeffrey Spears for receiving the distinguished Rabbi Norman F. Feldheym Award for loyalty and service to the Community and the Congregation of Emanu El. Jeffrey Spears has served his congregation selflessly and faithfully, with uncompromising integrity, candor and generosity.

Jeffrey has been an extraordinarily devoted community leader. His family now marks five generations at Congregation Emanu El. Jeffrey has given evidence of his deep love for Judaism through strong contribution to worship and education, an exemplary commitment to Jewish values, and their application to contemporary society.

Jeffrey has served the surrounding community as member of the San Bernardino City Library Foundation Board, the American Water Works Association, the Mueller Water Products Advisory Council, the California State University San Bernardino School of Education Friends of the College, and the Community Advisory Board of Security Bank of California.

Jeffrey has demonstrated his devotion to Jewish learning and practice by serving on the faculty of Congregation Emanu El's School for Jewish learning, attending Judaism Conventions and traveling to Israel.

Jeffrey has made familial commitment central to his life, continuing to work in the family business founded by his grandfather Julius. Jeffrey and his wife, Heidi Nimmo, have raised their two children, Neil and Sarah, exemplifying commitments to scholastic achievement, community involvement and leadership.

Jeffrey is respected and beloved by our community for his honesty, courage, kindness and compassion. The success of his extraordinary citizenship is best summarized in the receipt of the prestigious Rabbi Norman F. Feldheym Award.

I join today with public leaders throughout my State to express our gratitude to Jeffrey and Congregation Emanu El for reflecting the late Rabbi Feldheym's qualities of service to community, as well as humility, care and loving-kindness.

Madam Speaker, Jeffrey Spears will be honored with the prestigious Rabbi Norman F. Feldheym Award on Saturday, June 2, 2010, marking the 119th Anniversary of the chartering of Congregation Emanu El. It is fitting, on such a momentous occasion, that we stand here today to honor Jeffrey Spears, for his humble and outstanding service.

RECOGNIZING THE DUMFRIES FIRST MOUNT ZION BAPTIST CHURCH HEALTH FAIR

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the ''Healthy Living/Healthy Lifestyle Conference'' sponsored by First Mount Zion Baptist Church in Dumfries, Va., and the Northern Virginia Chapter of the National Coalition of 100 Black Women, Inc.

The health fair focuses on HIV/AIDS and hosts workshops on hypertension-diabetes, cholesterol, obesity in children and adults, prostate cancer, breast cancer, domestic violence and mental health. Community partners have made it possible to provide free health screenings and HIV/AIDS testing to fair attendees. I would like to extend my personal appreciation to the fair's community partners for their charity and good stewardship of a healthy Prince William community.

Prince William County Health Department
NOVAM AIDS Ministry
National Institutes of Health
Prince William County Area Churches
Ezra Nehemiah Solomon Foundation (ENS)
Women In Community Action (WICA)
K I Services
Affairs Remembered, LLC

Madam Speaker, I ask that my colleagues join me in commending First Mount Zion Baptist Church and the Northern Virginia Chapter of the National Coalition of 100 Black Women, Inc. for extending this educational service to the Prince William community. With so many citizens medically underserved and uninformed on healthy lifestyle practices, a free health fair is an opportunity to face these challenges head on and address the threat they pose to our nation's health.

HONORING THE LIFE OF WILROY SANDERS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COHEN. Madam Speaker, I rise to pay tribute to the life of Mr. Wilroy Sanders, a Korean War Veteran, legendary blues musician, and beloved Memphian. Mr. Sanders was born Willie Roy Sanders in Byhalia, Mississippi and moved to Memphis in the early 1930's. From an early age, he demonstrated a remarkable gift for music—teaching himself to play guitar and even making his own guitars. His unique musical style was developed from a combination of his church upbringing and traditional blues music.

After serving in the U.S. Army from 1953–1955, Mr. Sanders returned home to Memphis to pursue his passion for music. In the early 1960s, he played in a series of bands including the Binghampton Blues Boys which became renowned for their song, ''Crosscut Saw.'' Many blues musicians, including Albert King and Eric Clapton, have since covered this hit.

Wilroy Sanders went on to form the Fieldstones, a blues band known for the songs ''Blues at Nightfall'' and ''Dirt Road.'' In the 1990s, The Fieldstones became the house band for the popular Green's Lounge in Memphis. Soon afterwards, Mr. Sanders and his wife, Dorothy Mae Tucker Sanders, became owners of Green's Lounge, which they owned until it was destroyed by fire in 1997.

Memphis music label Shangri-La produced a 1999 documentary celebrating the life and work of Wilroy Sanders entitled Will Roy Sanders: The Last Living Bluesman. The documentary noted that Mr. Sanders was, like Rufus Thomas, ''a total entertainer'' and dubbed the Fieldstones ''one of the hottest blues bands ever from Memphis.''

Mr. Sanders touched the lives of many in Memphis and across the nation. He passed away on Tuesday, February 16, 2010, at the age of 76. We are truly honored for his service in the U.S. Army and for his contributions to the Memphis blues community. Wilroy Sanders' legacy lives on through his wife, children and his music.

HONORING CARMENZA JARAMILLO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker I rise today to honor an exceptional leader and dignitary, the Honorable Carmenza Jaramillo, former Consul General of Colombia to the U.S. and current President of the Colombian American Chamber of Commerce in Miami.

Ms. Jaramillo has served around the world in various posts, including Ambassador of Colombia to India, representing her native Colombia and advancing the needs of her people. Most recently, she served as Consul General in Miami, ensuring that the U.S. and Colombia strengthen their partnership as allies and their presence as the hemisphere's leading democracies. Ms. Jaramillo has also been very much involved in working to promote and advance Colombian American small businesses in our community and has been engaged in issues like trade and commerce, serving as a leading voice in urging the passage of a Free Trade Agreement between the U.S. and Colombia.

Ms. Jaramillo is also dedicated to serving the needs of others and is involved in various community organizations and non-profits and has received numerous recognitions for her work. She serves with professionalism and has dedicated her life to her country. She truly embodies the ideals of liberty and democracy. She is a friend to the U.S. and stands prepared to serve not only her country, but ours as well.

As we celebrate Women's History Month, I ask you to join me in honoring and thanking Ms. Carmenza Jaramillo, for her dedication to her country, her countrymen and to the cause of freedom and democracy.

HONORING REAR ADMIRAL DOUGLASS T. BIESEL, COMMANDER, JOINT REGION MARIANAS, U.S. NAVY, FOR HIS SERVICE TO OUR COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the exemplary community service and leadership of Rear Admiral Douglass T. Biesel, Commander, U.S. Naval Forces Marianas; and Commander, Joint Region Marianas. RDML Biesel has been an outstanding leader for the men and women under his command and he has encouraged his troops to be active in our community. RDML Biesel has been a supporter of programs that enhance and promote the Chamorro culture on Guam, and he recently directed the transfer of two historic Latte Stones from the headquarters of Joint Region Marianas to the Governor's Complex in Adelup, Guam. The Latte Stone is an important symbol of Chamorro identity in Guam and the Marianas and represents the cultural heritage of the indigenous people of our islands. RDML Biesel's efforts to return these ancient symbols of Chamorro culture to the people of Guam are sincerely appreciated by the Chamorro people and our whole community.

RDML Biesel is from Coudersport, Pennsylvania, and was raised in Newtown, Connecticut. A graduate of the U.S. Naval Academy in 1980, RDML Biesel was assigned to serve as Commander of Joint Region Marianas in Guam in May 2009 and was reassigned to serve as Commander of Navy Region Northwest in Silverdale, Washington in March 2010. It is on the occasion of Rear Admiral Biesel's departure from Joint Region Marianas that I join the people of Guam in acknowledging his leadership, outstanding contributions to our community and cultural awareness.

RECOGNIZING THE RECIPIENT OF THE 2010 PRINCE WILLIAM AMERICAN RED CROSS AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the recipients of the 2010 Prince William American Red Cross Awards. These individuals and their work with the Red Cross stand as an example of dedication and service for the benefit and safety of the community.

The Elizabeth Smith Davies award is presented to a volunteer in recognition of 25 years of service. This year's recipient, Ruth Stroaker, began volunteering for the Red Cross in the 1980s while her husband was serving in the military in the Pacific. She has done everything from data entry, typing, filing, volunteering in the base medical and dental clinic, to leading volunteer orientation classes, and handling disaster services case work. In 1989 she became a military and international services case worker. During her tenure, she has reconnected families separated by war and other calamities, helped arrange compassionate leave for the military, and provided special support to those who have suffered devastating disasters and other emergencies. Ruth is a beloved member of the Prince William team, always handling her casework with compassion and kindness. Her clients become her family, and she is tenacious in helping them get the help they need.

Tony Boone is the recipient of the 2010 Dr. Gail Kettlewell Award. Tony is a long-standing member of the Prince William Red Cross Board of Directors and is always willing to do whatever needs to be done to support the chapter. He has been the chair of the Finance Committee for the past three years. During his time on the Building Committee, he donated many hours of his time to negotiating and developing a letter of agreement for land donated by Lockheed Martin. This included helping the chapter sort through many pages of county regulations and eventually applying for various city permits. He is the chapter's goodwill ambassador and you can always find him at various events telling his Red Cross story.

Chuck Mudd has volunteered with the Prince William Chapter for a little more than a year, but he has quickly become a treasured member of the team. In the last 12 months, Chuck has been involved with numerous local fire responses, worked daily on the renovation of the new chapter facility, cleaned out the attic and garage of the old chapter house, attended a winter field day exercise to learn tent operations and managed a shelter during one of the big snowstorms. He also uses his expertise and leadership skills in representing the chapter on the disaster services committee and various regional working groups. In addition, Chuck is a major financial donor to the chapter. His attitude, great personality, and willingness to work in rain, sleet, and lots of snow, make him invaluable to the chapter.

Madam Speaker, I ask that my colleagues join me in honoring the staff and volunteers of the Prince William American Red Cross. When a community is hit by disaster, the Red Cross is often the first on the scene to provide comfort and assistance. The efforts of individual members are responsible for the organization's outstanding reputation, and I am honored to recognize Ruth Stroaker, Tony Boone, and Chuck Mudd for contributing to this tradition of excellence.

HONORING HOOSIER PEACE CORPS VOLUNTEERS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to honor 21 young Hoosiers who are currently serving our country overseas as members of the Peace Corps.

The Peace Corps was an initiative started by President John F. Kennedy. It was established by Executive Order 1924 on March 1, 1961, and later authorized by Congress on September 22, 1961, through passage of the Peace Corps Act (Public Law 87–293). The Peace Corps Act declares the purpose of the Peace Corps to be:

> To promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower.

The Peace Corps has pursued its legislative mandate of promoting world peace and friendship by sending volunteers to serve at the grassroots level in villages and towns in across the globe. Living and working with ordinary people, Peace Corps volunteers have offered their expertise in a variety of areas—such as teachers, environmental specialists, health promoters, and small business advisers—to help improve the lives of those they work with and in turn help them better understand the American people and American culture. To date, nearly 200,000 Peace Corps volunteers have served in 139 countries; and about 7,671 volunteers are currently serving in 76 nations.

Beginning this spring, for the first time, Peace Corps volunteers will serve in Indonesia working as English teachers in high schools and at teacher training institutions. Later in the year, the Peace Corps will return to Sierra Leone after a 16-year absence and focus on secondary education and work with their host communities on grassroots initiatives and community developments.

The first week in March has traditionally been set aside to honor the history and accomplishments of the Peace Corps. This year's festivities took place March 1, 2010 through March 7, 2010 and commemorated the 49th anniversary of the Peace Corps.

Madami Speaker, the Peace Corps is perhaps our country's most important public diplomacy programs. The sight of ordinary Americans volunteering to serve the world's most disadvantaged populations has never failed to elevate good will toward our country. I ask unanimous consent to include in the CONGRESSIONAL RECORD the names of the 21 Hoosiers from my District who are currently serving their tours with the Peace Corps in countries ranging from Ukraine and Moldova in Europe, to Botswana, Tanzania, and Zambia in Africa, to Guatemala and Costa Rica in Central America. I ask all of my colleagues to join me in honoring these outstanding young men and women and in wishing them well in their endeavors.

SWORN-IN VOLUNTEERS IN THE DISTRICT OF IN–05

[Representative: Dan Burton]

Volunteer name	Country of service	Start of svc date	Projected cos date
Adenrele , Adeyemi O	Cape Verde	20–Sep–2008	25–Sep–2010
Bagley, Zachary P	Uganda	15–Oct–2009	14–Oct–2011
Brooks, Meredith L	Swaziland	27–Aug–2009	26–Aug–2011
Caito, Laura M	Botswana	18–Jun–2009	17–Jun–2011
Carpenter, Stacy M	Kazakhstan	31–Oct–2009	30–Oct–2011
Coe, David M	Armenia	13–Aug–2009	13–Aug–2011
Elliott, Joel C	South Africa	03–Apr–2008	27–Mar–2010
Garvey, Jack E	Armenia	14–Aug–2008	14–Aug–2010
Houghton, Travis S	Guatemala	17–Jul–2009	16–Jul–2011
Jefferson, Matthew P	Botswana	18–Jun–2009	17–Jun–2011
Lutz, Isaac D	Moldova	18–Aug–2009	18–Aug–2011
Miller, Christopher J	Guyana	23–Apr–2009	24–Apr–2011
Myers, Emilia A	Tanzania	20–Aug–2008	19–Aug–2010
Ready, Lauren E	Albania	28–May–2009	27–May–2011
Roberts, Sarah R	Dominican Republic	28–Oct–2009	28–Oct–2011
Rosensteele, Matthew J	Costa Rica	16–May–2008	21–May–2010
Rulon, Jennifer A	Mali	10–Sep–2009	11–Sep–2011
Sather, Made R	Zambia	25–Sep–2009	05–Feb–2011
Sather, Robert O	Zambia	25–Sep–2009	05–Feb–2011
Theibert, Julie E	Namibia	16–Oct–2009	14–Oct–2011
Umstead, Andrew D	Ukraine	09–Dec–2008	09–Dec–2010
Total Volunteers: 21.			

HONORING THE RESCUE EFFORTS AT THE HOTEL MONTANA

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. WAMP. Madam Speaker, when the catastrophic earthquake devastated the island nation of Haiti in January, Americans from coast to coast rallied together in the spirit of compassion and generosity to help those in need. Several emergency organizations including Virginia's Fairfax County Urban Search and Rescue teams and the U.S. Army Corps of Engineers responded to the crisis. They took on the daunting task of searching for survivors and recovering the remains of our fellow Americans from the Hotel Montana, a bustling hotel where many U.S. citizens were staying at the time of the deadly quake.

The heroic efforts of these patriots went far above the call of duty. For more than a month, Fairfax County Urban Search and Rescue teams braved extremely dangerous conditions, retrieving victims from the hotel ruins. The Army Corps of Engineers used heavy equipment to move mountains of rubble while the search and rescue teams simultaneously looked for survivors. They selflessly returned to the site each day facing the imminent threat of aftershocks and deadly structural collapse.

Together, these men and women, led by U.S. Army COL Norberto Cintron, worked tirelessly from dawn to dusk in suffocating humidity and in temperatures that soared above 90 degrees to bring our missing fellow Americans home.

Colonel Cintron is a man of exceptional honor and dignity who answered the emergency call to duty without hesitation. He provided an invaluable service to the families of the missing Americans, speaking with them at length on daily conference calls to explain the status of recovery efforts and answer all of their questions.

Colonel Cintron broke from bureaucratic rhetoric to give family members straightforward, compassionate updates on their missing loved ones. He conveyed a sense of urgency and strong determination to find both the living and the dead trapped beneath the rubble of the Hotel Montana. With two daughters deployed to the Middle East, Colonel Cintron treated all of the missing persons as if they were a part of his own family. His heartfelt empathy and willingness to go the extra mile for those awaiting news back home brought humanity and hope to families suffering unimaginable loss.

My thoughts and prayers are with the people of Haiti and all of those who lost loved ones. I am grateful for the tenacity of leaders like Colonel Cintron, the volunteer spirit of the Fairfax County Urban Search and Rescue teams and the tireless work of the Army Corps of Engineers at the Hotel Montana. Their unwavering commitment brought a measure of closure to the families in the midst of this horrific situation.

INTRODUCING THE VIRGINIA ACCESS TO ENERGY ACT (VA ENERGY ACT)

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GOODLATTE. Madam Speaker, for many years the Commonwealth of Virginia has seriously been considering the potential positive impact that Outer Continental Shelf (OCS) development off Virginia's coast would have on the Commonwealth. In 2008, it seemed that the Commonwealth would be able to make OCS development a reality when we in Congress, and then President George Bush, removed hurdles that had previously blocked access to energy resources located on the OCS. However, since that point, Virginia has been confronted with a series of regulatory road blocks. Although a lease sale has been proposed in Virginia's OCS, the first scheduled lease sale for energy development in the Atlantic, Interior Secretary Ken Salazar has continued to postpone this Virginia lease sale. This delay is happening despite the strong support for the lease sale by the Virginia Congressional Delegation, the Governor of Virginia, the Virginia General Assembly, and the citizens of Virginia. Madam Speaker, the voices of Virginians must be heard.

To allow the Virginia lease sale to proceed we must remove the regulatory road blocks that are impeding development of Virginia's OCS, so I rise today with a bipartisan group of members of the Virginia Congressional Delegation to introduce the "Virginia Access (VA) to Energy Act." This legislation would require that the Department of the Interior, at the request of Virginia's governor, proceed with the Virginia lease sale no later than one year after passage of this legislation. This will remove the regulatory hurdles that have impeded development and create a path for Virginia to become "the Energy Capital of the East Coast."

Passage of this legislation and development of VA's OCS will significantly boost the economy of the Commonwealth of Virginia. In fact, some estimates have shown that development of Virginia's OCS will create 2,578 full-time equivalent positions on an annual basis, induce capital investment of $7.84 billion, yield $644 million in direct and indirect payroll, and result in $271 million in State and local taxes. While exploration activities alone will infuse the Virginia economy with a significant amount of new capital, this legislation will also authorize any qualified revenues generated by the lease sales to be shared between the federal government and the Commonwealth of Virginia.

Virginians understand that a major component in lessening energy costs is to produce more energy. I believe that Virginia should have every tool available to access its energy supplies, while at the same time creating thousands of jobs for Virginians and infusing the Commonwealth with new capital growth. I urge

Congress to pass this legislation to allow Virginia to move towards a path of energy independence.

RECOGNIZING SEA SCOUT SHIP 7916

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Sea Scout Ship 7916, ''Blue Heron,'' of Occoquan, VA.

Sea Scout Ship 7916 is a young but very active unit in the Boy Scouts of America National Capital Area Council (NCAC). The Ship hosts regular sailing ventures, service projects, training courses, fundraisers and social activities.

Ship 7916 has excelled in obtaining a significant number of awards in a short period, including the NCAC's ''Wardroom Award'' for achievement only four months after being formed. I would like to extend my personal congratulations to the Sea Scouts who have received awards in the past calendar year.

NCAC Commodore's Award—Shay Seaborne, Skipper—For devotion and enthusiasm given to Sea Scouting and assistance in the furtherance of the Sea Scout program as the initiator and driving force of the Save der PeLiKan Campaign, which aims to raise $20,000 needed to repair the regional training vessel; NCAC Boatswain of the Year Award—Rebecca Siegal, Boatswain—For outstanding participation in Sea Scouting activities, for conducting training, for enthusiasm, loyalty, team spirit, and leadership given, for a positive attitude, ability to live up to responsibilities, and promoting Sea Scouting in the community; Venturing Advisor Award of Merit—Shay Seaborne, Skipper—For tenure, training, and providing a quality program; NCAC Outstanding Contribution—Karl and Stella Kent—For their generous financial contribution to the Save der PeLiKan fund. NCAC Outstanding Contribution—Skipper's Mate Dr. Rosemary Enright and Don Coulter—For their generous financial contribution to the Save der PeLiKan fund. Catherine A. Mullikan Sea Scout Volunteer of the Year—Rebecca Siegal, Boatswain—For significant service to the community, both inside and outside of Sea Scouting. Sea Scout of the Year Award—Rebecca Siegal, Boatswain—For excellence in advancement, citizenship, leadership and seamanship skills.

Madam Speaker, I ask my colleagues to join me in recognizing Sea Scout Ship 7916 and congratulating its highly decorated membership. They are responsible community partners and uphold the well-respected traditions and principles of scouting.

CONGRATULATING GEORGIA'S MOCK TRIAL TEAMS

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. SCOTT of Georgia. Madam Speaker, I rise today to honor two exceptional high school teams from my district. The Jonesboro High School and Morrow High School Mock Trial teams have had an unprecedented record of success. Collectively, both teams have surpassed expectations and are on their way to another record breaking year for the State of Georgia.

Jonesboro High School will compete for its seventeenth State Bar of Georgia Championship. No other school in the State of Georgia's history has ever reached this level of consummation. In addition to this record breaking endeavor, Jonesboro High School has already accomplished two national championships. This is a testament that hard work and discipline truly yield enormous results.

Morrow High School has also achieved ground breaking success. Morrow High School was the runner up in the State of Georgia region eight competition. The irony of this team's success is that Morrow High lost several team members just days before the competition. Nevertheless, this team expeditiously put together a new team which led to two of the three replacements winning state awards. While this team's cohesive bond was tested, their determination prevailed, which led them to another notable year. In addition to this year's success, it has been nine years since any other school in Clayton County has become the region champion.

With the help of the faculty advisors and community mentors, these two teams have displayed the passion and integrity that we, as members of Congress, continuously encourage. These teams represent the very essence of America as it has displayed its dedication, passion, and integrity throughout the competition in the courtroom and throughout the community.

HONORING MICHAELA MEYERHOFF FOR WINNING THE LESSONS OF THE AFRICAN-AMERICAN EXPERIENCE WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Michaela Meyerhoff as a winner of the first annual ''Lessons of the African-American Experience'' Creative Writing Contest. Michaela is currently in the sixth grade at Preston Plains Middle School, which is located in Preston, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our Nation's past. The lessons learned during this month continue to serve as the stepping stones of our Nation's future. Michaela's poem ''What Black History Month Means to Me!'' eloquently embraces this belief.

Michaela's poem shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her poem was among the four winners selected.

INTRODUCTION OF THE CENSUS OVERSIGHT EFFICIENCY AND MANAGEMENT REFORM ACT OF 2010

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mrs. MALONEY. Madam Speaker, today I am introducing legislation, with my colleagues, Mr. DENT, Mr. TOWNS, and Mr. PASCRELL, and with a companion bill being introduced in the Senate by Senators CARPER and COBURN, that would ensure that the Census Bureau has the independence and transparency it needs to carry out its essential, constitutionally-mandated function. This bill would ensure the Bureau is focused on the ten-year process of preparing for the Census despite the four-year cycles of Presidential administrations.

This bill would mandate the Director at Census report directly to the Secretary so there is clear responsibility for supervision of the Census and to submit his or her own opinion in testimony to Congress even if it differs from the administration. It would make the Director of the Census Bureau a Presidential term appointment of five years, with the ten-year decennial cycle split into two, five-year phases—planning and operational, creating continuity across administrations. And it would require that the Director, when submitting the Bureau's budget request to the Secretary, also share that request with Congress increasing transparency and oversight.

The time to start worrying about the 2020 Census is now. Currently, the 2010 Census seems to be on a path to success, but if we are going to stop the repeated operational crises that have plagued each of the last four censuses, we need to change how we administer the census. I am confident the bill we are introducing today will move us toward that goal. And I want to thank my colleagues for joining me in starting the process for 2020 now.

LINKAGE IN THE MIDDLE EAST

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. BERKLEY. Madam Speaker, I rise today to call my colleagues' attention to a recent blog post on the Jerusalem Post website, written by Abraham Foxman, the National Director of the Anti-Defamation League, ADL. Mr. Foxman challenges the idea that there is ''linkage'' between the Israeli-Palestinian conflict and other conflicts in the Middle East. It is both unrealistic and dangerous to believe that solving the Israeli-Palestinian conflict will somehow solve our problems in Iran, Iraq, Afghanistan, Lebanon and everywhere else in the Middle East. Distinct conflicts require distinct solutions and lumping them all together serves no one's interests, least of all our own. I highly recommend this excellent article.

[From the Jerusalem Post, Mar. 21, 2010]

A POINT OF VIEW: LINKAGE AND THE ISRAELI-PALESTINIAN CONFLICT

(By Abraham Foxman)

No matter how many times it is proven to have no validity, the theme of linking the

Israeli-Palestinian conflict to broader issues in the region rears its head over and over again. Zbigniew Brzezinski did it in the 1970s, trying to blame Soviet influence in the region on the absence of a solution to the Arab-Israeli conflict. Prior to the first Gulf War, there were those who opposed the war on the grounds that we needed first to address the Palestinian issue before we could credibly confront Saddam Hussein. And early on in the Obama administration, reports were circulating suggesting that American interests throughout the Middle East were dependent on progress on the Palestinian-Israeli front.

Henry Kissinger, in his magisterial two-volume memoir, dealt with this matter head on. He demonstrated during the Cold War that America's ability to further its broader regional interests was connected not to a need to resolve the Palestinian issue, but to showing America's moderate allies in the region—Egypt, Saudi Arabia, Jordan, the Gulf States—that it paid to be allied with America. The best way to prove that? When Israel was under attack by regional extremists supported by the Soviets, it was vital for the US to make sure that Israel triumphed. By doing so, the moderates would absorb the truth that the future lay with the US and its allies. Standing up against radicals and with one's allies, rather than blaming one's friends for problems in the region, continues to be the best formula for serving US interests in the Middle East.

Now we are hearing the linkage theme once again. After the brouhaha between the administration and the Israeli government surfaced, a story emerged indicating that a military team under General David Petraeus's CENTCOM command reported to the Chairman of the Joint Chiefs of Staff Adm. Michael Mullen in January that Israel was jeopardizing US standing in the region. And then Petraeus himself, speaking before the Senate Armed Services Committee on March 16, reinforced this message. He stated that the Israeli-Palestinian conflict ''foments anti-American sentiment, due to a perception of US favoritism for Israel.'' He went on to say that ''Arab anger over the Palestinian question limits the strength and depth of US partnerships with governments and peoples in the AOR (Area of Responsibility) and weakens the legitimacy of moderate regimes in the Arab world.''

Once again, an illusion is at work here, one that will, if pursued, invariably result in no real progress being made in the region. We all want peace between Israel and the Arabs. And putting more effort toward such a goal is a good thing. What is not real, and is dangerous, is putting most of America's eggs in the region in this basket.

The Arab-Israeli conflict has never responded to such a heavy emphasis. Progress is made when Arab leaders decide it's time for peace. Maybe Assad of Syria is considering this, and it should be explored. But that's very different from placing this conflict at the center of everything. Disappointment, as always, will follow since the gap between what the Arabs want and Israel wants is substantial. Moreover, Arab willingness to accept Israel's legitimacy as a ''Jewish State'' is belied by everything that comes from Arab leaders and Arab media.

What inevitably happens if such unrealistic weight in the region is given to the Israeli-Arab conflict is that Israel comes to be seen as the problem. If only Israel would stop settlements, if only Israel would talk with Hamas, if only Israel would make concessions on refugees, if only it would share Jerusalem, everything in the region would be fine. Iraq would be fine. Afghanistan would be fine. Pakistan would be fine. Iran would be fine. Lebanon would be fine.

Of course, this is nonsense. These problems would remain even if Israel did not exist. The result of such an approach would be no progress on America's interests and great stress in US-Israel relations.

The Kissinger approach of strengthening moderates may be tainted in some minds because it may be associated with Bush's policy—but it doesn't have to be. One doesn't have to be a Bush supporter to understand that the greatest need in the region today is for victories by the moderates over the radicals. In Israel's case, radical challenges exist from Hamas in the south, Hizbullah and Syria in the north, and Iran. All are complicated challenges. US support for a strong and wise Israeli policy in response to these challenges will provide the best opportunity to strengthen American interests. Holding off Hamas, weakening Hizbullah, or preventing Iran from gaining nuclear weapons will provide the biggest boost to moderates throughout the Middle East. If the Obama administration can help bring about one or more of these accomplishments, it will go a long way to restoring American influence in the region and, by the way, make Israeli-Arab peace far more likely.

This linkage trend, if continued, is dangerous and counterproductive. It could undermine the historic bipartisan support for Israel in America, a support based on moral and strategic grounds, that has been—and still is—good for both countries. It will reduce whatever incentive the Palestinians have to reach a compromise peace with Israel; if America is backing away from Israel, the Palestinians would reason, then hopes of Israel's disappearance will be strengthened. It will raise questions about American loyalty and credibility among the Arabs who, despite their rhetoric criticizing US support for Israel, would be far more distressed about the US abandoning an ally.

It diverts attention away from the larger challenges in the region—Iran's nuclear program, and the challenge of Islamic extremism and terrorism. Finally, it has the smell about it of blaming the Jews for everything. The notion that al-Qaida's hatred of America or Iran's pursuit of nuclear weapons or the ongoing threat of extremist terrorist groups in the region is based on Israel's announcement of building apartments is absurd on its face and smacks of scapegoating.

It's time for the administration to step back not only from the harsh rhetoric but also from the illusionary thinking about Israel hurting American interests. America and Israel can have their differences, but the US has no better ally than Israel. The administration needs to recognize this and find ways to reassure those who are raising concerns.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our National debt is $12,662,466,657,519.82.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,024,040,911,226.02 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING MARIA COSTA SMITH

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Maria Costa Smith, successful horticulturalist, businesswoman and agricultural engineer in South Dade, Florida.

Maria currently serves as the color division president of Costa Farms. She is part of the third generation of the Costa family to run the farm. Started in 1961 by her grandfather, Jose Costa, and father, Tony Costa, Costa farms is one of South Dade's largest small businesses, now employing 2,200 and owning over 2,600 acres of land. In addition to its thriving foliage and plant divisions, Costa Farms operates merchandising and transportation companies in south Florida, North Carolina, the Dominican Republic and Costa Rica. Maria runs the farm with her husband, Chief Executive Officer Jose Smith, and her brother, Jose, who is vice president of the foliage division.

Recently, the Dade County Farm Bureau Women's Committee recognized Maria Costa Smith as the 2010 Woman of Distinction in Agriculture. She was recognized for her valuable contributions to the South Dade agriculture and agribusiness. Today I honor her for those reasons and many more, including her commitment to seeing through the dream of her grandfather, helping others in the community and ensuring that South Florida's local economy continues to flourish.

As we celebrate Women's History Month, I ask you to join me in congratulating and thanking Maria Costa Smith for her outstanding dedication, work ethic and desire to see her community prosper.

PRESIDENT MORE POPULAR IN THE NEWS THAN AMONG AMERICANS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. SMITH of Texas. Madam Speaker, President Obama is far more popular in the news than he is among American people.

Sixty percent of national media mentions of the President were positive over the past week while 40 percent were negative, according to Rasmussen Reports' new ''Media Meter.''

In contrast, just 48 percent of Americans approve of the job the President is doing.

By a 10-point margin, more Americans ''strongly disapprove'' of the President's job than ''strongly approve.'' And just one-quarter say the country is ''on the right track.''

Wouldn't it be nice if the national media reflected the views of the American people?

The national media should give Americans the facts, not tell them what to think.

INTRODUCTION OF THE INFORMED TAXPAYERS' FEDERAL GOVERNMENT ANNUAL REPORTING ACT OF 2010

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MCCARTHY of California. Madam Speaker, I rise today in support of legislation I introduced, along with my colleagues Congressman ERIC CANTOR, Congressman DAVE CAMP, Congressman PAUL RYAN, and Congressman KEVIN BRADY, that would require the Internal Revenue Service, IRS, to publish certain fiscal information on the Federal government each year and make it available to taxpayers online and when they prepare their taxes.

Just like publicly-owned companies in the United States provide information on their finances in annual shareholder reports, I believe the Federal government ought to provide important transparency about the state of our Nation's finances. Taxpayers are like shareholders of the Federal government and ought to have access to similar information on their government.

Unfortunately, statistics on Federal government tax revenue, spending, deficits, and debt are often buried in random reports or on government websites and presented in a confusing manner with technical jargon or confusing formats. Why must it be that difficult for Americans to learn about what their government is doing with their money? It should not be, and this is the purpose of the Informed Taxpayers' Federal Government Annual Reporting Act.

Specifically, this bill would require the IRS to publish a chart on government finances to be included in the instruction booklets taxpayers use when filing their income taxes each April and post this chart on the IRS online homepage. The chart would be broken down into three sections. The first section, ''Current Federal Government Finances,'' would be required to include current Federal tax revenue, spending, deficits, and public debt statistics. ''Federal Government Finances & You,'' the second section, would include per capita data, such as each taxpayer's share of the national debt. And the last section, ''Projected Federal Government Finances,'' would be required to include estimated Federal tax revenue, spending, deficits, and debt over the next ten years as put together by the Congressional Budget Office, CBO.

With enactment of the Federal government takeover of health care and the $1 trillion stimulus bill—including interest—it is all the more important for the American people to know what their government is doing and how this impacts our nation as whole. These policies have contributed to the current amount of taxes, spending, deficit, and debt, which are all in the trillions of dollars. Unfortunately, it seems in Washington that trillion has become the new billion.

The Federal government takes in over $2 trillion in tax revenue annually, but even with that incredible amount of taxpayer dollars flowing into the government, this Congress and the President continue to spend with borrowed money—$1.4 trillion last year. This means Washington spent almost $3.5 trillion. And this year, it does not look that much better with deficits projected to be $1.5 trillion, according to the Office of Management and Budget. With all this runaway spending, the Federal debt continues to grow, and CBO projects it to be $13.2 trillion this year.

These numbers are not only shocking, but unsustainable.

The Informed Taxpayers' Federal Government Annual Reporting Act is designed to build upon fundamental tenets of American democracy of transparency and openness in government by helping ensure that all Americans have access to easy-to-understand information on how their tax dollars are being used by their government.

TRIBUTE TO WAREHAM HIGH SCHOOL—THE 2010 MASSACHUSETTS DIVISION III BASKETBALL STATE CHAMPIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. FRANK of Massachusetts. Madam Speaker, today, I would like to pay tribute to the Wareham High School Basketball team who just captured the first Division III State Championship Title for the town of Wareham, Massachusetts. This was their first state title since 1956. This impressive team is led by Coach Kevin Brogioli and includes Jules Tavares, who scored a game-high 25 points and Pat Murphy, who scored 11 points, including his 1,000th career point.

This season, the Vikings have scored 100 points or more in four games, beating Cardinal Spellman 78–71 to clinch the Division III South Sectional Championship, besting Bedford at the TD Bank Boston Garden 63–49 to becomes the Division III Eastern Championship and defeating New Leadership of Springfield 80–57 at the DCU Center in Worcester to capture the Division III State Championship Title.

Congratulations to Coach Brogioli, Assistant Coach Steve Faniel, Assistant Coach Mike Ponte and the Vikings team, listed here in alphabetical order: Darien Fernandez, Sheldon Frye, Jowaun Gamble, Marcus Gomes, Darren Gray, Jeff Houde, Harry Irving, Dylan Marcal, Mike Mendes, Pat Murphy, Ryan Pina, Jordan Rezendes, Dwight Senna, Jules Tavares, and Nikko Vasconcellos. We are very proud of their teamwork, dedication, and sportsmanship.

I am enclosing a proclamation by the town of Wareham and an article that further describes this important achievement.

TOWN OF WAREHAM—PROCLAMATION BY THE BOARD OF SELECTMEN

Whereas, the Wareham High School Boys' Varsity Basketball team, known as the Vikings, have demonstrated exemplary sportsmanship and teamwork, and

Whereas, their coach, Kevin Brogioli, along with the assistant coaches, parents and supporters, showed great faith and encouragement to the Vikings, and

Whereas, the Vikings had scored 100 points or more in four games, averaging 87.8 points per game in the regular season, and had three players to reach 1,000 or more points scoring, and,

Whereas, the Vikings beat Cardinal Spellman 78–71 to clinch the Division III South Sectional Championship, and

Whereas, the Vikings defeated Bedford at the TD Bank Boston Garden 63–49 to become the Division III Eastern Champions, and

Whereas, the Vikings defeated New Leadership of Springfield 80—57 at the DCU Center in Worcester; to capture the first Division III State Championship title for Wareham,

Now, therefore, We, the Wareham Board of Selectmen, do hereby proclaim Saturday, March 13, 2010 through Saturday, March 20, 2010 as:

''STATE CHAMPION WAREHAM VIKINGS WEEK''

In Wareham, culminating with a Parade on Saturday March 20, 2010, to honor the young men and the coaches of Wareham Vikings Basketball team that have made this town so proud.

[From SouthCoastToday.com, March 14, 2010]

WAREHAM BOYS BRING HOME FIRST STATE BASKETBALL CHAMPIONSHIP

(By Ed Collins)

WORCESTER.—Having gotten all the way to the Division 3 State championship game and needing 32 good minutes to win it all, the Wareham boys basketball team left nothing to chance Saturday afternoon.

The Vikings saved their best game of the season for their last, digging deep on defense, flying high on offense and even finding time to help senior Pat Murphy reach an elusive milestone en route to an 80–57 win over New Leadership Charter School of Springfield at the DCU Center.

''We executed our game plan to near perfection,'' a smiling Wareham coach Kevin Brogioli said after bringing home the first state basketball championship in school history. ''We got the job done on defense and we played some good Wareham fast-break basketball.''

''We came here expecting to win, but we thought it would be a last-second game,'' junior Jules Tavares said. ''It didn't work out that way though, because we played great. To play like that in our biggest game of the season says a lot about the kind of team we have. This was a dream game for us.''

New Leadership certainly wasn't expecting the kind of defense it saw from Wareham.

''We're known for our offense and that's been a key for us all season,'' Brogioli said. ''But, we also take a lot of pride in our defense. Our kids always work hard on defense and that gets overlooked sometimes.''

In comments made before the game, Wildcats coach Capus Gee talked about how his team planned to beat the Vikings by pounding the ball into the paint and shutting down their fast break.

Wareham's Ryan Pina, a 6-foot-3 senior center, took offense at the remarks and came out fired up to play his best defensive game of the season.

''I read what he said and took it as a personal challenge. I wasn't going to let them push us around,'' Pina said. ''Our offense gets all the headlines, but we can play defense against anyone and we proved that today.''

Senior guard Darren Gray set a good tone right away for Wareham with some tough man-to-man defense against New Leadership point guard Phillip Warrick, who ended up scoring 18 points, three below his average.

''Defense wins championships and coach (Brogioli) has been preaching that to us all season,'' Gray said. ''We knew we had to get the job done on defense. We never have to worry about scoring points, but you don't win games at this level if you don't play good team defense.''

The Vikings made some early stops, hit the boards hard, and shifted into overdrive on offense after the first of two thunderous dunks by Tavares lit a fire under them.

Wareham, which had two shots blocked by the athletic Wildcats (21–4) in the opening minute, took the lead for good at 10–8 and never looked back after building a 22–13 lead in the first quarter.

Tavares finished with a game-high 25 points for the Vikings, who led 42–22 at halftime and kept pulling away in the second half en route to building several 28-point leads.

Senior forward Jordan Rezendes also had a big game, finishing with 21 points and three of the team's four 3-pointers. Pina chipped in with 10 points and some big rebounds on the defensive glass that kept the Wildcats from getting second shots.

With the game out of hand late, the Vikings made a concerted effort to help Murphy reach the 1,000-point mark for his career. After not scoring in the first half, Murphy made a 3-pointer and finished with five points in the third quarter to hit 995 for his career. A pair of layups in the fourth quarter set the stage for Murphy's milestone basket, a baseline drive with 1:48 left to play that came as a big relief to Murphy—and the large Wareham crowd that lived and died with every shot he took down the stretch.

''I didn't know if I was going to get there, but I did and I have my teammates to thank, because they kept passing me the ball,'' Murphy said. ''Those last six points were the hardest ones of my career. I'm glad I was able to get it done in my last game and help the team win the biggest game in school history.''

After Murphy's final basket, the celebration began in earnest for the Vikings. Brogioli pulled his starters with 1:46 remaining and there were a lot of hugs and high fives up and down the team's bench.

''It feels great to win this game for the people of Wareham and my father (Jim Brogioli), who coached this team for a long time,'' Brogioli said. ''Our fans were great all season and they stepped it up in the state tournament. We fed off their energy and we thank them for their support. It's been a great ride, a historical ride, and this team has left its mark on Wareham High School forever.''

HONORING CORPORAL JONATHAN DANIEL PORTO

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of Cpl Jonathan Daniel Porto, who died honorably serving his country as a part of Operation Enduring Freedom.

Corporal Porto enlisted in the U.S. Marine Corps in March 2008. An honor graduate from Paris Island, he received two meritorious promotions. Corporal Porto served as a Small Arms Repair Technician and was assigned under 1st Battalion 6th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

In March 2010, at the age of 26, Corporal Porto was killed in action while supporting combat operations in the Helmand province of southern Afghanistan. For his superior leadership skills, Porto was promoted to Corporal in December 2009.

His awards include the Afghanistan Campaign Medal, National Defense Service Medal, Global War on Terrorism Service Medal, and NATO International Security Assistance Force Medal.

I commend Corporal Porto for his utmost dedication and devotion to preserving the freedom of our Nation. His commitment and bravery gives his widow and infant daughter, Rachel and Ariana Porto, of Edgewood, Maryland, immense pride.

Madam Speaker, I ask that you join with me today to honor the life of Cpl Jonathan Daniel Porto. It gives me great pride to honor one of our Nation's fallen heroes.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. TIAHRT. Madam Speaker, on March 23, I missed six rollcall votes numbered 172, 173, 174, 175, 176, and 177.

Rollcall No. 172 was a vote on Ordering the Previous Question. Had I been present I would have voted "no."

Rollcall No. 173 was a vote on Agreeing to the Resolution, H. Res. 1205. Had I been present I would have voted "no."

Rollcall No. 174 was a vote On Motion to Suspend the Rules and Pass H.J. Res. 80. Had I been present I would have voted "aye."

Rollcall No. 175 was a vote On Motion to Suspend the Rules and Pass H. Res. 1186. Had I been present I would have voted "aye."

Rollcall No. 176 was a vote On Motion to Suspend the Rules and Pass H.R. 3976. Had I been present I would have voted "aye."

Rollcall No. 177 was a vote On Motion to Suspend the Rules and Pass H.R. 4592. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. DONNELLY of Indiana. Madam Speaker, on rollcall #185, I was not present to vote; however, had I been present, I would have voted "yea".

COMMEMORATING THE VISIT TO CUBA OF THE FREEDOM SCHOONER AMISTAD IN RECOGNITION OF U.N. DAY OF REMEMBRANCE FOR SLAVERY VICTIMS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. DELAURO. Madam Speaker, it is with enormous pride that I wish to inform my colleagues that the Freedom Schooner Amistad, a national human rights icon moored in New Haven, CT, is making history this week. As part of the United Nations commemoration of March 25 as the global Day of Remembrance for the victims of the Atlantic slave trade, the Amistad arrived Monday in Matanzas, Cuba, and today will sail for Havana.

The Amistad entered Cuban waters on March 22, 2010 for a 10-day, two city Cuba tour that will culminate its recent Caribbean Heritage Voyage. The ship first visited Matanzas, site of a new UNESCO-affiliated slavery museum. Today, the Amistad will sail into Havana Harbor to commemorate the historic "triangle of trade" connections between America, Europe, Africa and the Caribbean. Tomorrow, the vessel will host a three-hour simulcast about the shared slave trade heritage, connecting Cuban students to classrooms across the Atlantic Ocean and at the U.N. in New York. In addition to public tours of the boat and academic panels on its history, the Cuba visits will focus on the impact of the slave trade on our transatlantic cultural heritage—including religious ritual, film, music, dance, poetry and visits to former plantations.

The sale of the Amistad captives in Havana was a small transaction in the thriving international slave trade. But the resulting events arguably turned the tide against slavery itself—and the historical connections across the modern African Diaspora are direct and profound.

This visit is especially poignant because Amistad's own story began in Cuba. The original ship was built in Cuba. In 1839, the Amistad sailed from Havana, the center of the illegal slave trade. This will be the replica's first visit to Cuba—and it coincides with the tenth anniversary of its launch at Mystic Seaport Museum on March 25, 2000.

The Amistad is a 140-foot replica of the two-masted black schooner that was at the center of the 1841 slave rebellion case argued successfully by John Quincy Adams, leading to the first U.S. Supreme Court case freeing African captives. The replica Amistad has visited 70 domestic and international ports as a symbol of this human rights milestone.

In 2008, the Amistad undertook a 14,000-mile transatlantic sail to Africa. On March 25 of that year, the Amistad was linked via satellite directly to the U.N. as the General Assembly voted to commemorate that date as the bicentennial of the pioneering British act that first outlawed the slave trade. Students from six countries sailed legs of the Africa voyage. Soon thereafter, the Amistad was designated as floating ambassador for the U.N. Permanent Memorial to Honour the Victims of Slavery and the Atlantic Slave Trade. The boat's most recent port of call was Santo Domingo, for a week of programs for youths from the Dominican Republic and Haiti.

During the two months after the current Caribbean tour, the vessel will visit five cities historically linked to the 19th century slave trade: Savannah, Charleston, Norfolk, Washington, DC and Baltimore. The next heritage tour will include visits this summer to Boston, Halifax and seven Great Lakes ports, culminating in Chicago. In December, the Amistad sails back to Africa, including for celebrations of the 50th anniversary of the independence of Senegal. But for now, all eyes are on Cuba.

THE RUNAWAY SCRAPE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. POE of Texas. Madam Speaker, today I would like to recognize a large group of heroines who played a great role in Texas' history—the strong and brave women who contributed to the successful escape from their hometowns as Santa Anna and his troops barreled forward after conquering the Alamo.

After the fall of the Alamo, word began to spread like wildfire across the territory. The horrific tales of the massacre at Goliad had proven that Santa Anna and his army would show no mercy, even for the women and children. While many families had already begun to flee as early as January 1836, the March 6 slaughter prompted widespread terror and the historic Runaway Scrape began.

Families wasted no time in gathering essentials and setting out towards the Sabine River and into the safe haven of Louisiana or Galveston Island. Many families left with food on the table, clothes on the line, and ran for their lives with little more than the clothes on their back. Most of the treacherous journey was led by women with their small children, as only the elderly and boys deemed by their mamas as too young to fight were still at home.

General Sam Houston and his boys were on the eastward move as well. By early April, Washington-on-the Brazos was deserted and as General Sam marched on towards the Sabine, there was rarely a sole left behind him. With these areas unprotected, Texans that stayed behind faced certain death as Santa Anna pressed forward—if the Indians didn't get there first.

The only solace that the runaways had was that General Sam was between them and death. At the last meeting in the Alamo, Travis said: ''If we hold the Alamo, it is a deed well done! If we fall with it, it is still a deed well done! We pledge our lives to give Houston and Fannin time to get between Santa Anna and the settlements!''

A deed well done indeed. But assured as they were that General Sam was bringing up the rear, they were faced with another unforeseen obstacle—the always unpredictable Texas weather. The cold and rainy spring wreaked havoc along the Runaway Scrape. The runways lacked the bare essentials of survival and many, mostly children, succumbed to the cold, disease and hunger.

I often talk about the heroes of our independence, but no finer example of heroics was displayed than on this historic exodus. This was the harshest journey of our fight for independence and it was only made possible by the sheer will and determination of the remarkable women that led the way.

There are countless stories of women who cared for the sick and diseased, sacrificed for the hungry, buried the dead, including their own children, and kept pressing on—never giving up. They were relentless in their mission and just as much a part of our independence as were their counterparts. As my grandmother always said, there is nothing more powerful than a woman that has made up her mind. And these women, these mothers of freedom, had made up their mind.

General Thomas Jefferson Rusk understood Texas women well: ''The men of Texas deserved much credit, but more was due the women. Armed men facing a foe could not but be brave; but the women, with their little children around them, without means of defense or power to resist, faced danger and death with unflinching courage.''

One such story recounts how one mother strapped a feather mattress to the back of a horse, tied her three young children on and led that horse by foot while carrying a baby on her hip. This was a prettier picture than most. As food and supplies were sparse, they also couldn't afford to have anything extra weigh them down. The muddied trails to safety were littered with feathers from mattresses and discarded items too burdensome to carry.

As far as the eye could see, this was the scene along the Runaway Scrape. Most were starving, sick, and barely clothed. Make-shift graves lined the way and areas of high ground offered the only reprieve from the mud-soaked misery.

As General Sam and the boys crossed the San Jacinto, many of the runaways a step ahead faced a rising Trinity River to the east. The flooded waterway and river-bottoms forced them to seek shelter in the Liberty and Dayton settlements. Today, a historical marker along Highway 90 recognizes this historical part of our Texas history.

On the afternoon of April 21, 1836, the runaways taking refuge along the banks of the Trinity heard the faint sounds of cannon fire in the distance. Fearing the worst, the runaways wasted no time in ferrying the river and making their escape. Little did they know at the time, but General Sam and his rag-tag bunch of freedom fighters whipped a vastly larger Mexican army that was caught napping, captured Santa Anna and a new Republic of Texas was won.

Just as terror and panic had raged throughout the land, the news of victory and independence did as well. The cries from the battlefield: ''Remember the Alamo!'' ''Remember Goliad!'' were echoed along the now abandoned Runaway Scrape and met with: ''San Jacinto!'' ''San Jacinto!''

Texas—one and indivisible.

And that's just the way it is.

HONORING CITY OF MADEIRA, OHIO

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to honor the centennial anniversary of the city of Madeira. Like most of Hamilton County, Madeira was part of the 248,000 acres of land that comprised the ''Symmes Purchase'' in the late 1700s.

The growth, history, and development of the Madeira was shaped by the completion of a rail line extension and the opening of a freight office in the heart of downtown Madeira in 1866. The Marietta and Cincinnati Railroad named the stop after its treasurer and local landowner, John Madeira. This freight station still stands and is home to Choo-Choo's Restaurant.

In 1910, Madeira was home to 500 residents and was incorporated as a village. Samuel K. Druce was the first Mayor, and the village council held its first meeting on August 10th of that same year.

By 1959, the Village of Madeira had grown to 6,500 and became a city. It adopted a charter form of government. In 1970, Madeira doubled in size and filled out its current geographical boundaries when the South Kenwood area was annexed.

Today, Madeira is home to more than 9,250 residents. Its vibrant downtown area is home to countless niche businesses, including fine dining and shopping. Its schools have earned an ''Excellent'' rating on the State Report Card for 10 consecutive years, including the highest ranking of ''Excellent with Distinction'' in 2009. And in 2007, the Madeira City School District was awarded a Silver Medal by U.S. News and World Report, recognizing the high school as one of the best in the country.

Over the past 100 years, the city of Madeira has become one of the finest suburban communities in the Cincinnati region. It truly lives up to its motto, ''Oppidum Amicum''—friendly town. Madam Speaker, please join me in celebrating this historic milestone and wish the city of Madeira continued success.

ALAMANCE CHRISTIAN WINS IT ALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Alamance Christian School's boys basketball team for winning its second State championship in 3 years. This team not only won the North Carolina Christian School Association 3A State championship, but they also broke a school record for wins in a season with 25.

Alamance Christian defeated Gospel Light 61–55 in overtime last month. The championship game featured resilience and a determination to win. With the game in overtime, Blake Marley made a clutch 3-point shot, while his teammates Will Shepherd and Brandyn Burns also came through for the team by excelling at the free throw line. The championship game win, as well as their phenomenal record, required great skill and athleticism, but Head Coach Jerry Bailey pointed to the boys love and care for each other as the secret to their success.

The championship team members are: Brandyn Burns, Jonathan Racke, Bud Hursey, Will Shepherd, Benton Tuck, Tyler VanNostrand, Anthony Winston, Thomas Klarr, Blake Marley, Kevin Avery, Philip Barker, Alan Barker, Cole Johnson, and Ethan Massey. The coaching staff was led by Coach Bailey and his able assistants Josh Howard and Brad Prentice.

Again on behalf of the Sixth District of North Carolina, we would like to congratulate the Alamance Christian School boys basketball team, the faculty, staff, students, and fans for an outstanding championship season. This team will be remembered in the history books for its record-breaking year and resilient win in the NCCSA championship game.

175TH ANNIVERSARY OF HIGHLAND TOWNSHIP, MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. McCOTTER. Madam Speaker, I rise today to commemorate the 175th anniversary of Highland Township, Michigan on April 6, 2010.

On April 6, 1835, Highland Township held its first township meeting at a schoolhouse on

Jesse Tenny's farm. Since its founding, Highland Township has had a diverse history. Highland boasts a once-thriving cider, vinegar, and pickle industry and with the coming of railroads in Michigan, the unique Highland Station. More recently, Highland Township has constructed many resort cottages on area lakes. Also, due to the construction of highway M–59, residential and commercial development has grown in Highland Township.

Importantly, the residents of Highland Township have played an instrumental role in promoting and maintaining awareness of ''Highland heritage'' through their work with several historical and conservational groups such as the Highland Township Historical Society, Highland Land Conservancy, and Highland Beautification Committee.

Madam Speaker, as Highland Township celebrates its 175th anniversary, I ask my colleagues to join me in honoring its residents and thanking them for their contributions to our community and our country.

RECOGNIZING THE CONTRIBUTIONS OF THE VIRGINIA NATIONAL GUARD ON THE 66TH ANNIVERSARY OF THE NORMANDY INVASION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the contributions of the members of the Virginia-Maryland-District of Columbia National Guard on the occasion of the 66th anniversary of the Normandy Invasion and D–Day which will occur this June 6. I ask that my colleagues join me in recognizing the service and sacrifice of the members of this National Guard unit.

The Virginia-Maryland-District of Columbia National Guard unit was the only one from the United States to serve in the first wave of the Normandy Invasion on D–Day. Over 3,100 soldiers from this unit courageously served their country in Normandy, and there were 1,107 casualties in the invasion.

The 29th Infantry Division of the Virginia National Guard joined the 116th Infantry Regiment, also known as Virginia's ''Stonewall Brigade,'' and the 111th Field Artillery Battalion in the assault on the Nazis on Omaha Beach on June 6, 1944. The Headquarters Company, 3rd Battalion, 116th Infantry Regiment is still based in Winchester, Virginia, and continues to send its troops to serve their country in Afghanistan and Iraq. A new National Guard Armory opened last year in Frederick County and was named in honor of Staff Sgt. Craig W. Cherry and Sgt. Bobby E. Beasley, two local National Guardsmen who lost their lives in Afghanistan in 2004.

I submit for the RECORD the text of a joint resolution passed in the Virginia General Assembly in February, honoring this heroic unit of the National Guard:

HOUSE JOINT RESOLUTION NO. 292

OFFERED FEBRUARY 16, 2010

Commending the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard and the Virginia communities represented in the Normandy Invasion on the 66th anniversary of D–Day.

Patrons—Sherwood, Abbitt, Abbott, Albo, Alexander, Anderson, Armstrong, Athey, BaCote, Barlow, Bell, Richard P., Bell, Robert B., Brink, Bulova, Byron, Carr, Carrico, Cleaveland, Cline, Cole, Comstock, Cosgrove, Cox, J.A., Cox, M.K., Crockett-Stark, Dance, Ebbin, Edmunds, Englin, Garrett, Gear, Gilbert, Greason, Griffith: Herring, Hope, Howell, A.T., Howell, W.J., Hugo, Iaquinto, Ingram, James, Janis, Joannou, Johnson, Jones, Keam, Kilgore, Knight, Kory, Landes, LeMunyon, Lewis, Lingamfelter, Lohr, Loupassi, Marshall, D.W., Marshall, R.G,, Massie, May, McClellan, McQuinn, Merricks, Miller, J.H., Miller, P.J., Morefield, Morgan, Morrissey, Nixon, Nutter, O'Bannon, Oder, Orrock, Peace, Phillips, Plum, Pogge, Poindexter, Pollard, Purkey, Putney, Rust, Scott, E.T., Scott, J.M., Shuler, Sickles, Spruill, Stolle, Surovell, Tata, Torian, Toscano, Tyler, Villanueva, Ward, Ware, O., Ware, R.L., Watts and Wright

Whereas, June 6, 2010, is the 66th anniversary of the Normandy Invasion, commonly known as D–Day; this epic and decisive moment in World War II helped defeat Nazi rule in Europe and was the most massive military operation in world history; and

Whereas, the only National Guard division of the United States Army selected to participate in the initial assault on the coast of France was the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard; this division was assigned as its objective that beach sector designated Omaha, which because of the fierce resistance encountered there soon became known as ''Bloody Omaha''; and

Whereas, Virginia's historic ''Stonewall Brigade,'' the 116th Infantry Regiment, was chosen to be in the first wave at Omaha and, after a bloody battle on the beach, finally succeeded in taking the high ground above it, and thus secured a beachhead in France; when ''the Longest Day'' ended, the courageous regiment of over 3,100 soldiers had suffered 1,107 casualties; and

Whereas, joining the 116th Infantry Regiment in the assault was Virginia's 111th Field Artillery Battalion and other smaller units from the Virginia National Guard, all elements of the 29th Infantry Division. and

Whereas, the Virginia communities represented in the D–Day Invasion were:

116TH INFANTRY REGIMENT (STONEWALL BRIGADE)

Headquarters and Headquarters Company—Roanoke

Anti-Tank Platoon—Roanoke

Medical Department Detachment-Staunton & Wytheville

Service Company—Roanoke

Headquarters Company, 1st Battalion—Roanoke

Company A—Bedford

Company B—Lynchburg

Company C—Harrisonburg

Company D—Roanoke

Headquarters Company, 2nd Battalion-Altavista

Company E—Chase City

Company F—South Boston

Company G—Farmville

Company H—Martinsville

Headquarters Company, 3rd Battalion-Winchester

Company I—Winchester

Company K—Charlottesville

Company L—Staunton

Company M—Emporia

29th Infantry Division Band (Virginia portion)—Roanoke

29th Signal Company—Norfolk

29th Cavalry Reconnaissance Troop-Berryville

Headquarters and Headquarters Battery, 29th Infantry Division Artillery-Richmond

111TH FIELD ARTILLERY BATTALION (FIRST VIRGINIA ARTILLERY)

Headquarters and Headquarters Battery-Norfolk

Service Battery—Newport News

Battery A—Richmond

Battery B—Norfolk

Battery C—Portsmouth

227TH FIELD ARTILLERY BATTALION (FORMERLY 2ND BATTALION, 111TH FIELD ARTILLERY)

Headquarters and Headquarters Battery—Richmond

Service Battery—post mobilization organization—no Virginia community

Battery A—Hampton

Battery B—Richmond

Battery C—Fredericksburg

Whereas, many brave individuals participated in the Normandy Invasion and all who worked so hard and fought so valiantly are honored as heroes; and

Whereas, General George C. Marshall, U.S. Army Chief of Staff, helped plan the Allied invasion of France; he graduated from the Virginia Military Institute as First Captain of the Corps of Cadets in 1901; and

Whereas, a former commander of the 29th Infantry Division, Lieutenant General Leonard Gerow was promoted to command the V Corps (Fifth Corps), made up of the 1st and 29th Infantry Divisions, which were the first troops to land on Omaha Beach; he was a native of Petersburg and a graduate of the Virginia Military Institute, Class of 1911; and

Whereas, on June 8, 1944, Technical Sergeant Frank D. Peregory of Charlottesville's Company K, from the 116th Infantry Regiment, single-handedly killed or captured over 25 enemy soldiers, earning the Congressional Medal of Honor, only to be killed in action six days later; and

Whereas, a graduate of The Citadel's Class of 1929 and a teacher and coach at Staunton Military Academy, Major Thomas D. Howie of Staunton's Company L, best known as ''the Major of St Lo,'' was killed in action on July 17, 1944, while in command of the 3rd Battalion, 116th Infantry, during its final drive to capture the strategic city of Saint-Lô; and

Whereas, commander of the 111th Field Artillery Battalion, Lieutenant Colonel Thornton L. Mullins of Richmond, after his unit lost all of its guns but one in the English Channel when its landing craft were either swamped or destroyed by enemy fire, was killed in action while leading a band of survivors and destroying several enemy positions; he was awarded the Distinguished Service Cross, the U.S. Army's second highest award for valor; and

Whereas, today, the 116th Infantry Regiment and other Virginia National Guard units of soldiers and airmen maintain a proud tradition with troops deployed in harm's way in the War on Terrorism, such as the mobilization to Iraq of the 1st Battalion, 116th Infantry on January 6, 2010, and two deployments to Afghanistan of the 3rd Battalion, 116th Infantry accompanied by several Embedded Transition Teams drawn from across the Virginia Army Guard, including the 116th Infantry's Brigade Combat Team; and

Whereas, since the start of the current wars in Afghanistan and Iraq, nearly 10,000 men and women of the Virginia National Guard have served in one or both conflicts,

many on multiple tours, and a total of 13 members have died on active duty protecting our liberties, and it is fitting we honor and remember their service and sacrifices; and

Whereas, the Commonwealth of Virginia and its citizens are indebted to and thankful for the D-Day soldiers, their successors in the ranks of the Virginia National Guard today, and their families for their valiant service and enormous sacrifice; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly commend the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard and the Virginia communities represented in the Normandy Invasion on the 66th anniversary of D-Day that occurred on June 6, 1944, honoring the brave troops who served there, especially the soldiers of the Stonewall Brigade, 116th Infantry Regiment who fought in the first wave of attack and the 111th Field Artillery Battalion, both of which are a part of the 29th Infantry Division; and, be it

Resolved further, That the General Assembly acknowledge the efforts of the Virginia National Guard to commemorate the Normandy Invasion with a Day of Awareness to remind Virginians of the sacrifices made to preserve their freedoms by those who fought on D-Day and by the men and women of the Virginia National Guard who continue to fight around the world to protect liberty for their countrymen; and, be it

Resolved finally, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Major General Robert B. Newman, Jr., the Adjutant General of Virginia, on behalf of the General Assembly in recognition of the soldiers of the 29th Infantry Division of the Virginia-Maryland-District of Columbia National Guard and the Virginia communities represented in the Normandy Invasion who fought at Normandy and on into the heart of Germany to help bring about the final victory over Nazi tyranny.

ON THE PASSAGE OF NEW MEXICO'S HISPANIC EDUCATION ACT

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. HEINRICH. Madam Speaker, I rise today to pay tribute to New Mexico's Hispanic Education Act.

Signed by the governor on March 10, 2010, this law sets into motion a multi-pronged approach to bring the community together to tackle the growing achievement gap that exists between Hispanic students and their peers. It is the first such law of its kind anywhere in the country, and it is my hope that it will not be the last.

I believe that the single greatest challenge facing New Mexico's educational achievement is the fact that though 56 percent of our state's students are Hispanic, barely half of them graduate from high school. Given that education is the key to achieving our full potential as individuals and as a country, we must realize that not all education is equal. We must look at the challenges that face all our students. This disparity is too great to do nothing. The time has come to confront this disparity head on, and this is exactly what the Hispanic Education Act will do.

I would like to congratulate New Mexico Governor Bill Richardson, State Senator Bernadette Sanchez, State Representative Rick Miera, and Education Secretary Veronica Garcia for having the courage to champion the Hispanic Education Act. But they certainly were not alone in shepherding this bill through the state legislature. Indeed, this legislation was initiated by the countless parents, community advocates, business leaders, school administrators, and policy makers who gave their time and energy to this effort. It was their advocacy, in concert with the Latino/Hispano Education Improvement Task Force, which made passage possible.

It is my hope that the goals set forth in this landmark legislation are achieved quickly. It is also my hope that other states follow New Mexico's lead. And it will be my intention to work with my colleagues here in Congress to find ways on a national level to promote Hispanic educational success. For if we are to excel in a 21st Century economy, then all students of all backgrounds must have the chance to finish high school, attend college, and go on to be productive, successful Americans.

HONORING JEANNE JACOBS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Jeanne Jacobs, accomplished educator and President of Miami Dade College's Homestead Campus.

As administrator of the College, she has advanced the mission of the institution and brought national attention to South Dade. In addition to her leadership role at Miami Dade College, Jeanne serves on the Board of Directors of Homestead Hospital and in several community organizations, including the Executive Council of the Homestead/Florida City Chamber of Commerce, the Senior Advisory Council of the Red Cross, and the Vision Council of Homestead. She holds a Doctor of Philosophy degree in Administration of Higher Education with a minor in English from the University of Alabama.

This month, Miami Dade County Mayor Carlos Alvarez, the Miami Dade Commission for Women, and Miami-Dade Parks and Recreation honored Jeanne at their annual "In the Company of Women" Awards Ceremony, a well-known recognition and high distinction in the South Florida community.

As we celebrate Women's History Month, I too honor and recognize Jeanne for her contributions to and achievements in the fields of education and research. Her leadership has truly made a difference in the lives of students and has taken this fine institution of higher learning on a continued path of excellence.

HONORING ELLA SECCHIAROLI FOR WINNING THE LESSONS OF THE AFRICAN-AMERICAN EXPERIENCE WRITING CONTEST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Madam Speaker, I rise today to recognize Ella Secchiaroli as a winner of the first annual "Lessons of the African-American Experience" Creative Writing Contest. Ella is currently in the fifth grade at North Stonington Elementary School, which is located in North Stonington, Connecticut.

In celebration of Black History Month, I sponsored a creative writing contest for all third through eighth grade students within the Second District. As we know, Black History Month is a time to reflect on the struggles and triumphs of our nation's past. The lessons learned during this month continue to serve as the stepping stones of our nation's future. Ella's poem eloquently embraces this belief.

Ella's poem shows a remarkable enthusiasm for learning that is inspiring to all. She identified the values that she learned during Black History Month and creatively discussed how those values affect her life and the lives of others. For this, her poem was among the four winners selected.

MR. DICK BUNCE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor Mr. Dick Bunce for more than three decades of tireless work to advance the causes of peace, nuclear disarmament, democracy and conservation. Today, we recognize the quality and excellence of Mr. Bunce's career on the occasion of his retirement.

Known for his invaluable leadership and service to organizations here, and around the globe, Mr. Bunce's early life took place in New Orleans, Louisiana. After graduate work in sociology at the University of Wisconsin, Mr. Bunce began accumulating a breadth of media experience. His-long career in fundraising, marketing, media and research includes a book, "Television in the Corporate Interest," as well as leadership posts at Bay Area stalwarts such as Mother Jones magazine, Pacifica Radio and the Center for Social Research and Education at the University of California, Berkeley.

In addition to his media savvy, Mr. Bunce's skillful fundraising efforts have both enriched worthy organizations, and changed the face of the Bay Area. In fact, San Francisco residents and visitors from around the world enjoy the beautiful result of one of Mr. Bunce's most ambitious fundraising projects. His management of a $35 million campaign transformed a former military airstrip and ordnance dump in San Francisco's Presidio into a popular urban national park site known as Crissy Field.

Following that endeavor, Mr. Bunce joined the Ploughshares Fund, founded by legendary San Franciscan Sally Lilienthal. His work included expanding Ploughshares Fund annual fundraising efforts, planned giving and endowment campaigns.

As Deputy Director, Mr. Bunce implemented the first-ever capital campaigns for both Ploughshares Fund and the Golden Gate National Parks Conservancy, overshooting his goals and raising more than $60 million to reduce nuclear threats and enhance park lands.

As friends and colleagues know, Mr. Bunce's profound dedication to peace and conservation efforts extends beyond his fundraising prowess. In his free time, he has

served on a number of boards, including the Pesticide Action Network and, currently, the Point Reyes National Seashore Association.

In all of his many vocations, Mr. Bunce has been praised for his strategic brilliance, strong leadership, tenacity and thoughtfulness. His work has created innumerable opportunities for organizations and communities to continue the work of building a better, safer future for generations to come.

On behalf of the residents of California's 9th Congressional District, Mr. Dick Bunce, I salute you. I congratulate you on your many achievements, and I wish you and your family all the best in this next chapter of your life.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. NADLER of New York. Madam Speaker, due to official business, I missed a vote on March 10, 2010. Had I been able to, I would have voted ''aye'' on rollcall vote No. 100, expressing condolences to the families of the victims of the February 27, 2010, earthquake in Chile, as well as solidarity with and support for the people of Chile as they plan for recovery and reconstruction.

HONORING ANDREA IVORY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Andrea Ivory of Miami Lakes, the Founder and Executive Director of the Florida Breast Health Initiative and a breast cancer survivor.

In late 2006, Mrs. Ivory, along with her husband Willie Ivory, started the organization, which is dedicated to educating women about the importance of breast health and provides them with the resources to battle the disease. The group works to reach out to uninsured women in low-income areas who cannot afford mammograms. Staff and volunteers have knocked on more than 20,000 doors in neighborhoods throughout Miami including Miami Gardens, Opa-locka, Hialeah and Northwest Miami-Dade and have offered women the opportunity to be screened in mobile mammogram units and receive other low-cost services. To date, they have facilitated over 600 free or low-cost mammograms, and as a result, discovered four cases of cancer.

Today, Andrea has been cancer free for five years and her work and dedication to serving others in the community has been recognized by several news outlets and organizations. In 2009, she was selected as one of CNN's Top 10 Heroes of 2009 and was also featured in our home town newspaper, the Miami Herald.

As we celebrate Women's History Month, I ask you to join me in thanking Andrea Ivory for her commitment to creating awareness about breast cancer and ensuring that other women have access to care. I also congratulate her on her personal strength and willingness to overcome breast cancer.

GEORGE GREEOTT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to celebrate the life of George Greeott, who in his 100th year in Sonoma County, California, has made innumerable contributions to his community and has unquestionably left his mark on the history of this part of my district.

He has earned many titles, Sonoma County's Renaissance Man—farmer, inventor, artist, blacksmith, school board member, collector of Native American artifacts, horseshoe champion, loving husband and devoted father—and the Duke of (the Town of) Windsor in 2007 among them.

Mr. Greeott was born in Santa Rosa, the county seat of Sonoma County, on April 30, 1910, the son of Italian immigrants. He began ranching with his father in the Chalk Hill Valley in 1928 and raised prunes, apples and grapes, as well as sheep and horses over the following 70 years. He met and married his wife Isabel Sicco, the daughter of a local chicken farmer, in the 1930s and together they had four children.

Mr. Greeott owned several patents that made ranching life easier for his family and his neighbors. His ''Fence-Tight'' helped crimp and tighten wire fencing and was a big seller in the Thorson Tool Company catalogue. One of his non-farming inventions, the ''Greeott Grabber,'' helped him win numerous horseshoe tournaments before he retired from competition at the age of 93, while he was still on top.

His unique metal sculptures and woodcarvings are permanently housed in the Windsor Museum, for which he established the Windsor Historical Society Endowment Fund. His collections of Pomo Indian artifacts and vintage tools and bottles used in the early days of the wine industry have been donated to other museums throughout Sonoma County.

Madam Speaker, George Greeott is loved and respected by his community, who will help him celebrate his 100th birthday. It is appropriate that we send our best wishes to this truly remarkable man.

HONORING MARIA CRISTINA ANDREU REGUEIRO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Maria Cristina Andreu Regueiro, Co-Founder and President of Florida National College in Hialeah.

Maria Cristina Andreu Regueiro was born in Havana, Cuba. After living in New York for 10 years, she moved to Palm Springs North in 1973. She attended the University of Miami, and after graduating, joined her late husband Jose in carrying out his dream of providing educational opportunities to the growing Hispanic community in South Florida. In 1986, they opened Florida National College in Hialeah. Today, the College serves more than 3,000 students, has more than 20,000 graduates, and is spread across Miami-Dade County with three locations and a distance learning program online.

Maria Christina has been instrumental in assisting minority students achieve their educational goals. What began as her husband's dream, has become a reality and an opportunity for thousands. She currently serves on the Mayor's Educational Advisory Board for the city of Hialeah and is a member of the Board of the South Florida Workforce. She has also been a member of the State of Florida Community Hospital Education Council, a commissioner for the Commission for Independent Education of the Florida Department of Education, and various other community organizations that promote education.

As we celebrate Women's History Month, I ask you to join me in thanking Maria Cristina Regueiro for her commitment to serving others, and her determination and hard work, which have allowed her to achieve her dreams. I also ask that you join me in remembering her late husband, Jose Regueiro, who also made a commitment to our community and dedicated his life to making education and opportunity a reality for many.

SMALL BUSINESS AND INFRASTRUCTURE JOBS ACT OF 2010

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 4849, the Small Business and Infrastructure Jobs Act, which is another step forward in helping Rhode Island's small businesses and creating jobs.

This measure would exclude 100 percent of small business capital gains, increase the tax deduction for start-up expenditures from $5,000 to $20,000, and provide small business penalty relief. These provisions will encourage the formation of new businesses and allow small businesses to grow and hire more workers.

H.R. 4849 also extends the Build America Bonds program, which was part of the American Recovery and Reinvestment Act and has been successful in helping our state and local governments finance the rebuilding of schools, sewers, hospitals and transit projects.

Finally, today's bill extends the TANF Emergency Fund, which has helped states fund a jobs program that subsidizes employers, including small businesses, who hire unemployed workers. This program has put over 160,000 Americans back to work, and a program in Rhode Island should go into effect shortly.

Congress is committed to more action on creating jobs and helping our small businesses, which are the backbone of our nation's economy, and I urge my colleagues to support this measure.

RECOGNIZING AMY DAVIS AS THE HURLBURT AFA CHAPTER 398 ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Ms. Amy Davis upon receiving the Hurlburt Air Force Association Chapter 398's Elementary School Teacher of the Year Award for 2010. Ms. Davis' students have truly benefited from her inventive lessons and the passion she exudes for her profession. I am honored to acknowledge her contributions today.

Amy teaches third grade at Kenwood Elementary School in Okaloosa County, Florida. In her six years of teaching she has enthusiastically pursued opportunities to develop lessons that motivate student learning. For instance, Amy was inspired to introduce aviation sciences into her classroom after attending a Teacher Workshop hosted by the Hurlburt Air Force Association. Amy thoughtfully incorporated flight charts into her lessons in order to teach her students how to measure distances and angles. Likewise, Amy enhances her lessons with space-related material inspired by a Space Camp for Teachers she attended in Huntsville, Alabama. Her method of combining tangible materials and advanced concepts in every lesson has greatly promoted student success. Amy has recently received her certification as a Gifted Instructor and is working toward her National Board Certification, with which I wish her the best of luck.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Amy Davis as the Hurlburt AFA Chapter 398 Elementary School Teacher of the Year. Her passion for learning truly makes her a great asset to her students and colleagues. Vicki and I wish Amy and her family all the best for the future.

ENERGY JOBS FOR VETERANS ACT

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 2010

Mr. RANGEL. Madam Speaker, I rise today in support of our brave men and women in the Armed Forces who are returning to our nation in increased numbers to find that their prospects are limited because they have chosen to fight for our security and safety. I would also like to commend the Honorable BOB FILNER in the House Veterans' Affairs Committee for his commitment to recognizing the importance of our veterans' military sacrifices and patriotism.

It is our duty as a nation and government to protect those who have so valiantly fought for our freedoms. Our objectives should be to ensure that they are included in the process of growing our economy in the most vital way possible: procuring employment. Not only should we fight for their inclusion but also provide them tools they need to compete in the job market, whether it be psychological counseling for the traumas they experience while in combat or job training to bolster the unique skill sets they have acquired during their time in the service.

The House Veterans' Affairs Committee has embarked on the process of increasing the employment prospects for our veterans through the National Guard Employment Protection Act of 2009 and H.R. 4592, which funds the establishment of a pilot program encouraging veteran employment in energy-related positions. Not only do these pieces of legislation affect veterans but also their families and those that depend on them. The cost of living in this country is on the rise, and important pieces of legislation like the Veterans' Compensation Cost of Living Adjustment Act of 2010 would make sure veterans' compensation keeps apace. Our veterans are men and women who have chosen to give up their lives, jobs and seeing their families for the sake of serving and defending our nation. It is unseemly that when they return they face unemployment.

The fact that unemployment is currently at an all-time high has not been lost to our veterans returning home. Instead of being welcomed with open arms by this country, they are faced with the double fear of not finding employment while worrying about how to keep their homes and pay their mortgages. The Veterans' Affairs Committee has sought to remedy this situation by introducing the Helping Heroes Keep their Homes Act of 2009, which aims to stem the tide of veterans losing their homes, and worse, ending up homeless.

At any given time, our nation is faced with 107,000 homeless veterans. While this number is considerably lower than it was a few years ago, any one homeless veteran is one too many. It is a disservice to our veterans for us not to assist them in acquiring permanent homes. The End Veteran Homelessness Act of 2010 seeks to rectify this important issue by increasing the funding available for helping our homeless veterans. I believe that the passage of this legislation would substantially improve the plight of our homeless veterans and potentially place them on the track to having a place to call home. Our veterans deserve the most from us and I am committed to working with Congress to get the job done.

HONORING LOIS JONES

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a remarkable woman who has dedicated her life to public service and political activism, Ms. Lois Jones.

Educated in Kingston, Jamaica, Ms. Jones then made California her home, serving 23 years in the California Legislature. During her tenure, she was a liaison to the African American Community and played an active role in exposing high school and college students to the legislative process through internships. Years later she moved to Florida where she has been involved in a number of issues ranging from small business development to public relations and international trade. She is very active in our community, always engaging with minority groups, religious groups and civic leaders, and working to help advance their priorities.

For nine years, Ms. Jones served as Jamaican Honorary Consul in California. She was appointed by the Prime Minister of Jamaica and worked on several issues including international trade. Ms. Jones is also a featured writer, frequenting opinion pages in newspapers across the country and expressing her views on community empowerment and public policy issues.

Currently Ms. Jones serves as a member of the City of Homestead Charter Review Committee and is involved in various community organizations including the City of Homestead Education Committee, the City of Homestead Mayor's Youth Council, the State Partnership for School Safety & Security, the Greater Miami Chamber of Commerce, and the Association of Women Business Owners, to name a few.

As we celebrate Women's History Month, I ask you to join me in congratulating Ms. Lois Jones for her invaluable contributions, dedication to and leadership in our community.

ON THE PASSING OF SAM HAMILTON, 15TH DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor Sam Hamilton, the Director of the United States Fish and Wildlife Service, who we lost on February 20, 2010. Sam's work was that of a champion—the guardians of our environment are the stewards of what we leave to our descendants and they deserve unending praise. I never knew or needed to ask if Sam was a Democrat, Republican, or Independent because he worked with everyone and was a biologist first. If I can try to sum up his character, I will have to quote the man himself when he said:

> My greatest challenge is to help bring conservationists, hunters, anglers, landowners, state and federal agencies, and business people together to help us conserve and enhance what makes America great—our treasured wildlife resources.

His work for conservation and collaboration was driven by sound science, and his affection for the environment was unrivaled. Sam Hamilton devoted his career and over 30 years of his life to service within the United States Fish and Wildlife Service. In fact, Sam's first involvement with the agency came when he was 15 years old as a member of the Youth Conservation Corps in Mississippi. Near Starkville, Mississippi, where he grew up, Sam learned the importance of managing a wildlife habitat while banding wood ducks and Canadian geese to build waterfowl pens.

In 1991, Sam became the first Fish and Wildlife Service State Administrator in Austin, Texas. While there, Sam held strong in his commitment to protect the golden-cheeked warbler from further endangerment. Years later, Sam went on to work on the restoration of the coastal wetlands and wildlife habitats along the Gulf Coast after hurricanes Katrina and Rita. Sam was nominated in June 2009

by President Obama to be the 15th director of the Service. Three months later, as he was being sworn in, he reaffirmed his commitment to addressing the threat of climate change, habitat fragmentation, invasive species, limited water supplies, and the illicit trade of wildlife. Perhaps he put it best when he said, "as wildlife goes, so goes the nation."

Sam Hamilton was loved by all conservationists. He leaves behind his wife, Becky; two sons, Sam, Jr. and Clay; and grandson Davis. I am proud to have known Sam D. Hamilton, and to be able to help carry on his vision here in Congress. I ask my colleagues to stand and join me in celebrating his achievements and remembering his legacy as a person who embodied the very best of the American spirit.

HONORING THE MEMORY OF COMMISSIONER DUPONT L. DAVIS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor the memory of DuPont L. Davis who served the people of Hertford County, North Carolina for many years as County Commissioner and civic leader. Well known for his passion, deep caring and unapologetically speaking his mind, DuPont Davis helped make a difference in the lives of countless citizens.

Commissioner Davis was first elected to the Hertford County Board of Commissioners in November of 1988. Since that time he has often served as Chairman of the Board, been recognized as North Carolina Commissioner of the Year and served as President of the North Carolina Association of County Commissioners.

Commissioner Davis was a person of faith. He was an active member of Zion Grove Missionary Baptist Church of Aulander, North Carolina. He was also a member of Jerusalem Lodge No. 96 of Prince Hall Masons, Ahoskie, North Carolina and was past Master of the Lodge.

Commissioner Davis was my dear friend of many years and I am saddened by his loss. Without question, he was a devoted public servant with an unsurpassed drive and passion to improve the lives of people in his community. He was an irreplaceable asset to Hertford County and to the state of North Carolina.

Commissioner Davis is survived by his wife Earline Powell Davis, and sons Derrick Davis and Dexter Davis, and daughters, Donica Davis Thompson and Dedria Davis King.

Madam Speaker, I ask my colleagues to join me in expressing remorse at the passing of one of North Carolina's finest public servants, a man who was one of the State's most admired and respected elected officials. His passion, perseverance and dedication should serve as an inspiration to us all.

AMISTAD SAILS TO HAVANA HARBOR

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. COURTNEY. Mr. Speaker, today is a proud day for the Mystic Seaport Museum and the city of New London, as our freedom schooner *Amistad* prepares to sail into Havana Harbor as a floating goodwill ambassador. The *Amistad*'s visit to Cuba culminates its current Caribbean Heritage Tour to help commemorate the United Nations-designated date of March 25 as a Day of Remembrance for the victims of the Atlantic slave trade.

The 19th century Amistad Incident ultimately led to a profoundly important U.S. Supreme Court decision that arguably turned the tide against slavery itself. The ship serves as a global icon of racial tolerance and a platform for serious examination of shared history across Africa, Europe, the Caribbean and the United States. Today, the world is watching as the *Amistad* sails into Havana Harbor to set new milestones for diplomacy and remembrance. Today, from New London to the Caribbean, we honor our common heritage and wish the *Amistad* fair winds and following seas.

The following is a story from the New London Day:

AMISTAD IS SAILING BACK TO WHERE ITS STORY BEGAN

(By Ted Mann Day)

HAVANA.—Over a breakfast of melon, eggs and thick, dark Cuban coffee, Quentin Snediker, Maureen Hennessy and William Pinkney seem barely able to stand the wait for the coasting schooner Amistad and its crew to arrive in Cuba.

It is a wait older than the ship itself, says Snediker, who was the project coordinator of the design and construction of the Amistad for Mystic Seaport.

"To complete the story, we always felt the vessel had to return here," he said on Sunday morning, as he and Pinkney, who was the first in command of the ship when it launched nearly 10 years ago, prepared for a press conference at the Museo Nacional de Bellas Ades to announce the Amistad's impending historic visit to Cuba.

"Here" means Havana, the Cuban capital and trading center, where the African captives who would make the Amistad famous were auctioned illegally in 1839 as slaves in violation of the Spanish and English treaties banning the international slave trade, and bound for the eastern agricultural districts that made Cuba a power in the sugar and coffee trade.

Brought to Havana on a slave ship after being taken captive in Sierra Leone, the 53 men and boys were transferred to the Amistad, a modest vessel that transported goods and freight along the Cuban coastline.

In an ornate, wood-paneled room at the Museo Nacional, Cuban historian Miguel Barnet, Pinkney and Snediker took turns reviewing the subsequent twists of the Amistad story for a crowd of about 45 journalists from the Cuban national press, American TV networks and the BBC.

Despite the 1807 passage of the Wilberforce Act—whose anniversary, now the United Nations' international day of commemoration for victims of the slave trade, the Amistad will mark with its formal arrival in Havana on Thursday—Cuba's booming sugar and cattle businesses precipitated a dependence on human slavery.

It was a case of "negocios sucios," or "dirty business," Barnet said, but one into which leaders in Cuba and in its colonial patron, Spain, felt driven by necessity. "Both the Spaniards and the Cubans needed fresh hands," he said.

The Amistad never reached its destination. The leader of the captives, known as Cinque to his Spanish-speaking handlers, led a revolt that would change not just the history of slavery in Cuba and the Spanish empire, but also in the United States.

Picking the locks of their shackles with a nail, the captives seized the ship and killed most of the crew, including Captain Ramon Ferrer, with machetes. The remaining crew members were ordered to steer the Amistad back to Africa—away from the setting sun.

But as those crew members tried to sabotage Cinque and the Africans, the Amistad zig-zagged up the east coast of the United States until it was captured off Montauk and towed into the Custom House in New London.

The captives, initially put on trial for the killings, would eventually be freed, after the U.S. Supreme Court ruled that since they had been taken from Africa in contravention of international treaties banning the slave trade, they could not be property.

Instead, the court ruled, Cinque and his countrymen were necessarily men, with a right to defend themselves against those who kept them captive.

The Amistad's visit resonates not just with its historical legacy; it is also, Hennessy noted, a rare opportunity for open interchange between the Cuban and U.S. nations, at a time when their respective governments remain at uneasy odds. Hennessy, who, like Snediker, was taking time off from her work at the Mystic Seaport to meet the Amistad and its crew as they arrive in Matanzas today, said the group met over the weekend with officials from the Cuban Ministry of Culture.

The ministry plans to broadcast Steven Spielberg's 1997 film "Amistad" on one of the state-run television channels Tuesday night, in an attempt to drum up popular interest in the ship's visit.

As the press conference concluded Saturday morning, journalists descended on the Amistad representatives, particularly Pinkney, wanting to know if this combined diplomatic effort of the State Department, United Nations and Cuban officials represented a new thawing in mutual relations.

The visit comes months after the incoming Obama administration relaxed travel restrictions and other facets of the nearly 50-year U.S. embargo of Cuba, but significant tensions still persist. Billboards on the highway into Havana from Jose Marti International Airport depict the mug shots of Cuban prisoners held in the United States—without cause, according to the Cuban government. And U.S. commentators continue to raise questions about the Cuban government's policies, including its economic system and approach to dissidents.

But the Amistad represents shared strands of history, said Barnet, the Cuban historian and writer, and the American visitors agreed.

While interviewers continually asked him variations of the question "can this be a step" toward normalization, Pinkney said, this visit transcends the political considerations that have divided the two countries.

"Now they're completing the Amistad story by coming into Havana, where it all started," he said. "Here, we have nothing to express but the solidarity of humankind."

RECOGNIZING SANDY PALMER AS THE HURLBURT AFA CHAPTER 398 TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Sandy Palmer upon receiving the Hurlburt Air Force Association Chapter 398's Overall Teacher of the Year Award for 2010. Ms. Palmer has been a dedicated educator for 27 years, and I am proud to recognize her achievement.

Currently teaching third grade at Shalimar Elementary School in Okaloosa County, Florida, Sandy has taught at every grade level and in a variety of subjects over the course of her illustrious career. She is known for her enthusiasm for and commitment to incorporating space and aviation into her daily classroom instruction. After attending Space Camp for Teachers in 2001, Sandy changed her way of thinking to integrate these ideas into math and science curricula. She uses paper airplane construction to introduce concepts such as distance, angles, and measurements. Sandy also thinks outside the box to keep her students involved, including an annual play that involves launching the International Space Station. The performance provides parents with the unique opportunity to learn what their children are doing in the classroom with Ms. Palmer's innovative teaching methods. For her outstanding efforts, Sandy is this year's AFA Hurlburt Chapter nominee to the Florida State/Regional Teacher of the Year Competition.

Madam Speaker, on behalf of the United States Congress, I am humbled to recognize Sandy Palmer as the Hurlburt AFA Chapter 398 Overall Teacher of the Year. For 27 years, she has inspired her students and her colleagues, and she is highly deserving of this honor. Vicki and I wish Sandy and her family all the best for the future.

CONGRATULATING THE WINNERS OF THE VALOR FOUNDATION'S NATIONAL FIRST RESPONDERS ESSAY COMPETITION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. WOLF. Madam Speaker, I rise today to commend the winners of the Valor Foundation's essay contest. I am honored to recognize the achievements of these students from Loudoun County and this excellent program in the 10th District of Virginia.

The Valor Foundation is an organization dedicated to partnering with individuals and organizations to support local community fire, rescue, and law enforcement groups. The dedicated work of this foundation supports numerous public safety officers and their families during their times of need. To recognize and celebrate these individuals, the foundation held a youth essay competition to honor the first responders.

To recognize the National First Responder Day, Loudoun County Middle School students were asked to submit essays describing, "Why We Should Have a National First Responder's Appreciation Day." The Valor Foundation collaborated with Randy Kelly, CEO of INOVA Loudoun Hospital, to award five essay winners with savings bonds. I ask that my colleagues join me in congratulating these outstanding students for their achievements, as well as the dedication of the first responders of Loudoun County.

I submit for the winning essays:

Tommy Mai, Belmont Ridge Middle School:

First responders are brave people. They sacrifice their lives just to save other lives at any cost. Whether it's a fire, medical emergency, or a shoot-out, they'll put anything and everything on the line. Think about a jailhouse without police guards, or a burning building without fire fighters coming to the rescue, or hospitals without doctors, nurses, and paramedics. Think about what would have happened during 9/11 without these brave people. Who can think of braver people. They sacrifice their lives for their families, for us, but more importantly, for America.

Ananda Bhatia, Eagle Ridge Middle School:

Every day a crime is committed. Every day a house catches on fire. Every day a person is hurt, a purse is stolen-someone risks their life for someone else! Emergency Responders help people when they need it most. When lives are at risk-they're there for you. Without them, thousands of people wouldn't be here right now. Someone who runs into burning buildings deserves equal respect as someone in the military. Fire fighters, police officers, medical responders, deputies- they deserve respect-and a holiday of their own. I believe Emergency Responders Day would be perfect-and I'm sure many other thankful citizens agree.

Diego Loya, Farmwell Station Middle School:

Who was there to help the victims of 9/11 on that horrific day? Who were first to rescue and help others during and after that tragic event? These people are not the heroes we normally think of with swords, spears or protective armor. They are every day human beings doing what they love and putting themselves in harm's way for their country.

Police, ambulance workers, E. M. T's and firefighters are examples of first responders. They risk their lives to help others. Every day a fire starts or someone is hurt or the police are needed in our communities. Without their presence in our daily lives we would have so many worries. They deserve a day of honor. They desire to be honored and appreciated on First Responders' Day.

Maddie Klaff, Seneca Ridge Middle School:

Believe it or not, in 2007, a total of 181 law enforcement officers and 118 fire-fighters lost their lives while on duty. Because these people do their job, I can walk around feeling safe and protected. These first responders spend their time serving the public and are only minutes away in times of crisis. Many of them do this voluntarily and without pay.

I believe we should dedicate a holiday in honor of those who spend their days looking after us. Their lives are dedicated to protecting ours every day, so we should dedicate one day to recognize them.

Kyle Brown, Simpson Middle School:

Though situations like car accidents and medical emergencies bring grief and sorrow, it is good to know that there are people who are dedicated and trained to help. They are known as first responders. These heroes are committed to helping others who need them when they can't fend for themselves. These unselfish people know that their lives are sometimes at risk, but they care about the safety of others. I stand for everyone when I say that these first responders deserve a day on which their fellow Americans can show them how much they appreciate their commitment to helping others.

HONORING CAPTAIN JEANETTE SAID-JINETE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Captain Jeanette Said-Jinete, the first woman to be sworn in as a police officer and receive the rank of Captain in the Town of Medley Police Department.

Jeanette began her law enforcement career at the age of 19 with the city of Homestead Police Department. Years later, she joined the town of Medley and in 1984, was sworn in as the first female Medley Police Officer. In 1986 she became a detective and in 2002 was awarded Officer of the Year for her success in investigating and solving crimes. In 2004, Jeanette was assigned as the assistant to the mayor and a liaison for the police department and in June of last year, was promoted to captain, becoming the first female appointed to this rank and second in command of the police department.

Jeanette is also a member of the Police Honor Guard, the Miami Dade Association of Chiefs of Police, the Florida Police Chiefs Association, and the International Association of Chief of Police, and is a certified computer voice stress analyzer and a certified code enforcement officer.

Aside from her personal achievements in her career, Jeanette has been a driving force for Medley, obtaining numerous grants for public safety and homeland security equipment, and making possible funding for the town "Tot Lot", basketball court, and the Riverside Domino Park. She has also been instrumental in planning community events and ensuring the Town's participation and partnership with other local entities.

As we celebrate Women's History Month, I ask you to join me in thanking captain Jeanette Said-Jinete for her commitment to making the town of Medley a safe place to live, work and play, and congratulating her for her outstanding work ethic and personal achievements.

RECOGNIZING THE MIDLAND SCHOOL D.A.R.E. GRADUATES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GARRETT of New Jersey. Madam Speaker, today the Rochelle Park Police Department will hold its D.A.R.E. graduation ceremony with the fifth graders of the Midland School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and

gang violence. They have done this with the support of Chief of Police Richard Zavinsky and D.A.R.E. Officer Douglas Arendacs.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. This program allows children to defeat negative cultural influences by opening the lines of communication between law enforcement and youth, empowering students with confidence and courage to say no to drugs.

I am proud of the young men and women who participated in this program in Rochelle Park, and I would like to recognize them all for taking this step toward positive citizenship:

Jenna Alessi, Amna Bajwa, John Califano, Selena Cangialosi, Brittney Cappobianco, Britney Fischbach, John Gerber, Kevin Grieco, Karim Jassim, George Latko, Camron Mickens, Michael Palamara, Nire Rollins, Anthony Sorrentino, Gianni Veloz, Vraj Vyas, Lauren Abrams, Joshua Afocx, Yuna Chung, Jennifer Cichino, Lewyn Concepcion, Drew Every, Suraj Ghumwala, Matthew Kowalski, Alexandra Lehmbeck, Krishalei Locquiao, Samantha McElroy, Joseph Neu, Serena Nguyen, Kyle Ray, Ryan Lewis-Riley, Thadeja Richetts, Bruce Amundson, Kaitlyn Boylan, Heather Buse, Yusef Froogh, Cierra Gamble, T'Shawn Jennings, Owen Lapira, Lindsay Pacheco, Alyssa Poidomani, Steven Riley, Matthew Santana, Jesse Marie Sanzari, Christine Sawruk, Prince Seabrooks, Maicel Shenouda, Jason van der Wilt, Raymond Vasquez.

SUPPORTING THE PEOPLE OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to encourage my colleagues to support H.R. 2122, a bill introduced by our colleague Delegate PIERLUISI to ensure that the cover-over tax levied on the rum exports from Puerto Rico and the U.S. Virgin Islands are used for their original intended purpose; namely to promote the general welfare of the territories' citizens in addition to promoting overall economic development. Currently, the funds are being used, in my opinion, to unfairly support blatant corporate welfare for a foreign-owned company. We do not need to be sending our tax dollars to foreign corporations when we have record unemployment in this country.

Rum that is produced in either Puerto Rico or the U.S. Virgin Islands, and that is sold in the continental United States, is subject to the same Federal tax as rum produced in the States—roughly $13.50 for each proof-gallon. However, in the case of the territories, the majority of the revenue is returned by the Federal government to the respective territory, and then the remainder is retained by the Federal government. This so-called ''cover-over'' tax provision—which has enjoyed strong bi-partisan support for many years—allows the territories to pay for important local programs.

Unfortunately, this provision is now being abused to award a sweetheart deal to the British alcohol distiller and importer Diageo. Under the terms of this sweetheart deal, London-based Diageo will receive 46 percent of the U.S. Virgin Islands' cover-over to pay for a new distillery. Madam Speaker, Diageo is worth roughly $35 billion according to the latest figures. To give Diageo 46 percent of the funds intended for the general welfare of the people of the Virgin Islands, in my opinion, violates the spirit if not the letter of the law. If this type of manipulation is allowed, many experts believe, a race to the bottom will result, with the territories attempting to poach businesses from each other with larger and larger sweet-heart deals paid for by the cover-over funds.

For example, Puerto Rico currently receives about $400 million in carry-over funds per year. From that pool of money, Puerto Rico pays about six percent to the company, Rums of Puerto Rico, and Puerto Rican law states that no more than 10 percent of the funds it receives from the rum cover-over program can be used to subsidize rum producers on the island. This is a reasonable approach. It ensures that Puerto Rico can attract businesses to the island while still having the resources to carry out public works projects.

H.R. 2122 carries forward this commonsense approach. Under the terms of the bill, either Puerto Rico or the U.S. Virgin Islands may use its cover-over funds to provide unfair subsidies to rum producers. Further, if it is determined by the Secretary of the Treasury that a territory has unfairly subsidized a rum producer, the Secretary can transfer some of the cover-over funds intended for that territory that provided the unfair subsidy to the territory that has been disadvantaged. The legislation defines ''unfair'' or ''per se unreasonable'' if the subsidy exceeds ten percent of the covered-over amount returned to the territory's treasury.

Madam Speaker, let us remember the original intent of the cover-over funds, which was to help the territories fund important civil programs for the benefit of the people of Puerto Rico and the Virgin Islands. The purpose was most certainly not to provide corporate welfare to large foreign-owned conglomerates. H.R. 2122 will ensure that the original purpose of the cover-over tax—to advance the general welfare of the citizens—is being carried out. I urge my colleagues to support this commonsense bill.

50TH ANNIVERSARY OF CITY OF DAYTONA BEACH SHORES

HON. SUZANNE M. KOSMAS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Ms. KOSMAS. Madam Speaker, I rise today to honor the City of Daytona Beach Shores on its 50th Anniversary. Since its founding on April 22, 1960, the City of Daytona Beach Shores has been a resort and retirement community located on the barrier island bordered on the east side by the Atlantic Ocean and on the west side by the Intercoastal Waterway (Halifax River).

The City of Daytona Beach Shores has a storied history, featuring a pristine beach where famed race car drivers once vied to set world speed records. The Legends Walk of Fame tribute features bricks dedicated to these famous drivers and the Otto Schultze Memorial is a tribute to the late City Councilman that includes the seven flags used in automobile racing. The City is also home to The Court of Flags, a rotating display of 12 flags representing the national originals of its residents and highlighting the cultural diversity that unifies our nation.

The citizens of Daytona Beach Shores also have a strong history of responsible governance and stewardship as evidenced most recently by the approval of a local tax to fund underground placement of all utility lines, thus mitigating damages from dangerous tropical storms.

To commemorate the 50th anniversary, the City will place items in a time capsule to be opened at the 75th anniversary of the City in 2035.

Living up to the City's motto of ''a better life,'' the residents of Daytona Beach Shores truly have enjoyed ''50 years of a better life'' since its founding on April 22, 1960.

On April 22, 2010, the 50th Anniversary of the City of Daytona Beach Shores, I encourage all residents to recognize and show their appreciation for the many memories and contributions of the community over the years.

HONORING THE WORK OF BARRY LUBOVISKI

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. GARAMENDI. Madam Speaker, I wanted to take this opportunity to honor the great work of Barry Luboviski. After serving for fifteen years as Secretary-Treasurer of the Building and Construction Trades Council of Alameda Council, Barry is stepping down for some much deserved rest and relaxation.

Barry's commitment to the working men and women of this country began when he joined the Iron Workers Union, Local 378 as an Apprentice in 1965. He became an active participant in union activities, and in 1981, he started teaching evening classes for the Iron Workers Apprenticeship Program.

In 1979, Barry was elected as a Delegate to the Building and Construction Trades Council of Alameda County, AFL–CIO, and he was later appointed to Chair the Political Action Committee of the Building Trades Council. There, he helped organize voter registration drives and membership education.

Soon he was elected to serve as an Executive Boardmember of the Iron Workers Union, Local 378 and continued to help lead his local union until being hired in 1991 by the California State Building and Construction Trades Council, AFL–CIO as an Organizer. After four years of effective service, he was elected in 1995 to the position of Secretary-Treasurer of the Building and Construction Trades Council of Alameda County, AFL–CIO.

It has been an honor to work with Barry these many decades, strengthening worker protections and forging a more just and equitable California. Let the record show that the working people of California are better off because of Barry's leadership.

HONORING MARTINA ''TEENA'' BOREK

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Martina ''Teena'' Borek, one of South Dade's best known farmers, and a dedicated mother.

Teena grew up in a small fishing village in Newfoundland and would visit her aunt's farm in South Dade during summer breaks. It is there where she met her late husband, Steven Borek, who came from one of Homestead's oldest farming families. The two married and started their own farm, Steven Borek Farms. They also had two children, Steven Jr. and Michael. Unfortunately, Steven lost his life shortly thereafter in an accident on the family property and Teena was left to raise the children and run the farm. Despite the loss of her husband, and a lack of knowledge in farming, Teena managed to successfully continue the family business, which continues to thrive today. She has proven to be one of South Dade's most innovative farmers, being Homestead's first to use a linear irrigation system and a computer for her work. She does not shy away from using new technologies and products, has engaged in research efforts and has learned to follow the changing market, responding to demand and adapting her crop. Teena has also surpassed devastating freezes and the hit of Hurricane Andrew, which forced her to basically start from scratch.

Despite facing adversity on several occasions, Teena has not given up. Her hard work and passion coupled with her desire to succeed, have allowed her to be both a loving mother and savvy businesswomen. She is a leader in the agriculture industry and never fails to give back to our community. She has been involved with the Dade County Farm Bureau, the Florida Fruit and Vegetable Association, the Florida Tomato Growers Exchange, the Florida Heartland Heritage Foundation, the Florida Farm Bureau Labor Advisory Committee, South Dade High School Agricultural Advisory Council, Dade County Women in Agriculture and the Everglades Community Association, to name a few.

As we celebrate Women's History Month, I ask you to join me in honoring Martina ''Teena'' Borek, a successful businesswoman, community leader and mother, who vowed to continue her husband's legacy. Her story and accomplishments should serve as inspiration to others.

MOURNING THE LOSS OF THE HONORABLE THOMAS H. KELLY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and mourn the extraordinary life of the honorable Thomas H. Kelly upon his passing at the age of 74.

Born on May 27, 1935, Tom Kelly was a man devoted to helping his fellow human beings through public service. In his lifetime, Tom served as a teacher, Wayne City Councilman, Michigan State Representative; and he worked closely with the Wayne County Commission.

Regrettably, on March 24, 2010, Thomas Kelly passed from this earthly world to his eternal reward. He is survived by his beloved wife of 50 years, Bridget, and their four sons Thomas, Patrick, Michael and Kevin; and five grandchildren, Emma, Joseph, Carl, Kalen and Ava. Tom will also be ever remembered as a loving brother by Sister Anne Kelly.

Madam Speaker, Thomas Kelly was a loving husband, father and grandfather; an honorable and effective leader; and a true friend to all blessed to know him. Therefore, I ask my colleagues to join his family and our entire community in mourning Tom Kelly's passing; and in honoring his exemplary service to Michigan and America.

RECOGNIZING MRS. ALICE JONES NICKENS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. BUTTERFIELD. Madam Speaker, on April 10, 2010, friends and family will gather to celebrate the birthday of Mrs. Alice Jones Nickens, a retired teacher who has had a tremendous impact on North Carolina's First Congressional District. Born on April 14, 1904 in Winton, North Carolina, Mrs. Nickens will be celebrating her 106th birthday.

Affectionately known as ''Miss Alice,'' she earned a Bachelor's degree from Hampton Institute—now known as Hampton University—and a Master's degree from the University of Pennsylvania. Miss Alice taught second grade at C.S. Brown School in Winton, North Carolina for 47 years. And, after retiring, she served as a substitute teacher for 10 years.

She has been active in preserving the rich history of C.S. Brown School, formerly known as Chowan Academy and then Waters Training School. It was the State's first secondary school for children of color, and Miss Alice's mother, Annie Walden Jones, was the school's first graduate. She has also played a key role in documenting and preserving the history of Winton, North Carolina and the surrounding communities.

Mrs. Nickens was a charter member of the C.S. Brown Cultural Arts Center. Along with her sister, Sally, Mrs. Nickens was instrumental in securing $200,000 from the State to help restore the building.

She has long been a devoted member of Pleasant Plains Baptist Church, and served as a member of its trustee board.

Mrs. Nickens has also served as Vice President of the Democratic Women's Club of Hertford County, and as a volunteer of the Auxiliary of Roanoke Chowan Hospital.

Madam Speaker, I ask that my colleagues join me in recognizing Mrs. Alice Jones Nickens. She is truly a remarkable woman deserving of our deepest gratitude for the enormous contributions that she made in the lives of children in eastern North Carolina and to the entire community.

RECONCILIATION ACT OF 2010

SPEECH OF

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 21, 2010

Mr. FATTAH. Mr. Speaker, I would like to take the opportunity to mark the passage of this historic legislation and to thank the individuals whose hard work made this moment possible. Of course we would never have gotten here without the perseverance of our Speaker, NANCY PELOSI, Majority Leader STENY HOYER, and Majority Whip, JIM CLYBURN. Also, Congressman JOHN LARSON, Chair of the Democratic Caucus and XAVIER BECERRA, Vice Chair. I would also like to thank Congressman CHRIS VAN HOLLEN for his leadership and the Committee and Subcommittee Chairs whose perseverance brought us to this historic vote today: Chairmen GEORGE MILLER from Education and Labor, CHARLIE RANGEL from Ways and Means, HENRY WAXMAN from Energy and Commerce and SANDER LEVIN from Ways and Means and Subcommittee Chairs PETE STARK from Ways and Means and FRANK PALLONE from Energy and Commerce. I would especially like to thank my regional colleagues, Education and Labor Subcommittee Chairman BOB ANDREWS, Budget Committee Vice Chair ALLYSON SCHWARTZ, House Administration Chairman BOB BRADY, Congressman MIKE DOYLE, Congressman PATRICK MURPHY and Congresswoman BARBARA LEE and Delegate DONNA CHRISTENSEN who represented the Congressional Black Caucus in critical negotiations. This bill will be good for my District, our region, and our country. We in the Congress owe a debt of gratitude to our President, Barack Obama, who led this historic effort.

I would be remiss if I didn't thank the staff whose talents are rarely seen in public, but without whom this would never have happened. First, Liz King in my office, an ardent advocate for my constituents in this debate. In the White House, Nancy-Ann DeParle whose institutional memory and long-term commitment to healthcare access for all contributed to the success of this effort. Cheryl Parker Rose and Wendell Primus in the Speaker's office, Catherine Tran in the Democratic Caucus, Debbie Curtis and Cybele Bjorklund on the Ways and Means Health Subcommittee, Michele Varnhagen on the Education and Labor Health Subcommittee and Karen Nelson on the Energy and Commerce Health Subcommittee staff.

On the local level, I would like to extend my appreciation to Marc Stier at Health Care for America NOW and Bob Brand a close friend, local advocate and veteran in this fight. I would also like to thank the countless constituents who called my Washington and Philadelphia offices, sharing their stories and raising their voices on behalf of health reform for themselves and their neighbors.

I want to thank and congratulate each and every one of them for getting this bill to this point and for giving me the opportunity to vote for affordable, secure healthcare for America's families.

RECONCILIATION ACT OF 2010

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 21, 2010

Mr. WAXMAN. Mr. Speaker, regarding spiritual care: The purpose of health care reform has been to ensure that all Americans are covered by affordable, quality insurance. Some of my colleagues have raised concerns about how this impacts Christian Scientists who use certain primary care services that are currently eligible for a medical care tax deduction.

Nothing in this health care reform legislation prevents insurance companies from covering care that is currently recognized by the Internal Revenue Service as eligible for a medical care tax deduction through health insurance plans in the Exchanges; nothing in the legislation is intended to have such a prohibition. Nothing in this legislation is intended to minimize or reduce existing provisions in the law that recognizes spiritual care.

Individual responsibility: The individual responsibility requirement requires individuals to pay a tax on their individual tax filings or provide information documenting they fulfill the requirements for having essential minimum coverage over the past year. Congress makes the following findings to support this requirement:

The individual responsibility requirement provided for in the Patient Protection and Affordable Care Act, and amended by Section 1002 of the Health Care and Education Reconciliation Act, requires individuals either to purchase a minimum level of insurance coverage or to make a payment on one's tax return to help cover the cost of uncompensated care. This requirement is commercial and economic in nature and substantially affects interstate commerce in many ways, including as a result of the following aggregate effects:

(1) The requirement regulates activity that is commercial and economic in nature, involving the distribution and consumption of health care services throughout the national economy, and in particular economic and financial decisions about how and when health care is paid for and when health insurance is purchased. Some individuals currently make an economic and financial decision to forego health insurance coverage and self-insure, paying for charges for services directly to the provider and relying on uncompensated care. The decision by individuals not to purchase health insurance has many substantial effects on the national economy, the national marketplace for health insurance, and interstate commerce. In general, individuals who fail to purchase health insurance have a diminished capacity to purchase health care services, and increase overall health care costs. When such individuals inevitably seek medical care, the costs of that care must often be paid for by providers, insured individuals and businesses through higher premiums, or Federal, State, and local governments. The requirement encourages prepayment for services, and affects an individual's decision whether or not to purchase health insurance by imposing penalties on individuals who remain uninsured. Congressional Budget Office, Key Issues in Analyzing Major Health Insurance Proposals, December 2008.

(2) The uninsured receive about $86,000,000,000 in health care, of which about $56,000,000,000 is uncompensated. Private spending on uncompensated care is $14,500,000,000, and includes profits forgone by physicians and hospitals. Government spending on uncompensated care is $42,900,000,000, and is financed by taxpayers at both the State and Federal levels. Jack Hadley et al., Covering the Uninsured in 2008: Current Costs, Sources of Payment, and Incremental Costs, Health Affairs, August 25, 2008.

(3) Health care received by the uninsured is more costly. The uninsured are more likely to be hospitalized for preventable conditions. Jack Hadley, Economic Consequences of Being Uninsured: Uncompensated Care, Inefficient Medical Care Spending, and Foregone Earnings, Testimony before the Senate Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, May 14, 2003. Hospitals provide uncompensated care of $35,000,000,000, representing on average 5 percent of hospital revenues. Health Affairs, August 25, 2008.

(4) Those who have private health insurance also pay for uncompensated care. Medical providers try to recoup the cost from private insurers, which increases family premiums by an average of over $1,000 a year. Families USA, Hidden Health Tax: Americans Pay a Premium, May 2009.

(5) The decision to self-insure increases financial risks to households throughout the United States. Sixty-two percent of all personal bankruptcies are caused by illness or medical bills, and a significant portion of medically bankrupted families lacked health insurance or experienced a recent lapse in coverage. David U. Himmelstein et al., American Journal of Medicine, Medical Bankruptcy in the United States, 2007: Results of a National Study, 2009.

(6) The national economy loses up to $207,000,000,000 a year because of the poorer health and shorter lifespan of the uninsured. Elizabeth Carpenter and Sarah Axeen, The Cost of Doing Nothing, New America Foundation, November 2008.

(7) A large share of the uninsured are offered insurance at low or zero premiums, but choose to forego coverage. New America Foundation, December 6, 2007. According to one estimate, the absence of a requirement from health reform would leave 50 percent of the uninsured without coverage. Linda J. Blumberg and John Holahan, Do Individual Mandates Matter?, The Urban Institute, January 2008. While generous subsidies alone would not achieve universal coverage, the requirement further expands coverage. Congressional Budget Office, December 2008. The requirement improves budgetary efficiency by significantly lowering the federal cost per newly insured. Jonathan Gruber, Covering the Uninsured in the U.S., National Bureau of Economic Research, January 2008. In Massachusetts, where a similar requirement has been in effect since 2007, the share of uninsured declined to 2.7 percent in 2009. Massachusetts Division of Healthcare Finance and Policy.

(8) By regulating the decision to self-insure, and expanding coverage, the requirement addresses the problem of free riders who rely on more costly uncompensated care, including access to emergency care required by federal law to be provided even to the uninsured, shifting costs to medical providers, taxpayers, and the privately insured. It will also reduce the cost to the national economy of the lower productivity of the uninsured.

The preceding 8 points cite numerous studies and papers which illustrate the extensive evidence that the Patient Protection and Affordable Care Act, as amended by Section 1002 of the Health Care and Education Reconciliation Act, substantially affects interstate commerce. These citations are included in their written entirety for the record.

RECOGNIZING WALTER RICHARDSON UPON RECEIVING THE CONGRESSIONAL GOLD MEDAL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Walter Richardson, a veteran, a Tuskegee Airman, and a true American hero. Walt has spent his life dedicated to his country, his community, and his family, and I am proud to honor his achievements and life of service.

A Pensacola, Florida native, Walt Richardson is first and foremost an American patriot. During his thirty years with the United States Air Force, Walt served in many of our Nation's wars and conflicts. Walt joined the revered Tuskegee Airmen, training at Tuskegee Army Airfield in a variety of disciplines that would serve him throughout his entire career. During his time with the Tuskegee Airmen, Walt was part of "Operation Happiness," the first all-military troupe to entertain at air bases. His military service also took him to Vietnam, and while stationed at Dover Air Force Base, Walt became the first African-American to be promoted to master sergeant in the field maintenance squadron. He retired as a chief master sergeant, the highest enlisted rank in the Air Force.

Beyond his full-time career with the Air Force, Walt is a dedicated community servant in Northwest Florida. For the past 29 years, he has served as a permanent deacon of St. Mary Parish in Fort Walton Beach. He also recently completed a book about his life story entitled "How Great Thou Art: A Black Boy's Depression-era Success Story." In 2009, Walt traveled to Washington, DC, as a special guest of the President for the inauguration. For his service to his country as part of the Tuskegee Airmen, I have the honor of presenting Walter Richardson the Congressional Gold Medal, the highest civilian honor in the United States.

Madam Speaker, on behalf of the United States Congress, I am humbled to venerate Walt Richardson as an American hero and a community leader. Our Nation is proud and grateful for his courage, service, and patriotism. My wife Vicki and all wish all the best to Walt, his wife, Helen, his eight children, his grandchildren, and his entire extended family.

SMALL BUSINESS AND INFRASTRUCTURE JOBS TAX ACT OF 2010

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mrs. MALONEY. Madam Speaker, as chair of the Joint Economic Committee, I ask the Commissioner of the Bureau of Labor Statistics to come before my committee and report on the latest employment situation.

In February 2009, the BLS Commissioner reported grim employment statistics.

At that hearing we learned that in January of 2009, total nonfarm payroll employment fell by 779,000 jobs. That was a staggering number.

A number like that made it abundantly clear that the task of turning the economy around was going to be enormous.

The bursting of the housing bubble and the stock market decline vaporized trillions of dollars in household wealth, leaving consumers reeling and unwilling or unable to spend.

It was a situation that called for unprecedented interventions, swift action, and—let me acknowledge it—a thick skin.

It was a situation where we needed to act on many fronts all at once to get the economy on track and restore the stability of the financial system.

The Fed prevented another Great Depression and the stimulus bill proved central to our recovery.

The stimulus bill included the fastest and one of the largest tax cuts in our history. Tax cuts went out almost immediately for 95 percent of working Americans.

We passed 24 tax cuts to date including some for small businesses, first time homebuyers and families with kids in college.

We helped struggling State and local budgets with badly needed funding to keep teachers in the schools, and police on the streets.

We extended unemployment benefits to help those who had lost a job through no fault of their own.

We passed tax cuts for 1st time homebuyers.

We passed Cash for Clunkers.

We passed the HIRE Act to provide tax incentives for private sector businesses that hire out-of-work Americans.

The House is now set to pass the Small Business and Infrastructure Jobs Tax Act, which will, among other things, extend the "Build America Bonds" program from the Recovery Act.

This program has been extremely successful at reducing the cost of financing for State and local governments which use the money for rebuilding of schools, sewers, and hospitals, rebuilding America and putting people back to work. I urge every one of my colleagues to vote for this bill.

And the actions we have taken have begun to have effect. Not as fast as any of us would like—but turning a supertanker of an economy like ours around—just can't happen on a dime.

First, the jobs losses began to moderate—decreasing month after month.

Then our Gross Domestic Product turned around from minus 6.4 percent in the first quarter of 2009 to a plus 5.9 percent last quarter.

At the last two jobs hearings before the JEC, the BLS Commissioner reported that the number of unemployed persons was essentially unchanged. The punishing job losses had been stopped.

In November 2009, the economy actually created jobs, on net. I expect that soon the economy will start creating jobs every month and Americans will start going back to work.

It was also important for our long-term economic health that we took the historic step of reforming health care. Left unchanged, the soaring costs of health care insurance were a problem that would be certain to act as a drag on our economy.

And, according to the non-partisan Congressional Budget Office, health care reform will produce a net reduction in federal deficits of $143 billion over the next ten years. And it is estimated, by $1.3 trillion over the next 20.

It sometimes seems that in all the noise, ill will, and the invective, what has really been accomplished by this country has been lost or overlooked.

18 months ago, we stood on the brink of an economic abyss so deep and dark it was fearful to even contemplate. The voices of doom were many, the predictions grim. The outlook was uncertain.

Though much remains to be done, so much has already been achieved.

It has been a tough year—it is tough for millions still. But we are making progress. We are not there yet—but without question we are moving forward.

As I look out on America and contemplate our future—I am filled with hope and optimism. The steps we have taken—have put us on the path to recovery and renewal.

And as we prepare for spring recess, let's be mindful of the season and the "green shoots" that are beginning to push upwards.

REMARKS ON THE PASSING OF COLONEL JOHN REES

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. CONAWAY. Madam Speaker, I rise tonight to pay tribute to a visionary man and true American hero, Colonel John Rees.

John Cliff Rees was born in 1922 on his family farm in Mason County, Kentucky. After graduating from high school and then Bowling Green Business University, he met and married the love of his life, Bess Anderson. Not long after that, John joined the Army Air Corps and was commissioned as a 2nd Lieutenant in 1944.

In time, John would serve in four wars: World War II, Korea, Vietnam, and the Cold War, eventually earning the rank of Colonel. While there are many men who have served with as much pride, honor, and distinction as Colonel Rees has, I remember him today specifically for the last stop on his tour of duty. As Colonel, he was appointed the Wing Commander at Goodfellow Air Force Base in San Angelo, Texas. In that position, both he and his wife came to be known and loved by the people of San Angelo. A kind man with a keen intellect, Colonel Rees worked relentlessly to forge a deeper bond between the Base and the City.

In one of his lasting legacies to the people of San Angelo, he was instrumental in bringing a linguistic training center to the base, breathing new life into its mission and ensuring that the base would remain a strategic asset in the community for years to come.

Colonel Rees passed away on October 12, 2009. Some weeks ago, Colonel Rees' wife Bess also passed away on March 3, 2010. They will be laid to rest together the Friday after Easter, April 9, 2010, in Arlington National Cemetery. Colonel Rees was a dedicated and faithful servant of the American people and has rightly earned his place in Arlington.

Death is always a heavy burden to bear for those of us who remain behind, but I know that Colonel Rees is with God in all his glory and has been reunited with the love of his life in heaven. On behalf of the people of San Angelo, the people of Texas, and all Americans, I offer his family my deepest condolences. Your father fought gallantly to protect the nation he loved. He was our commander, our friend, our mentor, and our inspiration.

As Colonel John Rees is laid to rest next month, I know that the lives of his family and friends will dim just a bit. However, they need only look up to the sky to see that the stars over Texas shine brighter because he looks down on us all.

HONORING IVONNE ALEXANDER

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Ivonne Alexander, a leader in South Dade's agriculture industry, and Chief Financial Officer of Nature's Way Nursery.

A native of Havana, Cuba, Ivonne came to the U.S. with her family at the age of 12. She studied accounting and finance at Miami-Dade College and Florida International University and took her first job with Farm Credit in 1972 as an accounting clerk. She later became a loan officer, and went on to be Internal Auditor, Senior Vice President and Area Manager. In 1995, she left Farm Credit and became general manager for Mike Costa Foliage, while at the same time, building her own business, Happy Days Nursery, and offering consulting to others.

Today, Ivonne continues to guide the agribusiness community in South Dade, and is the leader on issues affecting the industry like labor, immigration, the environment and the economy. She was the first woman in the Nation to be a loan officer and certified appraiser with Farm Credit and was named Agriculturist of the Year by the Greater Homestead/Florida City Chamber of Commerce. She has paved the way for others, specifically women, to follow her in the agriculture industry, in both farming and business components. Ivonne has the right attitude and mind frame to get the job done, and does not stop until she achieves positive results. Her passion, commitment and hard work have allowed her to get as far as she has, despite the fact that she is a woman in what has historically been a man's industry, and has inspired others to do the same.

As we celebrate Women's History Month, I ask that you join me in thanking Ivonne Alexander for her contributions to the agriculture industry and honoring her work.

RECOGNIZING JEFFREY MICHAEL ROSS OF ROSEVILLE, CALIFORNIA

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today to recognize Jeffrey Michael Ross of Roseville, California.

On July 12, 2009 Jeffrey witnessed a driver lose control of her vehicle and careen into the canal in Rancho Cordova. Running to the water's edge, Mr. Ross found the vehicle sinking quickly and the semiconscious driver trapped inside.

In a situation where some would feel helpless, Jeffrey took decisive action. He dove into the water and swam towards the car, forced open the window and started to pull the victim out. As water continued to rush inside the car, it slipped beneath the surface with the driver still inside. Ross continued to fight and freed the driver, bringing her safely to the surface.

Jeffrey's act of courage and kindness is an example of the highest values of citizenship, and a credit to himself, his family and our community. I am proud to rise today to honor Mr. Ross and recognize him for receiving the Congressional Medal of Honor Foundation's Citizen Service Above Self Honors award earlier today in a ceremony at Arlington National Cemetery.

IN RECOGNITION OF DR. DREW EDWIN MARSHALL'S 5TH ANNIVERSARY AS SENIOR PASTOR OF TRINITY MISSIONARY BAPTIST CHURCH

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize the leadership of Dr. Drew Edwin Marshall on the occasion of his 5th Anniversary in ministry to the congregation of Trinity Missionary Baptist Church. As a Member of Congress it is both my honor and privilege to recognize Dr. Marshall for achieving this milestone.

Trinity Missionary Baptist Church, which was founded as the City of Pontiac's first African-American church in 1917 with support from the Memorial Baptist Church in Pontiac, has a long, rich history as a pillar of spiritual fellowship in the community. Trinity's congregation and leadership, under Reverend Gulley, came together to endure turbulent beginnings in the face of a fuel shortage which initially closed the Church for a year, to continue their pursuit of spiritual well-being. Since its founding, Trinity's congregation and leadership have been devoted to creating a stronger, more vibrant Pontiac spiritual community. In its efforts to attain its goals, Trinity opened a child development center and a school in the early 1990s to provide better service to the Pontiac community.

This year marks an important milestone in the spiritual leadership Dr. Drew Marshall has provided as Senior Pastor to the congregation of Trinity Missionary Baptist Church. Dr. Marshall, a Pontiac native, has devoted over three decades of his life to the study and practice of divinity. Dr. Marshall heard the call to service over 35 years ago, accepting his first ministerial position with Trinity shortly before graduating with a Bachelor of Arts from the University of Michigan. Dr. Marshall's journey led him from Pontiac, to Colgate Rochester Divinity School, where he obtained his Masters in Divinity, to Texas, where he served as Minister of Christian Education at New Faith Church. It is only fitting Dr. Marshall's recognition comes for his service with Trinity Missionary Baptist Church, as it is the very place he heard the call to serve over three decades ago.

Madam Speaker, I ask my colleagues to join me today in recognizing Trinity Missionary Baptist Church's Senior Pastor, Dr. Drew Edwin Marshall, on the occasion of his 5th Anniversary as the Church's spiritual leader and wish him, his family, and the congregation at Trinity many more years of happiness, health and service to the Pontiac community.

SMALL BUSINESS AND INFRASTRUCTURE JOBS TAX ACT OF 2010

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010. The passage of this bill will create jobs and continue to revive our economy.

In particular, I would like to highlight a portion of this bill that has proven itself as a job creator and with passage of this legislation will continue to put people back to work: the Temporary Assistance for Needy Families, or "TANF," Emergency Contingency Fund. Since its enactment as part of the Recovery Act, the TANF Emergency Contingency Fund has created or maintained 160,000 jobs and by extending the fund for an additional year it will create thousands more.

This is an effort that has broad bipartisan support. Kevin Hassett, a scholar for the American Enterprise Institute, has said that "Given the state of the labor market, it is hard to imagine how any sensible person could oppose such a move," and both Democratic and Republican Governors have supported extending the program.

A few weeks ago in Connecticut I met with leaders in the state government, the business community and the non-profit community to discuss their efforts to utilize the Emergency Contingency Fund. The extension that we are passing today will allow them to take full advantage of this program as they have committed to putting together a plan to use this funding to create jobs in the state.

I want to thank Chairman LEVIN for his hard work on this bill as well as the Caucus Jobs Task Force—particularly Dr. JUDY CHU, JIM McDERMOTT, and Co-Chairs ALCEE HASTINGS and BETTY SUTTON. Each of these members has made a tremendous commitment to putting Americans back to work and I urge my colleagues to support this legislation.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3590, SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009, AND PROVIDING FOR CONSIDERATION OF H.R: 4872, HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

SPEECH OF

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 21, 2010

Mr. HENSARLING. Mr. Speaker, I rise today in strong opposition to this rule and the underlying health care legislation it is attempting to impose upon the American people. Despite the claim often made by my friends on the other side of the aisle, Republicans agree that we must reform health care in America. The current system is unsustainable, and simply doing nothing is not an option.

While I strongly oppose the underlying legislation and the direction it proposes to take health care in America, I do not support inaction to reform health care. Simply doing nothing is not an option. My vision of health care reform will ensure that Americans can get the health care that you need, when you need it, and at a price you can afford. I want to provide all Americans with access to health care that is affordable, portable, accessible, of high quality, and preserves choice for Americans.

In the health care reform debate, I believe it is critical that we remember the Hippocratic Oath: first, do no harm. Health care reform should also respect the sacredness of the doctor-patient relationship and ensure that the federal government does not interfere with the ability of patients and their doctors to make decisions about care. Health care reform should also lower costs for patients, and bend the overall health care cost curve downward. Health care in the United States represents one-sixth of our economy, and ultimately affects every man, woman, and child. Any health care reforms made will have an impact that is far and wide throughout America. It is critical that we ensure the reforms we pursue are the right reforms that will improve health care, because the wrong reforms could have devastating and long-lasting consequences for the greatest health care system in the world. As important as it is to reform health care quickly, it is more important to reform health care correctly.

I believe five principles should guide any health reform effort. One, every American, regardless of health or financial status, should have access to affordable health care coverage of their choice. Nobody should go bankrupt because they get sick. Two, health care in America should be family-focused and patient-centered. It must put patients, in consultation with their doctors, in control of their health care. Your health care decisions should not be made by your employer, a health care plan selected by your employer, or the government. Three, people should own and control their health care plan, and it should be personal and portable. Four, Americans who are

happy with their current plan should be allowed to keep it. Five, forcing Americans into a government health care program will not solve America's health care challenges.

There are many ideas that I truly believe will help bring down the cost of health care for Americans without a government take-over. However, the only way to truly lower costs is to empower a competitive health care market for health care. Despite what you think we don't have a competitive marketplace today. To help spur the creation of one, several ideas stand out. First, Congress should pass meaningful medical liability reform. I have cosponsored legislation that would provide meaningful medical liability reform, the Help Efficient, Accessible, Low-cost, Timely Health Care Act (H.R. 1086), and medical liability reform was included as part of the Republican substitute I voted for when the House debated its health care legislation in November 2009. Precious health care resources are wasted because physicians have to over-utilize health care and practice defensive medicine when treating patients in order to protect themselves from junk lawsuits pursued by trial lawyers. Enacting medical liability reforms would lower health care costs by cutting down on the practice of defensive medicine. Additionally, medical liability reform would help bring doctors back to those areas where junk lawsuits and high malpractice insurance has chased them away. Since 2003, when Texas enacted medical liability reform, the state has been flooded with applications of new physicians seeking to practice in Texas. In areas where specialists, such as OB/GYN physicians, had long ago quit practicing, you now have an OB/GYN delivering babies once again.

Additionally, I believe that Americans should be able to shop across state lines to find the health care plan that best suits their needs. Why can Americans buy car insurance across state lines, but they can't buy health insurance across state lines. By forcing health plan providers to compete, not only within their respective states for customers, but across the nation, competition will force insurers to deliver health care plans at competitive costs or see business go elsewhere. I have cosponsored legislation that would permit Americans to purchase health insurance across state lines, the Health Care Choice Act (H.R. 3217), and this commonsense reform was included in the Republican substitute considered during consideration of the House-passed health care bill.

To further empower a competitive marketplace, individuals should be given the same tax incentive to go out into the marketplace to purchase their own health insurance that businesses are to provide health care for their employees. This current disparity in our tax laws leaves individuals tethered to employer-provided health care plans and the jobs that provide them. By empowering individuals to purchase individual health coverage and have the same tax-advantaged basis as employer-provided coverage, we can free employees to shop around for coverage that best suits them, instead of simply taking what their employers offer.

Additionally, I have cosponsored Representative PAUL RYAN's Roadmap for America's Future Act (H.R. 4529). This sweeping piece of legislation takes our nation's toughest fiscal challenges head on and solves them. In addition to making both Medicare and Social Security solvent for future generations, this legislation would also reform our health care system in a patient-centered manner that harnesses the power of the marketplace—not government—to provide Americans with access to high-quality, affordable health care. It does so without raising taxes or inserting a federal bureaucrat between you and your doctor.

When it comes to health care reform, the American people want a tune-up, they don't want repossession. The massive power grab that the underlying health care legislation represents will fundamentally change the relationship between the government and its citizens. For example, the Senate-passed health care legislation requires all Americans to have bureaucrat-approved health insurance or else be subject to criminal penalties. I believe such a requirement to be unconstitutional to begin with. However, even if it is one day ruled constitutional by our nation's judiciary, if the federal government requires you to buy health insurance today, what is it going to require you to buy tomorrow? Such a provision significantly moves us towards waking up one day and finding that the sovereign power in our nation rests not with "we the people" but with "we the government."

I also oppose the underlying health care legislation because of its blatant disregard for the sanctity of human life. Despite the fig-leaf attempts to cloud the issue, fundamentally, this is the most pro-abortion piece of legislation to be considered by Congress since the tragic Supreme Court decision of Roe v. Wade. The Senate-passed bill does nothing more than set up an accounting gimmick for government-subsidized health care plans that cover elective abortions participating in the exchanges. If the legislation truly embodied the principle that no federal funds would be used to subsidize elective abortions, the Stupak-Pitts amendment that this House approved as part of the House-passed health care bill on November 7, 2009 would be in the legislation today.

To the glaring absence of the Stupak-Pitts language, my friends on the other side of the aisle are now pointing to the promise of an Executive Order from President Obama. While such an Executive Order may seem to be a protection for the unborn, it is nothing of the sort. First, the underlying Senate-passed bill that will become law if passed by this House and signed into law by President Obama contains provisions that specifically set up mechanisms whereby federal taxpayer money could be used to subsidize or pay for elective abortions. Supreme Court decisions have reaffirmed that an Executive Order cannot override a statue in law. Secondly, just as easily as an Executive Order is given, an Executive Order can be taken away. Even if you believed that President Obama's Executive Order protected the rights of the unborn, it would have no lasting permanence. To overturn this Executive Order, a future president—or even President Obama himself—need only issue an Executive Order canceling it, leaving the protection of the unborn up to the stroke of a pen.

I also oppose the underlying legislation for the provisions that threaten the health care of our seniors and the future of Medicare. The underlying legislation contains over one-half trillion dollars in Medicare cuts. Within those cuts, Medicare Advantage plans are particularly hit hard. Medicare Advantage plans are currently providing quality health care coverage to millions of American seniors. These plans have grown in popularity over the years, demonstrating their appeal as seniors have voted with their feet to enroll in them. The cuts to Medicare Advantage in the Senate-passed bill would endanger the current health care coverage of seniors who have it, breaking a fundamental promise made by Democrats throughout this debate that if you like your current health care coverage, you could keep it.

The Medicare cuts are also troubling to me because, instead of being reinvested in the Medicare benefit to improve the solvency and future of Medicare, they are used to help pay for the new health care entitlement created in the underlying legislation. Medicare is already on the road to insolvency in the near future. According to the 2009 Medicare Trustees Report, Medicare has $38 trillion in unfunded liabilities—promises made already that we can't pay for—and the Medicare Trust Fund will go broke in 2017. Since we will already have challenges paying for the Medicare benefits we've already promised, why are we taking money from Medicare and spending it elsewhere, instead of working to increase the solvency of Medicare to protect it for future beneficiaries?

On top of the reasons I've stated previously, I also oppose this legislation because it contains jobs-killing tax increases. The underlying legislation also includes approximately one-half trillion dollars in tax increases. While I believe that raising taxes is never the solution, how can anyone believe that raising taxes during our current economic troubles is a good idea? Despite the unprecedented spending spree that President Obama and Congressional Democrats embarked upon in February 2009, the United States continues to have an unemployment rate that is near double digits and the economy continues to shed jobs. At the outset of this year, the majority announced that jobs were their number one legislative priority. Yet, how can jobs be the number one priority when legislation that contains jobs-killing tax increases is being brought before us today?

The final reason that I oppose this rule and the underlying legislation is that, simply put, the United States cannot afford this new entitlement. Do my friends on the other side of the aisle know that our country is going broke? Before President Obama took office, America was headed toward a fiscal cliff. However, instead of working to improve our fiscal situation, President Obama and Congressional Democrats have stepped upon the accelerator hastening the day of fiscal reckoning. Overall, under honest accounting standards, this legislation will cost $2.6 trillion—or over $22,000 per household. It is a bill that is filled with budget gimmicks, and the true cost obfuscated by smoke and mirrors accounting that would make Bernie Madoff blush. This legislation takes the half-trillion in Medicare cuts and uses them to pay for the new spending in the bill. Yet, somehow it also claims to use the savings from Medicare to increase Medicare's solvency. How can one set of Medicare savings be used twice?

The underlying legislation also raids the Social Security Trust Fund to the tune of $53 billion, taking funds that would be destined to pay future Social Security benefits and instead uses them to reduce the overall cost of the bill. The benefits those funds were supposed

to pay for will still have to paid for eventually, requiring taxpayers to make up the difference.

This legislation also creates a new entitlement program known as the CLASS Act, which is supposed to be supported by premiums. However, to help bring the cost of the underlying legislation down, Democrats take the premiums from this program and spend them elsewhere. Thus, premiums that should be supporting this program are used elsewhere, leaving taxpayers to make up the lost funds in the future. This accounting gimmick is so bad, that even Senate Budget Committee Chairman KENT CONRAD has called this ''a ponzi scheme.''

This legislation is also fiscally dishonest because it attempts to hide its true cost through manipulation of congressional scoring procedures. The underlying legislation will collect 10 years of revenues to pay for 6 years of spending. By delaying the onset of benefits, Democrats are attempting to hide the cost of their health care legislation. Do Democrats intend for the health care bill to be turned off every decade for 4 years? Certainly not, but this setup is not by chance, as its purpose is to get the 10 year cost of the bill down.

In order to draw attention away from the fiscal flaws with this legislation, Democrats have been waiving estimates from CBO claiming their bill reduces the deficit. The dirty Washington secret is that CBO estimates are based on what is put in front of them. If you give CBO garbage on one side, garbage comes out the other. For instance, the underlying legislation assumes that physicians will receive a 21 percent Medicare reimbursement cut later this year. However, prior to today, Speaker PELOSI has already announced her support for passing what Washington calls the ''doc fix.'' Yet, the underlying bill assumes a 21 percent physician reimbursement cut. Instead of putting the ''doc fix'' in the underlying legislation, it was left out to ensure that the overall cost of the bill officially was lower. However, this does nothing to lower the overall cost to the American people. In fact, when you assume the ''doc fix'' will occur as well, CBO says the deficit will actually be increased as a result of passing the underlying legislation. In a March 19, 2010 letter to Representative PAUL RYAN, CBO writes, ''You asked about the total budgetary impact of enacting the reconciliation proposal (the amendment to H.R. 4872), the Senate-passed health bill (H.R. 3590), and the Medicare Physicians Payment Reform Act of 2009 (H.R. 3961). CBO estimates that enacting all three pieces of legislation would add $59 billion to budget deficits over the 2010–2019 period.'' Democrats are either going to cut physician payments by 21 percent, or they're not going to and increase the deficit. They can't have it both ways.

Despite the protests of my friends across the aisle, the bill before us today cannot be mistaken for anything other than what is it is: a government take-over of our health care. This legislation takes health care in our nation in a fundamentally different direction as it puts a federal bureaucrat or politician between you and you doctor by empowering the federal government to substitute its decision-making regarding your health care decisions in place of that of you and your doctor. If you love the way the federal government has run AIG, our banks, and our auto companies, you'll love the way they run your health care.

But even more than cost, this is really a debate about who will control the health care resources of this Nation and who will control the health care decisions of our families. If we pass this bill, we will wake up one day only to find that when our loved ones become ill, they will wait weeks, perhaps months, to see a mediocre doctor of the government's choosing, only to be told by that same doctor that he cannot help because his treatment must be limited by the government protocol.

To see what health care in America could look like in the years to come, we need only look to those systems in the United Kingdom and Canada that the underlying health care legislation before us today tries to take us in the direction of. After hearing the stories of how those systems provide health care, I can't imagine any American who would want our health care experiences to be like those of the British and Canadians.

Would you want you or your loved ones to have the experience of Linda O'Boyle from Great Britain? Linda was a 64 year old mother of 3 and grandmother of 4 who was fighting cancer. After weeks of chemotherapy, doctors told her there wasn't much they could do for her. However, her consultant suggested a new drug called Cetuximab, which he applied for permission from the National Institute for Health and Clinical Excellence (NICE) to treat her with this drug, but was denied. Linda and her husband decided to pay for the drug themselves out of their savings. However, this was a violation of National Health Service policy and Linda was denied the ''free'' treatment by the NHS because she had privately paid for a cancer medication that prolonged her life. The NHS completely withdrew treatment, including chemotherapy. Linda died in March 2008. The Southend University Hospital NHS foundation trust, where Linda was getting her treatment said in a statement: ''A patient can choose whether to continue with the treatment available under the NHS or opt to go privately for a different treatment regime. It is explained to the patient that they can either have their treatment under the NHS or privately, but not both or in parallel.''

Would you want you or your loved ones to have the experience that David Malleau of Canada did? David was a 44 year old truck driver who was in a bad car accident in 2004. Doctors were forced to remove a fist-piece size of bone from his skull to relieve pressure on his brain. After the swelling subsided, he was ready for surgery in March 2005. He was sent home and placed on a waiting list for surgery to replace the removed portion of his skull. Because of the threat of something hitting the exposed side of his brain, David was confined to his home while waiting on the surgery. Ultimately, he waited nearly a year for skull replacement surgery.

Would you want you or your loved ones to have the experience of Lindsay McCreith? Lindsay is a man in his 60s who went to the ER and a CT scan showed a large wedge-shaped brain tumor. He was discharged from the hospital 4 days later with a diagnosis of a stroke and given anti-seizure medication. Wanting to see if the tumor was cancerous, Lindsay wanted an MRI. He was given an appointment for one 4 months later. Not wanting to wait that long, Lindsay came to the United States and paid $494.67 for the MRI. He took the results to his Canadian family doctor, who referred him to a neurologist. He was examined by the neurologist and referred to a neurosurgeon. However, to see the neurosurgeon, Lindsay would have to wait 3 months. Not wanting to wait that long to determine if he had cancer, Lindsay returned to the US and a biopsy found the tumor was malignant, and the tumor was subsequently surgically removed.

My friends on the other side of the aisle think that won't and can't happen in America. If the underlying bill becomes law, I hope and pray they are right. Unfortunately, I have low expectations that the experiences of patients in the United Kingdom and Canada can be avoided in the United States if this health care legislation becomes law.

I think another indication of the future of health care in America can be found in career paths that current physicians recommend to their own children. Since the health care reform debate began in 2009, I had the opportunity to meet with dozens of physicians throughout the Fifth Congressional District of Texas, which I have the privilege to represent. In my discussions with these physicians, I asked them whether or not they would recommend to their children a career in medicine as a physician. With very few exceptions, these physicians told me that they have encouraged their children to seek careers elsewhere, as they believe physicians in the future will not be able to provide the care that is right for their patients, but will be limited to providing the care that is approved by the government. This anecdotal evidence is of great concern to me, because if current physicians won't even encourage their own children to practice medicine, will Americans continue to see our best and brightest students continue to choose medicine? My fear is that we will not, and in the future you will be seeing the doctor who was a ''C'' student, instead of seeing a doctor who was an ''A'' student, like you can today.

In America, we must never confuse the social safety net with the slippery slope to socialism. When it comes to the health care of my family, when it comes to the health care of my country, I reject the hubris and arrogance of government social engineering, and I embrace the affordability and portability that comes by preserving the liberties of the American people.

Mr. Speaker, if this legislation passes and becomes law, Americans will not stop being Americans. Each generation of Americans before us has passed on a legacy of more freedom and opportunity than the one it was left. We owe it to our children and our grandchildren to make their pursuit of happiness easier than our own. This legislation takes us in the exact opposite direction.

But despite the obstacles that Washington places along their paths in pursuit of their own happiness, Americans will continue to work hard, think hard, and employ the exceptionalism that has made our nation the beacon of freedom that we are today. Americans will find a way, Madam Speaker, to overcome the new taxes, the new spending, and the new mandates that are contained in this legislation. They will find a way—they must find a way—if we are to keep the Republic that we inherited from our forefathers.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 4872, Health Care and Education Affordability Reconciliation Act, as amended.

Senate agreed to H. Con. Res. 257, Adjournment Resolution.

The House concurred in the Senate amendments to H.R. 4872, Health Care and Education Reconciliation Act of 2010.

Senate

Chamber Action

Routine Proceedings, pages S2069–S2134

Measures Introduced: Twenty-four bills and three resolutions were introduced, as follows: S. 3164–3187, S. Res. 469–470, and S. Con. Res. 56. **Pages S2115–16**

Measures Reported:

S. 1635, to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, and to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, with amendments. (S. Rept. No. 111–166)

S. 1830, to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, with an amendment in the nature of a substitute. **Page S2115**

Measures Passed:

Health Care and Education Affordability Reconciliation Act: By 56 yeas to 43 nays (Vote No. 105), Senate passed H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), as amended by operation of Section 313(e) of the Congressional Budget Act of 1974, after taking action on the following amendments proposed thereto: **Pages S2069–89**

Rejected:

Sessions Amendment No. 3701, to ensure that Americans are not required to pay for the health benefits for those here illegally by requiring the use of an effective eligibility verification system, consistent with existing law for other federal health related programs, and to also maintain the current, and well-established requirement of law, that legal immigrants should not become a ''public charge'' or burden to the American taxpayers, to reduce the cost of this bill, and to reduce the deficit. (By 55 yeas to 43 nays (Vote No. 95), Senate tabled the amendment.) **Pages S2071–72**

Cornyn Amendment No. 3698, to ensure that health care reform reduces health care costs for American families, small businesses, and taxpayers. (By 58 yeas to 40 nays (Vote No. 96), Senate tabled the amendment.) **Pages S2072–73**

Grassley Amendment No. 3569, to amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, eliminate sweetheart deals for frontier States, and ensure equitable reimbursement under the Medicare programs for all rural states. (By 53 yeas to 45 nays (Vote No. 97), Senate tabled the amendment.) **Pages S2073–74**

Brownback/Murkowski Amendment No. 3697, to index tax thresholds imposed under the legislation to prevent the government from using inflation to impose those taxes on individuals currently making less than $200,000 and families making less than $250,000. (By 56 yeas to 42 nays (Vote No. 98), Senate tabled the amendment.) **Pages S2074–75**

DeMint motion to commit the bill to the Committee on Finance, with instructions. (By 56 yeas to 43 nays (Vote No. 100), Senate tabled the motion.) **Pages S2075–76**

Ensign/Brown (MA) Amendment No. 3710, to strike the penalty for failure to comply with the individual mandate. (By 58 yeas to 40 nays (Vote No. 101), Senate tabled the amendment.) **Page S2076**

Hutchison Amendment No. 3634, to strike the 2-year limitation on the small business tax credit for taxable years after the Exchanges open. (By 55 yeas

to 43 nays (Vote No. 103), Senate tabled the amendment.) **Pages S2077–78**

Cornyn Amendment No. 3712, to give States incentives to reduce fraud, waste, and abuse in their Medicaid programs. (By 57 yeas to 41 nays (Vote No. 104), Senate tabled the amendment.)

Pages S2078–79

During consideration of this measure today, Senate also took the following action:

By 40 yeas to 55 nays (Vote No. 93), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to consideration of Ensign Amendment No. 3593, to improve access to pro bono care for medically underserved or indigent individuals by providing limited medical liability protections. Subsequently, a point of order that the amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S2069–70**

By 45 yeas to 53 nays (Vote No. 94), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to consideration of Coburn Amendment No. 3700, to help protect Second Amendment rights of law-abiding Americans. Subsequently, a point of order that the amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S2070–71**

By 39 yeas to 56 nays (Vote No. 99), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to consideration of Vitter Amendment No. 3665, to prevent the new government entitlement program from further increasing an unsustainable deficit. Subsequently, a point of order that the amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Page S2075**

By 42 yeas to 57 nays (Vote No. 102), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to consideration of Murkowski Amendment No. 3711, to provide an inflation adjustment for the additional hospital insurance tax on high-income taxpayers. Subsequently, a point of order that the amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

Page S2077

Chair sustained a point of order against the bill, that the provision on page 118, lines 15–25 do not produce changes in outlays or revenues and is extraneous pursuant to section 313(a) of the Congressional Budget Act of 1974, and the language was stricken. **Page S2086**

Chair sustained a point of order against the bill, that the provision on page 120, lines 3–5 do not produce changes in outlays or revenues and is extraneous pursuant to section 313(b)(1)(a) of the Congressional Budget Act of 1974, and the language was stricken. **Page S2086**

Adjournment Resolution: By 49 yeas to 39 nays (Vote No. 108), Senate agreed to H. Con. Res. 257, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Pages S2099–S2104**

Satellite Home Viewer Extension and Reauthorization Act: Senate passed S. 3186, to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010.

Page S2104

Internal Revenue Code: Senate passed S. 3187, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program. **Pages S2104–05**

Small Business Loan Guarantee Program: Senate passed H.R. 4938, to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, clearing the measure for the President. **Page S2105**

Measures Considered:

Continuing Extension Act: Senate began consideration of the motion to proceed to consideration of S. 3153, to provide a fully offset temporary extension of certain programs so as not to increase the deficit.

Pages S2091–2094

A motion was entered to close further debate on the motion to proceed to consideration of the bill.

Page S2091

During consideration of this measure today, Senate also took the following action: By 59 yeas to 40 nays (Vote No. 106), Senate tabled the motion to proceed to consideration of the bill. **Page S2094**

Continuing Extension Act: Senate began consideration of the motion to proceed to consideration of H.R. 4851, to provide a temporary extension of certain programs. **Pages S2098–99, S2105–06**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Saturday, March 27, 2010. **Page S2099**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader be authorized to sign any duly enrolled bills and joint resolutions through Friday, March 26, 2010. **Page S2134**

Nominations Received: Senate received the following nominations:

Mary Helen Murguia, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Jerry E. Martin, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years.

James A. Lewis, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

Melinda L. Haag, of California, to be United States Attorney for the Northern District of California for the term of four years.

Frank Leon-Guerrero, of Guam, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands for the term of four years.

Robert R. Almonte, of Texas, to be United States Marshal for the Western District of Texas for the term of four years.

Dallas Stephen Neville, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

Todd E. Edelman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Judith Anne Smith, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Routine lists in the Army, and Navy. **Page S2134**

Messages from the House: **Page S2114**

Measures Referred: **Page S2114**

Executive Communications: **Page S2114**

Executive Reports of Committees: **Page S2115**

Additional Cosponsors: **Page S2116**

Statements on Introduced Bills/Resolutions: **Pages S2116–30**

Additional Statements: **Pages S2111–14**

Amendments Submitted: **Pages S2130–34**

Authorities for Committees to Meet: **Page S2134**

Quorum Calls:

One quorum call was taken today. (Total—1) **Page S2099**

By 58 yeas to 35 nays (Vote No. 107), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S2099**

Record Votes: Sixteen record votes were taken today. (Total—108) **Pages S2070–79, S2086–87, S2094, S2099, S2100**

Recess: Senate convened at 9:46 a.m. and recessed at 9:33 p.m., until 9:30 a.m. on Friday, March 26, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2134.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: WAR SUPPLEMENTAL REQUEST

Committee on Appropriations: Committee concluded a hearing to examine the President's fiscal year 2010 War Supplemental Request, after receiving testimony from Hillary Rodham Clinton, Secretary of State; and Robert Gates, Secretary of Defense.

YOUTH SUICIDE IN INDIAN COUNTRY

Committee on Indian Affairs: Committee concluded an oversight hearing to examine youth suicides and the need for mental health care resources in Indian country, after receiving testimony from Randy E. Grinnell, Deputy Director, Indian Health Service, Department of Health and Human Services; and Coloradas Mangas, Mescalero Apache Reservation, New Mexico.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 2960, to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, with an amendment in the nature of a substitute;

S. 2974, to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, with amendments; and

The nominations of David A. Capp, to be United States Attorney for the Northern District of Indiana, Anne M. Tompkins, to be United States Attorney for the Western District of North Carolina, Peter Christopher Munoz, to be United States Marshal for the Western District of Michigan, and Kelly McDade Nesbit, to be United States Marshal for the Western District of North Carolina, all of the Department of Justice.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 54 public bills, H.R. 4938–4991; and 18 resolutions, H. Con. Res. 258–259; and H. Res. 1219–1224, 1226–1235 were introduced. **Pages H2456–59**

Additional Cosponsors: **Pages H2459–61**

Reports Filed: Reports were filed today as follows:

H.R. 3489, to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster (H. Rept. 111–457) and

H. Res. 1225, providing for consideration of the Senate amendments to the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13) (H. Rept. 111–458). **Page H2456**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Sharon Daugherty, Victory Christian Center, Tulsa, Oklahoma. **Page H2321**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 241 yeas to 178 nays, Roll No. 189. **Pages H2321, H2332**

Privileged Resolution—Intent to Offer: Representative Flake announced his intent to offer a privileged resolution. **Pages H2324–25**

Recess: The House recessed at 11:19 a.m. and reconvened at 2:26 p.m. **Page H2330**

Privileged Resolution—Motion to Refer: The House agreed to refer H. Res. 1220, raising a question of the privileges of the House, to the Committee on Standards of Official Conduct by a yea-and-nay vote of 406 yeas to 1 nay with 15 voting "present", Roll No. 187, after the previous question was ordered without objection. **Pages H2330–31**

FAA Air Transportation Modernization and Safety Improvement Act: The House concurred in the Senate amendments to H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, and reauthorize the Federal Aviation Administration, with an amendment to the text by a yea-and-nay vote of 276 yeas to 145 nays, Roll No. 190. **Pages H2332–H2413, H2416–17**

H. Res. 1212, the rule providing for consideration of the Senate amendments to the bill, was agreed to by a yea-and-nay vote of 231 yeas to 190 nays, Roll No. 188, after the previous question was ordered without objection. **Pages H2325–30, H2331–32**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing support for Bangladesh's return to democracy: H. Res. 1215, amended, to express support for Bangladesh's return to democracy, by a ⅔ yea-and-nay vote of 380 yeas to 7 nays, Roll No. 195 and **Pages H2413–14, H2440**

Permitting the use of previously appropriated funds to extend the Small Business Loan Guarantee Program: H.R. 4938, to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program. **Pages H2414–16**

Suspension—Failed: The House failed to agree to suspend the rules and agree to the following measure which was debated on Tuesday, March 23rd:

Supporting the goals and ideals of National Public Works Week: H. Res. 1125, amended, to support the goals and ideals of National Public Works Week, by a ⅔ yea-and-nay vote of 249 yeas to 172 nays, Roll No. 191. **Page H2417**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, March 24th:

Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center Designation Act: H.R. 4360, to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center", by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 192. **Pages H2417–18**

Committee Election: The House agreed to H. Res. 1223, electing a Minority member to a standing committee: Committee on Energy and Commerce: Representative Latta. **Page H2418**

Recess: The House recessed at 5:39 p.m. and reconvened at 6:37 p.m. **Page H2418**

Health Care and Education Reconciliation Act of 2010: The House concurred in the Senate amendments to H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), by a yea-and-nay vote of 220 yeas to 207 nays, Roll No. 194. **Pages H2418–40**

H. Res. 1225, the rule providing for consideration of the Senate amendments to the bill, was agreed to by a yea-and-nay vote of 225 yeas to 199 nays, Roll No. 193, after the previous question was ordered without objection. **Pages H2418–29**

Correction to Engrossment—H.R. 4360: Agreed by unanimous consent that in the engrossment of H.R. 4360, Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center Designation Act, the Clerk be directed to make corrections, which were located at the desk, in both the text and the title of the bill. **Page H2441**

Correction to Engrossment—H.R. 1612: Agreed by unanimous consent that in the engrossment of H.R. 1612, Public Lands Service Corps Act, the Clerk be directed to execute the sixth instruction in the amendment conveyed by the motion to recommit in the form placed at the desk. **Page H2441**

Reauthorizing the Satellite Home Viewer Extension and Reauthorization Act of 2004: The House passed S. 3186, to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010. **Page H2449**

Amending the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund: The House agreed to discharge and pass H.R. 4957, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program. **Pages H2450–51**

Senate Messages: Messages received from the Senate today appear on pages H2331, H2444–45.

Senate Referral: S. 3187 was held at the desk. **Page H2445**

Quorum Calls—Votes: Nine yea-and-nay votes developed during the proceedings of today and appear on pages H2330–31, H2331–32, H2332, H2416–17, H2417, H2417–18, H2428–29, H2439–40, H2440–41. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 11:21 p.m., pursuant to the provisions of H. Con. Res. 257, the House stands adjourned until 2 p.m. on Tuesday, April 13, 2010.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2011 Budget for Farm and Foreign Agricultural Services. Testimony was heard from the following officials of the USDA: James Miller, Under Secretary, Farm and Foreign Agricultural Services; Jonathan Coppess, Administrator, Farm Service Agency; John Brewer, Administrator, Foreign Agricultural Service; and William Murphy, Administrator, Risk Management Agency.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing on U.S. Patent and Trademark Office FY 2011 Budget Overview. Testimony was heard from David Kappos, Under Secretary, Intellectual Property and Director, U.S. Patent and Trademark Office, Department of Commerce.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Army and Marine Corps Ground Equipment. Testimony was heard from the following officials of the Department of Defense: LTG William Phillips, USA, Military Deputy to the Assistant Secretary (Acquisition, Logistics and Technology), U.S. Army; and LTG George J. Flynn, USMC, Deputy

Commandant, Combat Development and Integration, U.S. Marine Corps.

FINANCIAL SERVICES, GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, and General Government held a hearing on FY 2011 Budget for the SBA. Testimony was heard from Karen G. Mills, Administrator, SBA.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Homeland Security Headquarters Facilities: St. Elizabeths and Beyond. Testimony was heard from Elaine Duke, Under Secretary, Management, Department of Homeland Security; and Robert C. Peck, Commissioner, Public Buildings Service, GSA.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Issues from the Field. Testimony was heard from Members of Congress and public witnesses.

LABOR, HHS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Related Agencies held a hearing on FY 2011 Budget Overview: Jobs, Training and Education. Testimony was heard from the following officials of the Department of Labor: Jane Oates, Assistant Secretary, Employment and Training; and Raymond Jefferson, Assistant Secretary, Veterans' Employment and Training Services; and the following officials of the Department of Education: Martha Kanter, Under Secretary; and Alexa Posny, Assistant Secretary, Special Education and Rehabilitation Services.

STATE, FOREIGN OPERATIONS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on U.S. Department of the Treasury International Programs. Testimony was heard from Timothy Geithner, Secretary of the Treasury.

TRANSPORTATION, HUD, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies held a hearing on FY Budget Request for the National Highway Traffic Safety Administration. Testimony was heard from David L. Strickland, Administrator, National Highway Traffic Safety Administration, Department of Transportation.

U.S. PACIFIC COMMAND AND U.S. KOREA FORCES BUDGET

Committee on Armed Services: Held a hearing on FY 2011 National Defense Authorization Budget Request from the U.S. Pacific Command and U.S. Forces Korea. Testimony was heard from the following officials of the Department of Defense: ADM Robert F. Willard, USN, Commander, U.S. Pacific Command; and GEN Walter L. Sharp, USA, Commander, U.S. Forces Korea.

ATOMIC ENERGY DEFENSE ACTIVITIES BUDGET

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on FY 2011 National Defense Authorization Budget Request for Department of Energy atomic energy defense activities. Testimony was heard from the following officials of the Department of Energy: Thomas P. D'Agostino, Under Secretary, Nuclear Security and Administrator, National Nuclear Security Administration; and Ines R. Triay, Assistant Secretary, Environmental Management; and Peter S.Winokur, Chairman, Defense Nuclear Facilities Safety Board.

OVERSIGHT OF THE FCC

Committee on Energy and Commerce: Subcommittee on Communications, Technology and the Internet held a hearing entitled "Oversight of the Federal Communications Commission: The National Broadband Plan." Testimony was heard from the following officials of the FCC: Julius Genachowski, Chairman; and Michael J. Copps, Robert M. McDowell, Mignon L. Clyburn, and Meredith Atwell Baker, all Commissioners.

UNWINDING EMERGENCY FEDERAL RESERVE LIQUIDITY PROGRAMS IMPLICATIONS FOR ECONOMIC RECOVERY

Committee on Financial Services: Held a hearing entitled "Unwinding Emergency Federal Reserve Liquidity Programs and Implications for Economic Recovery." Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors, Federal Reserve System.

VISA OVERSTAYS

Committee on Homeland Security: Held a hearing entitled "Visa Overstays: Can They Be Eliminated?" Testimony was heard from the following officials of the Department of Homeland Security: Rand Beers, Under Secretary, National Protection and Programs Directorate; John T. Morton, Assistant Secretary,

U.S. Immigration and Customs Enforcement; and Richard L. Skinner, Inspector General; and a public witness.

FISCAL YEAR BUDGET REQUESTS

Committee on Natural Resources: Subcommittee on Energy and Minerals Resources held an oversight hearing on the President's Fiscal Year 2011 budget requests for the Minerals Management Service, the Bureau of Land Management, the Office of Surface Mining Reclamation and Enforcement, the U.S. Geological Survey (excluding the water resources program) and the USDA Forest Service. Testimony was heard from the following officials of the Department of the Interior: S. Elizabeth Birnbaum, Director, Minerals Management Service; Robert Abbey, Director, Bureau of Land Management; Marcia McNutt, Director, U.S. Geological Survey; and Joseph G. Pizarchik, Director, Office of Surface Mining Reclamation and Enforcement; and Hank Kashdan, Associate Chief, Forest Service, USDA.

FORECLOSURE PREVENTION

Committee on Oversight and Government Reform: Held a hearing entitled ''Foreclosure Prevention: Is the Home Affordable Modification Program Preserving Homeownership?'' Testimony was heard from Herbert M. Allison, Jr., Assistant Secretary, Financial Stability, Department of the Treasury; Neil M. Barofsky, Special Inspector General, Troubled Asset Relief Program; Gene L. Dodaro, Acting Comptroller General, GAO; and public witnesses.

2010 CENSUS

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing entitled ''The 2010 Census: An Assessment of the Census Bureau's Preparedness.'' Testimony was heard from the following officials of the Department of Commerce: Arnold Jackson, Associate Director, Bureau of the Census; and Judy Gordon, Associate Deputy Inspector General; and Robert Goldenkoff, Director, Strategic Issues, GAO.

SENATE AMENDMENTS TO RECONCILIATION ACT

Committee on Rules: Granted, by a record vote of 8 to 4, a rule providing for the consideration of the Senate amendments to H.R. 4872, the ''Health Care and Education Reconciliation Act of 2010.'' The rule makes in order a motion offered by the chair of the Committee on Education and Labor that the House concur in the Senate amendments to H.R. 4872, the ''Health Care and Education Reconciliation Act of 2010.'' The previous question shall be considered as ordered without intervening motion or demand for division of the question. The rule provides 10 minutes of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. Finally, the rule provides that the Senate amendments and the motion shall be considered as read. Testimony was heard from Chairman George Miller and Representatives Pallone, Andrews, Ryan (WI), Barton (TX), Camp (MI), Kline (MN), and Tiahrt.

MISCELLANEOUS MEASURES

Committee on Science: Subcommittee on Energy and Environment approved for full Committee action a Committee Print that includes the following: Department of Energy Office of Science Authorization Act of 2010; ARPA–E Reauthorization Act of 2010; and the Energy Innovation Hubs Authorization Act of 2010.

MISCELLANEOUS VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the following measures: H.R. 949, To amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs; H.R. 1075, RECOVER Act (Restoring Essential Care for Our Veterans for Effective Recovery); H.R. 2698, Veterans and Survivors Behavioral Health Awareness Act; H.R. 2699, Armed Forces Behavioral Health Awareness Act; H.R. 2879, Rural Veterans Health Care Improvement Act of 2009; H.R. 3926, Armed Forces Breast Cancer Research Act; H.R. 4006, Rural American Indian Veterans Health Care Improvement Act of 2009; H.R. 84, Veterans Timely Access to Health Care Act, and 3 Discussion Drafts. Testimony was heard from Chairman Filner, Representatives Scalise, Giffords, Kirkpatrick of Arizona, Boswell and Brown-Waite of Florida; Gerald M. Cross, M.D., Deputy Chief, Patient Care Services and Chief Consultant for Primary Care, Veterans Health Administration, Department of Veterans Affairs; and representatives of veterans organizations.

IRS AND THE 2010 TAX RETURN FILING SEASON

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Internal Revenue Service operations and the 2010 tax return filing season. Testimony was heard from Douglas Shulman, Commissioner, IRS, Department of the Treasury.

NATIONAL SECURITY AGENCY FY 2011 BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold hearing on National Security Agency Budget for Fiscal Year 2011. Testimony was heard from LTG Keith Alexander, USA, Director, NSA.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 26, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program, 9 a.m., SD–106.

House

Committee on Transportation and Infrastructure, hearing on Recovery Act: Progress Report for Highway, Transit, and Wastewater Infrastructure Formula Investments, 11 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefings on Indications and Warning Methodololgy, 9 a.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Friday, March 26

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will continue to try and reach an agreement to take up and pass legislation to extend unemployment and COBRA provisions.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, April 13

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

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